

A1 WA/2017/0920  
Brettenwood Investment Holding  
11/05/2017

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

Committee: Joint Planning Committee  
Meeting Date: 13 August 2018

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

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

RECOMMENDATION A

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

RECOMMEDATION B

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

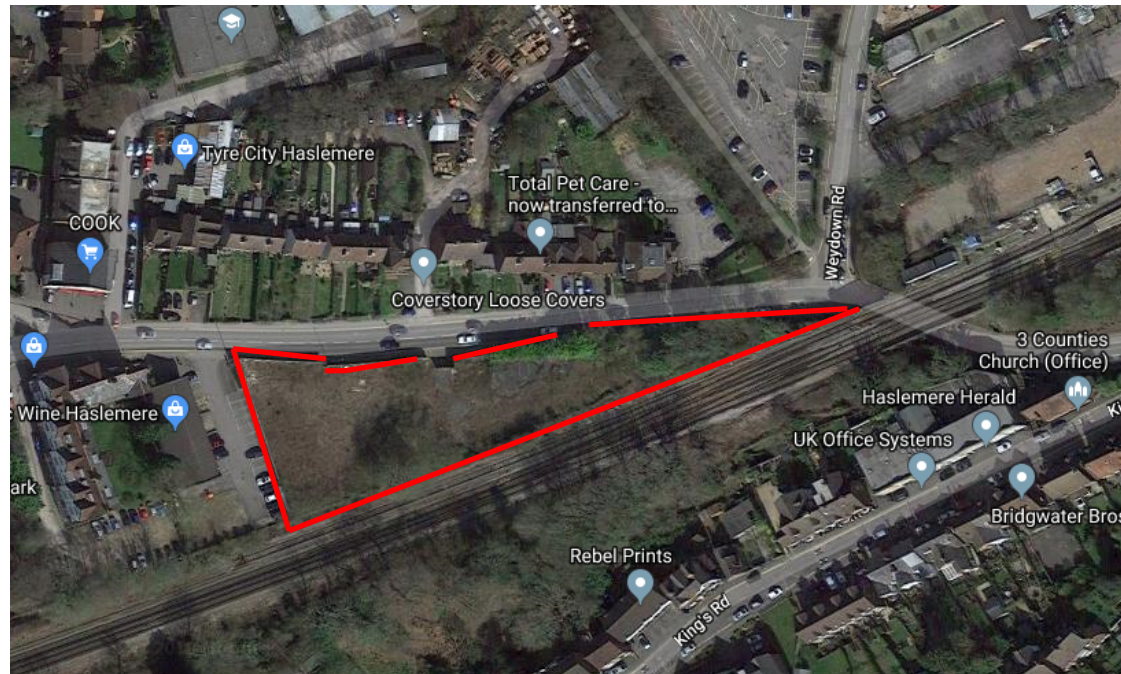
Introduction

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

## Location Plan



## Aerial Layout



## Site Description

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

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

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

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

## Proposal

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

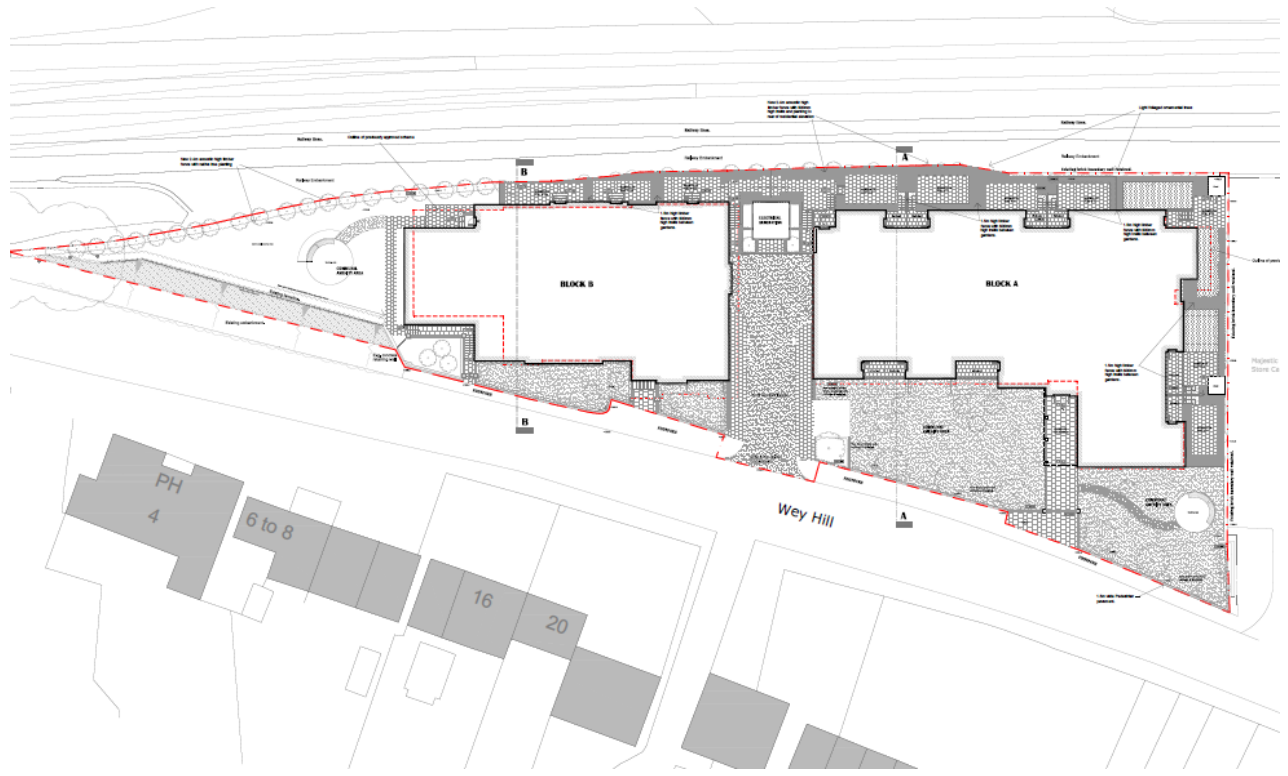
The buildings would be accessed by way of a new vehicular access from Wey Hill.

