

WA/2021/02002 – Outline application with some matters reserved for erection of 37 dwellings with access and layout. at Land At Windacres Farm Church Street South Of COX GREEN RUDGWICK HORSHAM

Applicant: William Lacey Group Ltd -
Parish: Ewhurst CP
Ward: Alfold Cranleigh Rural and Ellens Green
Planning committee: Eastern Planning Committee 11 May 2022
Case Officer: Kate Edwards
Neighbour Notification Expiry Date: 06/04/2022
Expiry Date/Extended Expiry Date: 13/05/2022

RECOMMENDATION A That planning permission is GRANTED subject to conditions and informatives and a legal agreement to secure provision of affordable housing, sustainable transport measures, bridleway improvements and management and maintenance of SUDs, open space and play space.

RECOMMENDATION B That, if the necessary legal agreement is not signed within three months of the committee meeting, planning permission be REFUSED.

1. Summary

This application is brought to committee as it falls outside of the scheme of delegation.

It is recognised that the proposed development would result in some harm, notably in relation to the Council's Spatial Strategy, heritage assets, and landscape/the intrinsic character and beauty of the countryside, this harm does however need to be weighed into the balance against the benefits of development. It is material that the Council cannot currently demonstrable a 5 year land supply, and paragraph 11d of the NPPF is engaged. This states that planning permission should be granted for development unless the harms significantly and demonstrably outweigh the benefits of granting permission.

The proposal would provide benefit, particularly through the provision of housing, including affordable housing. On balance, it is not considered that the scale of the combined harm is so great as to significantly and demonstrably outweigh the benefits. On this basis, it is recommended that planning permission is granted.

southern site, is part of the Sussex Border Path (a Long Distance Path /National Trail) and connects the site with Church Street to the west and passes through the churchyard of the Grade I Listed Holy Trinity Church, which lies approximately 120m to the west of the site.

At present there is no direct vehicular access to the site from the highway network. There is a thin strip of land that links the main part of the site to the public highway (Church Street) and separates the existing dwellings of April Rise and Trundle Mead. This area is on a rising gradient up to the highway.

4. Proposal

Outline planning permission is sought for the erection of 37 dwellings with detailed matters of access and layout to be considered. Scale, design and landscaping are reserved matters.

37 dwellings are proposed, and the layout shows a mix of 1, 2, 3 and 4 bed units comprising a mix of flats, detached, semi detached and terrace houses. 35% of the homes are proposed as affordable housing.

An access road to the north from Church Street between two existing dwellings, April Rise and Trundle Mead, is also proposed. The access road is within Horsham District Council area and that authority have received a separate application for the new access.

The proposed Heads of Terms of the associated legal agreement are –

1. Provision of affordable units in perpetuity (13 dwellings)
2. The maintenance of play space
3. The maintenance of the Sustainable Urban Drainage System (SUDS)
4. The maintenance of open space, including offsite landscaping
5. The provision and monitoring of a travel plan and welcome packs
6. Provision of bridleway improvements

5. Proposed site plan

(PTO)



6. Relevant Planning History

Reference	Proposal	Decision
WA/2018/1458	Outline application for the erection of up to 57 houses with access to be determined (scale, design, layout, and landscaping to form reserved matters) to include open space, parking, infrastructure and landscaping.	Refused 03/12/2018 Appeal Dismissed 15/11/2019

7. Planning Policy Constraints

Countryside beyond Green Belt (outside any defined settlement boundary)
AGLV
Public Footpath 448
Neighbourhood Plan Designation
Ancient Woodland 500m buffer

8. Development Plan Policies and Guidance

The relevant development plan policies comprise:

- o Waverley Borough Local Plan, Part 1, Strategic policies and sites (adopted February 2018): SP1; SP2; ALH1; ST1; ICS1; AHN1; AHN3; LRC1; RE1; RE3; TD1; HA1; NE1; NE2; CC2; CC4.
- o Waverley Borough Local Plan 2002 (retained policies February 2018): D1; D4; D6; D7; D9; C6; C7; HE3; HE8; HE15; RD1; RD9; M5; M7; M9.

In accordance with the National Planning Policy Framework (NPPF) due weight has been given to the relevant policies in the above plans.

The Ewhurst and Ellens Green Neighbourhood Plan has been found sound by the Planning Inspectorate. The Council has accepted the Inspectors recommended modifications and is expected to publish a Decision Statement of 29th April 2022. At this stage, the plan does not formally form part of the development plan as it should first be accepted at a referendum. The referendum is scheduled for 30th June 2022. Notwithstanding that the plan does not yet form part of the development plan, at this stage it carries material weight in planning decision making. The relevant Policies of the plan are EEG1; 3; 4; 5; 7 and 8.

The Council's Local Plan Part 2 is emerging. Following further consultation, the updated document was submitted to the Planning Inspectorate in December 2021. Given that no Inspectors letter has yet been received, the Policies within the plan are afforded only limited weight in relation to the assessment of this application.