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

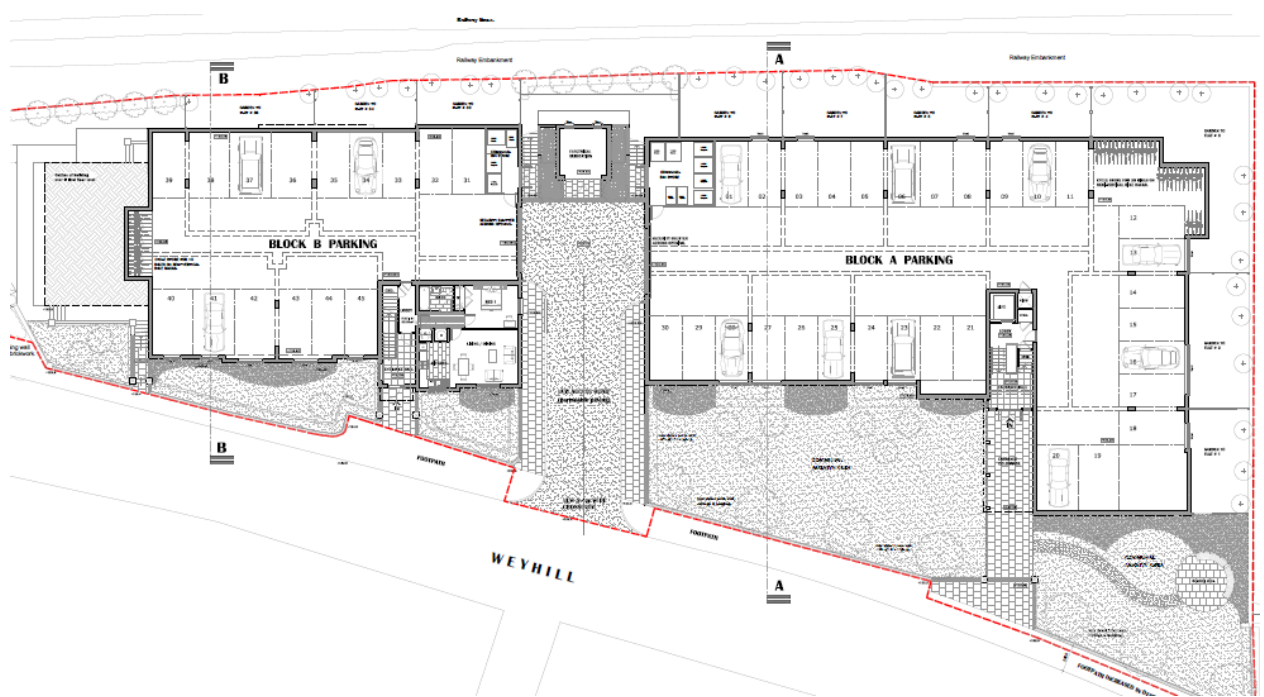
Block B would measure 35.1m in width, 19.5m in depth and 10.8 metres in overall height.

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

# Site Layout Plan



# Lower Ground Floor Plan



# Upper Ground Floor Plan



# First Floor Plan

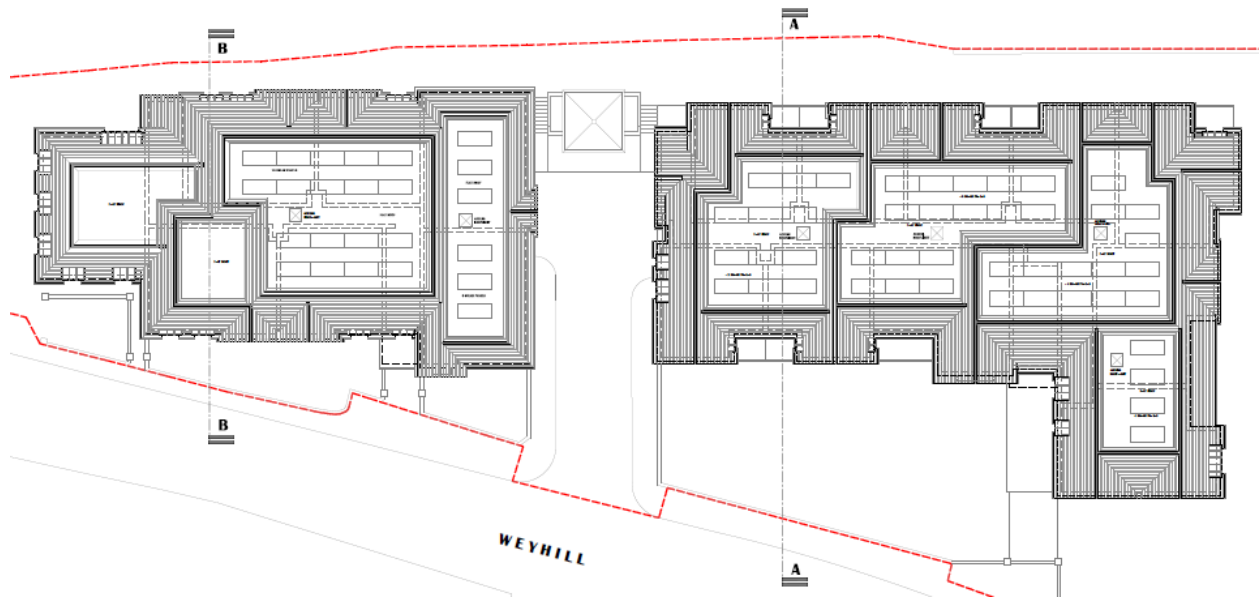




## Second Floor Plan



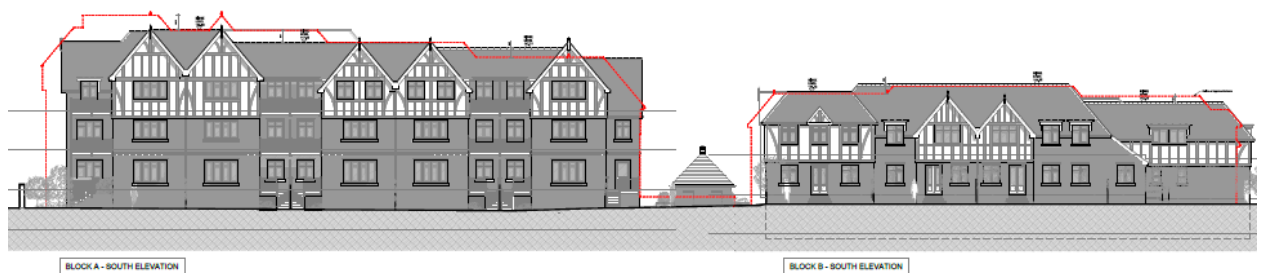
## Roof Plan



## Front Elevations (Wey Hill)



## Rear Elevations



## Heads of Terms

### Highway Section 278 Legal Agreement:

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

### Highway Section 106 Agreement:

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

### SPA:

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

### Education:

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

Parks, Open Spaces and Play Provision:

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

Refuse/Recycling:

- £99.50 for recycling containers

SuDS:

- Future ownership, management, maintenance and financial responsibility

Open Space

- Management of on-site open space

Relevant Planning History

WA/2016/0879	Erection of 3 buildings to provide 55 flats with parking and access together with associated works (revision of WA/2015/2256)	Refused 02/09/2016
WA/2015/2256	Erection of 3 buildings to provide 55 flats (including 11 affordable) with parking and access together with associated works	Withdrawn 23/02/2016
WA/2010/1568	Erection of 25 one bedroom apartments, 14 two bedroom apartments and 683sqm of B1 (Office) commercial floor space with associated access, basement parking, cycle stores, amenity space and landscaping	Refused 09/10/2010  Appeal Allowed  20/07/2011 Expired

Planning Policy Constraints

Developed Area of Haslemere

Town Centre Area

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

Wealden Heaths II SPA 5km Buffer Zone

East Hants SPA 5km Buffer Zone

Potentially Contaminated Land



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

### Development Plan Policies and Proposals

The Development Plan includes:

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

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

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

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy
ALH1	The Amount and Location of Housing
ST1	Sustainable Transport
ICS1	Infrastructure and Community Services
AHN1	Affordable Housing on Development Sites
AHN3	Housing Mix
EE2	Protecting Existing Employment Sites
TCS1	Town Centres
LRC1	Leisure and Recreational Facilities
TD1	Townscape and Design
NE1	Biodiversity and Geological Conservation
NE2	Green and Blue Infrastructure
CC2	Renewable Energy Development
CC4	Flood Risk Management

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

D1	Environmental Implications of Development
D4	Design and Layout
D6	Tree Controls
D7	Trees, Hedgerows and Development
D8	Crime Prevention
IC2	Safeguarding Suitably Located Industrial and Commercial Land

TC3	Development within Town Centres
M5	Provision for Cyclists

The Draft Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies has been published but does not form part of the Development Plan. The preferred options consultation closed in July 2018 and the representations are currently being considered. A further consultation will be held before the examination. Given the stage of preparation, some limited weight should be given to the Policies in this draft Plan. The degree of weight afforded to Policies will increase as the preparation of the plan progresses and will depend on the level of objection received to specific policies. The relevant Policies are:

- DM1 Environmental Implications of Development
- DM2 Quality Places through Design
- DM3 Safeguarding Amenity
- DM4 Public Realm
- DM5 Safer Places
- DM6 Comprehensive Development
- DM7 Accessibility and transport
- DM8 Trees, Woodland, Hedgerows and Landscaping
- DM12 Development in rural areas
- DM14 Reuse of and alterations to large buildings
- DM15 Self-build and Custom Housebuilding
- DM16 Haslemere Hillsides
- DM19 Development Affecting Listed Buildings, and/or their Settings
- DM22 Non-designated Heritage Assets
- DM23 Historic Landscapes and Gardens
- DM24 Archaeology
- DM34 Access to the Countryside
- DS9 5-21 Wey Hill

Other Guidance:

- National Planning Policy Framework (2018)
- National Planning Practice Guidance (2014)
- Land Availability Assessment (2016)
- West Surrey Strategic Housing Market Assessment (2015)
- Strategic Flood Risk Assessment (2015/2016)
- Viability Assessment (2016)
- Planning Infrastructure Contributions SPD (2008)
- Council's Parking Guidelines (2013)
- Density and Size of Dwellings SPG (2003)
- Residential Extensions SPD (2010)

- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
- Waverley Local Plan Strategic Highway Assessment (Surrey County Council, 2016)
- Surrey Design Guide (2002)

Consultations and Town Council Comments

Haslemere Town Council	No objection subject to Surrey County Council and Waverley Borough Council's assessment of safety with regard to access and ingress. Consideration should also be given to the provision and appropriate siting of a pedestrian crossing
County Highway Authority	No objection subject to conditions
Environment Agency	No objection
Lead Local Flood Authority	No objection subject to conditions
Natural England	Original response dated 25/10/2017: No objection subject to the applicant entering into a suitable legal agreement to secure a £40,000 contribution to support a part-time warden's post at the National Trust car park at The Devil's Punchbowl.  Additional response dated 31/07/2018: We agree with the conclusions of the Appropriate Assessment.
Surrey Wildlife Trust	No objection subject to informatives
Thames Water	No objection
Network Rail	No objection subject to informatives
County Archaeologist	No objection as site now measures less than 0.4ha and outside of an area identified as being of High Archaeological Potential and therefore there is no policy requirement for archaeological investigation.
Council's Environmental Health Officer - Land Contamination	No objection subject to conditions
Council's Environmental Health Officer - Refuse and Recycling	No objections subject to the applicant entering into a suitable legal agreement to secure contributions towards refuse/recycling provision.

Third Party Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” the application was advertised in the newspaper on 16/06/2017, site notices were displayed around the site and neighbour notification letters were sent on 02/06/2017.

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

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

One letter of comment highlighting experience with inadequate vehicle parking

### Determining Issues

Principle of Development

Prematurity

Planning History and Differences with Previous Proposal

Lawful Use of the Site

Loss of Suitably Located Commercial Land

Location of Development  
Town Centre Retail Impact  
Housing Land Supply  
Housing Mix  
Affordable Housing  
Highways and Parking Considerations  
Refuse/Recycling and Cycle Storage  
Standard of Accommodation and Provision of Amenity/Play Space  
Impact on Visual Amenity  
Impact on Residential Amenity  
Flooding and Drainage  
Land Contamination  
Infrastructure Contributions  
Financial Considerations  
Effect on the SPAs  
Biodiversity and Compliance with Habitat Regulations 2017  
Comment on Third Party Representations  
Sustainability  
Accessibility  
Equalities Act 2010, Crime and Disorder and Human Rights Implications  
Environmental Impact Regulations 2017  
Pre Commencement Conditions  
Working in a positive/proactive Manner

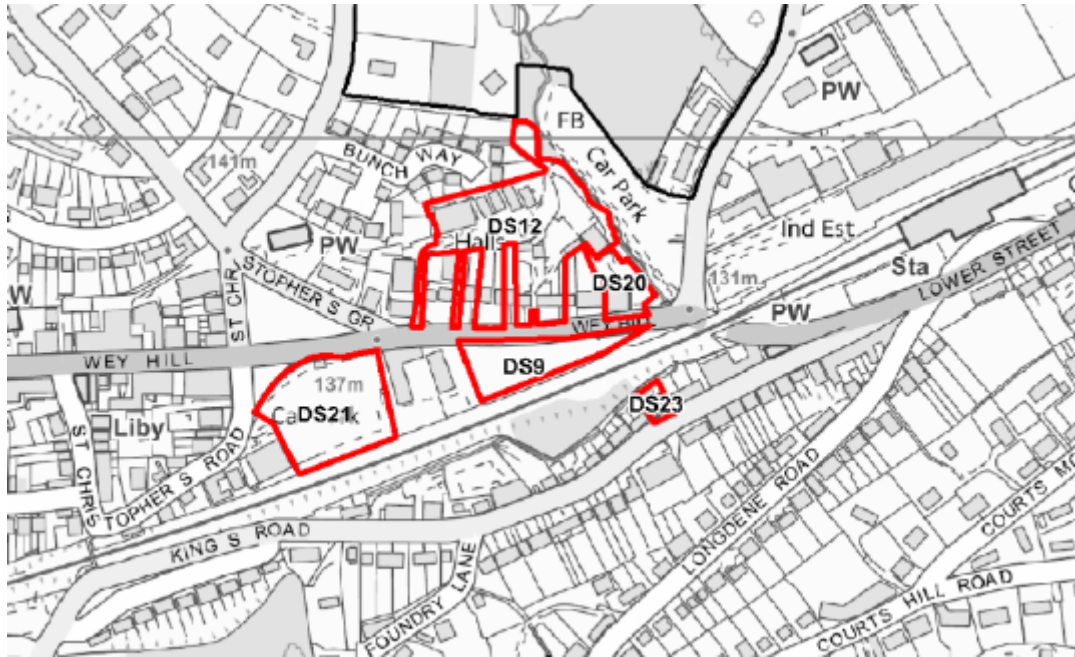
### Planning Considerations

#### Principle of Development

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

Following an assessment of the site for its suitability, availability and achievability, the site is included as 'suitable in principle' within the Council's Land Availability Assessment (May 2018) (LAA) (Site ID: 245). The LAA review identified that the site could achieve an estimated yield of 45 units.

The site is included within the Draft Local Plan Part 2: Site Allocations and Development Management Policies document as a site allocation (Ref: DS 9: 5-12 Wey Hill) for up to 45 units.



As the document is progressing through public consultation it can only be afforded limited weight at the present time. However, it does indicate that the Council consider that the site is suitable for new housing and is a material consideration.

### Prematurity

Paragraphs 48 - 50 of the NPPF 2018 state that: “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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 in the limited circumstances 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 plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft 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 on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”

The emerging Local Plan, Part 2 Site Allocations and Development Management Policies is at an advanced stage, but not yet part of the development plan and the development proposed is not so substantial, or its cumulative effect so significant, that to grant permission would undermine the plan-making process. As such, a refusal on prematurity grounds could not be justified. In any case, this site is a proposed allocation in the forthcoming Local Plan Part 2.

#### Planning History and Differences with Previous Proposal

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

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

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

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

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

- concerns relating to scale, form, mass, design and number of dwellings,

- concerns relating to poor standard of accommodation,
- the absence of provision for safe and suitable access for all highway users,
- failure to demonstrate the provision of an acceptable sustainable drainage system to demonstrate that the proposal would not increase flood risk elsewhere,
- failure to demonstrate that the proposal would not have a likely significant effect on the integrity of the Wealden Heaths Phase II Special Protection,
- the absence of adequate provision for affordable housing and,
- the absence of adequate provision for infrastructure contributions.

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

- The previous scheme proposed three buildings and the current scheme proposes two buildings.
- The current scheme proposes a reduction in units, from 55 to 45.
- The current scheme proposes a reduction of vehicular access/egress onto Wey Hill from three to one, with this access slightly relocated from the location allowed at appeal under WA/2010/1568.
- The current scheme has a highest ridge height of 13 metres from ground level in comparison to the 14.1 metres from the previous scheme.
- Due to the topography of the site, the height decreases from west to east.
- The design of the current scheme leans towards traditional Surrey vernacular, similar to that allowed at appeal, in comparison to the more contemporary design of the previous scheme.
- The current scheme proposed a reduction in vehicle parking spaces, from 63 to 45.

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

### Lawful Use of the Site

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

## Loss of Suitably Located Commercial Land

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

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

Policy EE2 of the Local Plan (Part 1) 2018 permits the change of use of existing employment sites to residential and other alternative uses where it can be clearly demonstrated that there is no reasonable prospect of the site being in employment use. Existing employment sites include sites specifically identified by saved Waverley Borough Local Plan 2002 Policies IC2 and IC3, sites identified in the emerging Local Plan Part 2, as well as other existing employment sites within the B Use Class. Where there is an identified need for new homes, the Council will normally approve applications for a change of use to residential use and any associated development from employment use, subject to there being no strong economic reasons why such a development would be inappropriate.

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

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

The site is well located in terms of access to the strategic highway network, Haslemere Town Centre, access to a centre of population (Haslemere), capable of providing a source of labour and is conveniently located in terms of

access to public transport. Whilst the site is not identified on the Proposal Maps as being suitably located commercial land, the above assessment confirms that the site still continues to meet the criteria of retained Policy IC2 of the Local Plan 2002.

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

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

Officers consider that in practical terms, the requirements of Policy EE2 of the Local Plan 2018 (Part 1), retained Policy IC2 of the Local Plan 2002 can be tested by assessing the effective market demand for the site or the viability of the existing site for use for commercial purposes.

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

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

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

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

As such, Officers are satisfied that it has been reasonably demonstrated that there is no need for the site to be retained for employment purposes, in accordance with Policy EE2 of the Local Plan 2018 (Part 1), retained Policy IC2 of the Local Plan 2002 and paragraph 22 of the NPPF 2018.

## Town Centre Retail Impact

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

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

The NPPF 2018 sets out that town centres should be recognised as the heart of a community and any proposed development should support their vitality and viability. Paragraph 85 recognises that residential development can play an important role in ensuring the vitality of centres.

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

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

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

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

and criterion (b) of retained Policy TC3 of the Local Plan 2002 and paragraph 85 of the NPPF 2018.

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

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

### Location of Development

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

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

As such, Officers consider that the proposal would provide sustainable access to the facilities required for promoting healthy communities and would enhance the vitality of the community of Haslemere and therefore, it is considered that the proposal would provide new residential units in a highly sustainable location.

### Housing Land Supply

On 20th February 2018, the Waverley Borough Local Plan Part 1 2018 was adopted which set out a housing trajectory up to 2032. The examining Local Plan Part 1 Inspector concluded in his report dated 1<sup>st</sup> February 2018 that the Council does have five years' worth of housing supply. Therefore, the Council can demonstrate the requirement of paragraph 73 of the NPPF 2018.

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

### Housing Mix



Policy AHN3 of the Local Plan (Part 1) 2018 states the proposals will be required to make provision for an appropriate range of different types and sizes of housing to meet the needs of the community, reflecting the most up to date evidence in the West Surrey Strategic Housing Market Assessment 2015 (SHMA).

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

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

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

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

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

#### Affordable Housing

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

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

The proposal does not offer any on site affordable housing or a commuted sum. The applicant contends, in the form of Viability Studies undertaken by HEDC Limited, dated 4 July 2017 and 16 March 2018, that in culmination with

costs to remediate the contamination from the land, the planning infrastructure contributions, abnormal costs (such as the provision of a new sub station and contiguous piling and acoustic fence provision along the railway boundary) and the quality build costs, the proposal would be unable to viably support on-site affordable housing provision or a commuted sum.

Officers have sought the views of an Independent Viability Consultant and a Quantity Surveyor, whose views were required to provide clarity to the proposed build costs. These reports are attached as an exempt annex for Member's information.

The Viability Consultant concluded that there was no scope for the applicant to provide affordable housing on the site, subject only to further analysis of the build costs by a Quantity Surveyor.

The Quantity Surveyor concluded that the build costs were 'fair and reasonable' but also acknowledged there is potential to reduce build costs slightly. Officers have assessed the areas recommended by the Quantity Surveyor where savings could be made on the build costs and have noted that the majority of these savings relate to external materials. Officers are of the view that the savings recommended would result in buildings of lower quality that would negatively affect the overall design of the building. It is noted that the site is highly prominent and in a strategic location within the street scene and as such, the use of high quality materials is essential to the visual amenities of the area. The use of high quality materials would be secured by condition to ensure that the overall design quality is retained during the build process.

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

#### Highways and Parking Considerations

Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should be located where they are accessible by forms of travel other than by private car; should make necessary contributions to the improvement of existing and provision of new transport schemes and include measures to encourage non-car use. Development proposals should be consistent with the Surrey Local Transport Plan and objectives and actions within the Air Quality

Action Plan. Provision for car parking should be incorporated into proposals and new and improved means of public access should be encouraged.

The National Planning Policy Framework 2012 outlines that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 109 of the NPPF 2018 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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

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

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

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

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

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

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

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

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

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

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

Furthermore, consideration must be given to the 2011 Appeal decision associated with WA/2010/1568, which the Inspector allowed for 39 units. In reference to traffic generation, the Inspector made the following conclusion: '.....that any resumed commercial use of the site or any other development that made efficient use of the land would also generate significant traffic movements during the working day including at peak hours and that these would either be greater in number than the proposed development or at least would not be materially fewer in number'.

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

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

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

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

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

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

The County Highway Authority is satisfied that it has been demonstrated that the proposed development would not result in any significant detrimental impacts on the local highway network.

The County Highway Authority is also satisfied that the proposed access and movement strategy for the development would enable all highway users to travel to/from the site with safety and convenience.

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

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

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

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

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

In light of the above and subject to the completion of a suitable legal agreement, Officers are satisfied that the proposal would have an acceptable impact on safety and efficiency of the surrounding highway network and that the cumulative impacts of the proposed development could be satisfactorily accommodated on the surrounding highway network or mitigated by appropriate means, without generating a severe impact, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and paragraph 109 of the NPPF 2018. The proposal would also meet criterion (c) of retained Policy TC3 of the Local Plan 2002.

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

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

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

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

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

The County Highway Authority is satisfied with this parking arrangement.

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



## Refuse/Recycling and Cycle Storage

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

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

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

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

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

Retained Policy M5 of the Waverley Borough Local Plan 2002 accords with the NPPF 2018 in requiring developments to include, where possible, safe and convenient cycle routes which can connect to the Borough-wide cycle network.

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

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

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

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

Standard of Accommodation and Provision of Amenity/Play Space

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

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

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

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

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

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

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

However, Officers consider that the site is not suitable for outdoor play given its central location within a busy highway network. Furthermore, having regard to the large proportion of smaller units proposed which are less likely to contain families, it would not be considered reasonable to raise an objection to the proposal on this basis.

A contribution has however been sought for off site improvements at the Lion Green Play Area and the High Lane Playing Pitch.

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

As a result of their orientation on side facing elevations, unit 10 in Block A and unit 32 in Block B (Upper Ground Floor) have habitable rooms facing each other with only an 8.9 metre separation distance. This situation is the same for unit 20 in Block A and unit 39 in Block B (First Floor). The affected windows in the units associated with Block B serve bedrooms; whilst the windows associated with the units in Block A serve bathrooms and kitchens. A condition is recommended to require obscure glazing to the proposed bathroom windows and the proposed kitchen windows (which are secondary windows in an open plan room), in order to in order to give future occupiers a sense of privacy.

Officers note that units 33 and 40 of Block B would have bedroom windows facing side windows on Block A proposing to serve stairwells and hallways. Although these areas are transitional only, in order to given the future occupiers of units 33 and 40 of Block B a sense of privacy, it is considered reasonable to restrict these windows to being obscured glazed by way of condition, in order to preserve the private amenities of those units benefiting from adjoining balconies, it is considered reasonable to impose a condition to secure the materials proposed to screen these balconies.

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

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

### Impact on Visual Amenity

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

The NPPF 2018 attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness.

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

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

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

Although the irregular shape of the site does not give opportunity to set both buildings back from the highway at a uniform distance, a varied set back has been applied which would allow for landscaping to soften the appearance of

the development within the street scene and contribute towards the verdant character of the area. Soft landscaping is also proposed between the buildings and the shared east and west boundaries, allowing for a sense of space and to prevent a cramped appearance.

In terms of form, the site is surrounded by buildings ranging between single and three storeys in height. Most notable in the immediate street scene is 27 Wey Hill and nearby Clay Hill House; both of which are over three storeys in height. Whilst Officers acknowledged that the overall height of the buildings at 13 metres would be well read within the street scene, in context with the adjacent 27 Wey Hill and Clay Hill House, such a height would not appear incongruous.

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

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

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

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

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

#### Impact on Residential Amenity

Policy TD1 of the Local Plan (Part 1) 2018 states that the Council will ensure that the character and amenity of the Borough are protected by requiring new development to maximise opportunities to improve the quality of life and health and well-being of current and future residents. These principles are

supported by Retained Policies D1 and D4 of the Local Plan and guidance contained within the Council's SPD for Residential Extensions.

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

The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirements of planning conditions to secure an appropriate construction management plan, if outline permission is granted.

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

#### Flooding and Drainage

Policy CC4 of the Local Plan (Part 1) 2018 states that in order to reduce the overall and local risk of flooding, development must be located, designed and laid out to ensure that it is safe; that the risk from flooding is minimised whilst not increasing flood risk elsewhere and that residual risks are safely managed. In those locations identified as being at risk of flooding, planning permission will only be granted where it can be demonstrated that it is located in the lowest appropriate flood risk location, it would not constrain the natural function of the flood plain and where sequential and exception tests have been undertaken and passed. Sustainable drainage systems (SuDS) will be required on major development proposals.

Paragraph 155 of the NPPF 2018 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk (whether existing or future). Where development is necessary in such areas the development should be made safe for its lifetime, without increasing flood risk elsewhere.



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

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

The proposed development for residential purposes is classified as 'More Vulnerable' and as such, the use is consistent with the appropriate uses for Flood Zone 1, as outlined in Table 2 of the NPPF – Technical Guidance Document. As the site falls outside of Flood Zone 2 and Flood Zone 3, it is not therefore necessary to consider the sequential or exception tests in this instance.

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

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

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

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

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

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

It is therefore considered that the proposal has adequately addressed flood risk, surface water and ground water flooding risk in accordance with Policy CC4 of the Local Plan 2018 (Part 1), paragraph 155 of the NPPF 2018 and the guidance set out in the NPPG 2014.

#### Land Contamination

Paragraph 178 of the NPPF 2018 states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Retained Policy D1 of the Local Plan 2002 sets out that development will not be permitted where it would result in material detriment to the environment by virtue of potential pollution of air, land or water and from the storage and use of hazardous substances.

The application is accompanied by a Geotechnical Investigation Report, reference No 2568/07. The Council's Environmental Pollution Control Officer has scrutinised the contents of the Geotechnical Investigation Report.

As the application involves a change of use from a use with known previous contamination uses to a sensitive residential use, the Council's Environmental Pollution Control Officer has recommended conditions to secure and investigation and risk assessment of this area, along with details of remediation should contamination be found on the on site. This will ensure

that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

In light of the above, Officers are satisfied that the proposal would accord with retained Policy D1 of the Waverley Borough Local Plan 2002 and paragraph 178 of the NPPF 2018.

### Noise and Vibration

Paragraph 180 of the NPPF 2018 states that planning policies and decisions should aim to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise from giving rise to significant adverse impacts on health and quality of life.

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

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

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

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

## Infrastructure Contributions

Policy ICS1 of the Local Plan (Part 1) 2018 states that infrastructure considered necessary to support new development must be provided either on- or off-site or by the payment of contributions through planning obligations and/or the Community Infrastructure Levy.

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

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

No more may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6<sup>th</sup> April 2010 and it is a type of infrastructure that is capable of being funded by CIL. The infrastructure providers have been requested to confirm that the identified contributions contained within the PIC calculator meet the tests of CIL Regulations 122 and 123. The final obligations to be included within the Section 106 agreement will need to satisfy the tests of the Regulations.

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

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

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

The applicant has indicated a willingness to enter into a suitable legal agreement to secure relevant contributions. As of yet, a signed and completed

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

Subject to the receipt of a suitable, signed legal agreement to secure infrastructure contributions if permission is granted, it is concluded that the proposal would adequately mitigate for its impact on local infrastructure and the proposal would comply with the requirements of Policy ICS1 Local Plan (Part 1) 2018.

### Financial Considerations

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

Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus (NHB) is capable of being a material consideration where relevant.

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

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

### Effect on the SPAs

Policy NE1 of the Local Plan (Part 1) 2018 states that the Council will seek to conserve and enhance biodiversity within Waverley. Development should retain, protect and enhance features of biodiversity and geological interest and ensure appropriate management of those features. Adverse impacts should be avoided or, if unavoidable, appropriately mitigated. Within locally designated sites, Policy NE1 sets out that development will not be permitted unless it is necessary for appropriate on site management measures and it can demonstrate no adverse impact to the integrity of the nature conservation interest.

The site lies within the Wealden Heaths II SPA 5km Buffer Zone. Given that the proposal would increase the number of people permanently on the site, the proposal therefore has the potential to increase recreational pressure to the SPA.

In light of the recent European Court of Justice ruling (Case C 323/17 - People Over Wind and Sweetman 2018) relating to the Habitats Directive, mitigation cannot be taken into consideration at screening stage. This judgement affects the way the Council approaches Habitats Regulations Assessments. A Report to Inform Habitats Regulations Assessment Screening, prepared by WYG, dated September 2017 supports this application.

The report indicates the qualifying species and habitats and identifies the likely direct and indirect impacts of the proposed development, during both the construction phase and the operational phase. The 'in combination' effects with other developments within 5 km of the SPA have also been considered.

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

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

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

As the Competent Authority for the purpose of the Habitats Regulations, using the information contained within the submitted Report to Inform Habitats Regulations Assessment Screening, Officers have carried out an Appropriate Assessment. This has been approved by Natural England who has raised no objection to the proposal, subject to an appropriate planning condition or obligation to secure the mitigation measure.

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

#### Biodiversity and Compliance with Habitat Regulations 2017

The NPPF 2018 requires that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

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

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

Policy NE1 of the Local Plan (Part 1) 2018 states that the Council will seek to conserve and enhance biodiversity within Waverley. Development should retain, protect and enhance features of biodiversity and geological interest and ensure appropriate management of those features. Adverse impacts should be avoided or, if unavoidable, appropriately mitigated. Within locally designated sites, Policy NE1 sets out that development will not be permitted unless it is necessary for appropriate on site management measures and it can demonstrate no adverse impact to the integrity of the nature conservation interest.

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

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

### Comment on Third Party Representations

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

It is noted that Haslemere Town Council have not raised an objection to the proposed development and in relation to their specific comments, consideration has been given to the provision of a pedestrian crossing which is considered necessary and would be secured through an appropriate legal agreement.

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

### Sustainability

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

Condition 22 has been recommended requiring the submission of details to confirm that the units have been designed and completed to meet the requirement of 110 litres of water per person per day, prior to their occupation.

### Accessibility

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

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

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



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

### Environmental Impact Regulations 2017

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

### Pre Commencement Conditions

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

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

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

### Working in a positive and proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 38 of the NPPF 2018. This included:-

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

### Conclusion

The starting point is the development plan and the policies set out above. In forming a conclusion, the NPPF 2018 is a significant material consideration. It requires that the benefits of the scheme must be balanced against any negative aspects of the scheme.

The site is located in a sustainable location within Haslemere Town Centre. Furthermore, the proposal would re-use a vacant brownfield site.

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

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

The proposal is considered acceptable in relation to flood risk.

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

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

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

The site is an allocation in the Draft Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies. This should be given limited weight, but is a material consideration in favour of the proposal.

The proposal would not provide any affordable housing/contribution. However, the application is accompanied by a Viability Statement which demonstrates to the satisfaction of Officers and their Independent Experts that the provision of affordable housing would render the scheme unviable.

The proposed housing mix is not entirely reflective of the SHMA requirements, however, Officers have concluded that the housing mix is appropriate for the town centre location.

Officers therefore consider that the adverse impacts in relation to the lack of affordable housing provision/contribution and the failure to provide a housing mix in accordance with the SHMA, would not outweigh the identified benefits of the scheme.

### **Recommendation A**

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

1. Condition

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

Reason

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

2. Condition

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

Reason

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

3. Condition

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

Reason

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

4. Condition

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

- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway
  - (i) Before and after construction condition surveys of the footway along the site frontage on the south side of Wey Hill and a commitment to repair any damage caused.
  - (j) on-site turning for construction vehicles
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to protect the amenities of the area, in accordance with Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012 and Policy ST1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This condition is a pre commencement condition as it relates to the construction process.

5. Condition

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

#### Reason

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

#### 6. Condition

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

#### Reason

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

#### 7. Condition

No development shall commence until the following details as referenced in the supporting SuDS Assessment, prepared by Motion, dated March 2018 has been submitted to and approved by the Local Planning Authority:

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

known upstream and downstream manholes on the existing system.

- d) Confirmation of SW connection invert level by trial pit to be completed before commencement of construction of the drainage system.

#### Reason

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

#### 8. Condition

No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) A design that satisfies the SuDS Hierarchy and that is compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.
- b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC%) allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a discharge rate of 5 l/s (or otherwise as agreed by the LPA).
- c) Detailed drawings to include: a finalised drainage layout detailing the location of SuDS elements, pipe diameters, levels, details of how SuDS elements will be protected from root damage and long and cross sections of each SuDS element including details of any flow restrictions and how they will be protected from blockage.
- d) Details of how the runoff (including any pollutants) from the development site will be managed during construction.
- e) Details of Management and Maintenance regimes and responsibilities for the drainage system.
- f) A plan showing exceedance flows and how property on and off site will be protected.

#### Reason

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

9. Condition

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

Reason

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

10. Condition

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

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

The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Retained Policies D1 and D4 of the Waverley Local Plan 2002. This condition is a pre commencement condition because the matter goes to the heart of the permission.

11. Condition

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

Reason

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

12. Condition

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

- a) An investigation and risk assessment, undertaken in the manner set out in Condition 10 of this permission.
- b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 10.
- c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 11.

Reason

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure the development can be carried out safely without unacceptable risks to



workers, neighbours and other offsite receptors in accordance with Retained Policies D1 and D4 of the Waverley Local Plan 2002. This condition is a pre commencement condition because the matter goes to the heart of the permission.

13. Condition

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

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

Reason

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

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

14. Condition

No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except

between the hours 08:00 - 18:00 Monday Friday, 08:00 - 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason

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

15. Condition

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

Reason

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

16. Condition

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

Reason

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

17. Condition

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

- I. Daytime internal noise level within all habitable rooms no greater than 35dB LAeq,16h.
- II. Night time internal noise level within all bedrooms no greater than 30dB LAeq,8h.
- III. Aspirational typical night time maximum noise levels no greater than 55dB LAm<sub>ax</sub>.

IV. Aspirational daytime noise level in outdoor amenity areas ideally no greater than 55dB LAeq,16 with noise levels above acceptable providing reasonable steps have been taken to mitigate as far as is practicable (for part IV only).

Reason

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

18. Condition

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

Reason

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

19. Condition

No development shall take place until details of all proposed screen walls or fences, or other means of enclosure, have been submitted to and approved by the Local Planning Authority in writing and such walls or fences or means of enclosure as may be approved by the Local Planning Authority shall be erected prior to first occupation of the development and thereafter be maintained.

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

## Informatives

1. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
2. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £116.00 or a reduced rate of £34.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site. Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.
3. In respect of Condition 2 above (submission of materials), the applicant is required, at the time of submission, to specify in respect of the materials the manufacturer, product name and product number. The materials samples will not be accepted by the Council without this information and without the appropriate fee for the discharge of the condition.
4. Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.
5. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
6. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a

drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

7. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
10. The applicant is advised that the S278 highway works will require payment of a commuted sum for future maintenance of highway infrastructure. Please see the following link for further details on the county council's commuted sums policy:  
<http://www.surreycc.gov.uk/environment-housing-and-planning/planning/transport-development-planning/surrey-county-council-commuted-sums-protocol>

11. The applicant's attention is drawn to the contents of the letter from Surrey Wildlife Trust dated 03 August 2017, reference 894328/14703/EB which is attached to this decision notice.
12. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
13. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
14. The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required

to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

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



fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

20. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
21. The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
22. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting

conditions:

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

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

23. Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.
24. As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Wessex [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at [www.networkrail.co.uk/aspx/1538.aspx](http://www.networkrail.co.uk/aspx/1538.aspx).
25. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Service on 01483 523393.
26. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents during the demolition and/or construction phases of the development. The applicant should follow the guidance provided in the Construction Code of Practice for Small Developments in Waverley. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service on

01483 523393.

27. An application may be required under the building regulations to cover issues such as drainage, ventilation to kitchens and bathrooms, provision for means of escape in case of fire and sound insulation between lettings.
28. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

### **Recommendation B**

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

1. The applicant has failed to enter into an appropriate legal agreement to secure a programme of highway improvement works to mitigate the impact of traffic generated by the development. As such the proposal would fail to effectively limit the impacts of the development on existing infrastructure. The application therefore fails to meet Policy ST1 of the Local Plan 2018 (Part 1), retained Policy TC3 of the Local Plan 2002 and the transport requirements of paragraph 109 of the National Planning Policy Framework 2012.
2. The applicant has failed to enter into an appropriate legal agreement to secure appropriate planning infrastructure contributions towards education, recycling and playing pitches and play areas. As such, the proposal fails to limit the impacts of the development on existing infrastructure. The proposal therefore conflicts with Policy ICS1 Local Plan (Part 1) 2018 and paragraphs 8 of the NPPF 2018.
3. The applicant has failed to enter into an appropriate legal agreement to secure SuDS management and maintenance. As such, the proposal would fail to demonstrate that there would be clear arrangements in place for ongoing SuDS maintenance over the lifetime of the development, to the detriment of the management of surface water. The proposal therefore conflicts with Policy CC4 of the Local Plan 2018 (Part 1), and the guidance set out in the NPPG 2014.
4. The Local Planning Authority considers that the proposals (in combination with other projects) would have a significant effect on the integrity of the Wealden Heaths Phase II Special Protection Area (SPA). Accordingly, since the planning authority is not satisfied that Regulation 62 of the

Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations) applies in this case, it must refuse permission in accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE. The proposal conflicts with Policy NE1 of the Local Plan (Part 1) 2018 and paragraphs 170, 175 and 177 of the National Planning Policy Framework 2018.