Other guidance:

- o National Planning Policy Framework (2019)
- o National Planning Practice Guidance (2014)
- o Land Availability Assessment (2016)
- o West Surrey Strategic Housing Market Assessment (2015)
- o Settlement Hierarchy (Update 2012)
- o Open Space, Sport and Recreation (PPG17) Study 2012
- o Statement of Community Involvement (2019 Revision)
- o Strategic Flood Risk Assessment (2015/2016)
- o Cycling Plan SPD (April 2005)

- o Council's Parking Guidelines (2013)
- o Vehicular and Cycle Parking Guidance (Surrey County Council 2018)
- o National Design Guide (2019)
- o Rudgwick Neighbourhood Plan (2021, Horsham District Council)

9. Consultations and Town/Parish Council Comments

Surrey County Council Highway Authority	No objection subject to condition
West Sussex County Council Highway Authority	No objection, subject to condition No objection restated following consultation on amendments.
Rudgwick Parish Council	Strong objection due to impact on countryside, AGLV, impact on heritage assets and unsustainable location. Site not designated in EEGNP. Rudgwick has allocated sufficient sites for planned growth following rigorous assessment.
Ewhurst and Ellens Green Parish Council	Objection due to impact on countryside, AGLV, impact on heritage assets and unsustainable location. Parish housing allocation already exceeded. The harms would considerably outweigh the benefits and presumption in favour of development would not apply.
County Archaeologist	No comment received
Environment Agency	No comment received
Natural England	No objection, satisfied that no impact on statutory protected sites.
Local Lead Flood Authority	Content with the development proposed subject to condition and further advice Confirmation received following scheme amendment that their position remains the same.

Horsham District Council	Objection – unsustainable development resulting in loss of countryside
Thames Water	Thames Water will be the network if the new distribution main comes off of Cox Green.
Southern Water	The development is outside of Southern Waters statutory drainage area
Ramblers Society	The development will not significantly inconvenience the Walking fraternity. Provision of more screening and more open space within the development is welcomed. Objection if PROW closed during works.
Surrey Wildlife Trust	Conditions recommended, including in relation to Reptile and amphibian mitigation; further information requested regarding bats in trees, BNG to tie in with proposed reptile mitigation.
NHS Royal Surrey	Request for financial contribution
Hea9th and Safety Executive	Not within any major hazard statutory consultation zone
Waverley Environmental Health	No objection, conditions recommended
Surrey Police	Request that the development meets Secured by Design standards

10. Representations

Representations received from third parties 119 letters of objection have been received.

The reasons for objection are:

- No need for the proposed housing.
- Traffic and congestion
- Impact on infrastructure, health and education – GPs and school already full
- Few facilities and shops in Rudgwick

- Negative impact on rural character
- Dangerous siting of access road
- No pavement to adjacent roads – unsafe
- Rudgwick’s housing need already allocated via Horsham District Council
- Add to demand on existing poor water supply
- Loss of natural habitat
- Adverse impact on Great Crested Newt (found adjacent to site)
- Loss of good quality agricultural land
- Noise and disturbance
- Would add to problems with power supply
- Would add to problems with sewerage
- Backland development out of character with linear form
- Will set precedent for ‘phase 2’.
- Adverse impact on views enjoyed by walkers
- Landscape harm and adverse impact on AGLV
- No change in circumstances from when previous appeal was dismissed.
- Empty houses in Rudgwick village should be filled first.
- Adverse impact on listed church and Dukes Farm
- Loss of trees
- Not enough affordable homes
- No enough smaller homes
- Boundary screening unreliable as formed by Ash and Elm which are both highly vulnerable to die back.
- No suitable bus serving the site.
- Light pollution
- Increase in flood risk
- Mis-statements in Planning Statement
- Adverse landscape impact
- Unsustainable location
- Noise and traffic during construction phase
- Will block light
- Loss of trees
- Insufficient parking on Rudgwick
- Burden on Rudgwick village but will not help with housing numbers
- Landscaping and hedges will not address the harms of the development
- Inaccurate/misleading figures have been provided in the accommodation schedule which understate the built density and overstate the affordable housing provision.
- Density not significantly reduced from previous scheme as SUDs moved you off site.
- There is a minimal increase from the appeal scheme of affordable housing when assessed by bedrooms provided.
- Reduced unallocated parking spaces with current scheme.
- Planning benefits reduced with current proposal (reduction in number of units) but harm of same scope, including covering the same area of green field.
- The planning balance in all circumstances indicates refusal.

- The rear boundaries to open fields is an essential part of the quality of the Conservation Area and reduction in the housing numbers would not prevent loss of the field.
- Harm to significance of Dukes House (Dukes Farm House), listed building.
- Restrictive covenant on the land preventing use for anything but agricultural or horticultural purposes.
- Pedestrian access via the PROW to facilities in Rudgwick and Bucks Green would not be suitable – paths narrow, unsurfaced and muddy with steps.
- Rudgwick does not have a full range of essential facilities and is reliant on Bucks Green for some.
- Would create cross boundary issues if constructed.

11. Determining Issues

Planning history and difference with previous proposal

Principle of development

The loss of agricultural land

Housing Mix and Affordable Housing

Impact on landscape character and visual amenity

Impact on residential amenity

Biodiversity and compliance with Habitat Regulations

Impact on the Arun Special Protection Area

Impact on Heritage Assets

Highways and Parking

Drainage and Flood Risk

The planning benefits of the scheme

Housing Land Supply

Legal obligations, including request for contribution to heath facilities

12. Planning history and differences with previous proposal

The planning history is a material consideration. Planning permission has been previously refused for 57 units, with the site also including land to the east for the provision of SuDS and play space. The application was subsequently dismissed at appeal (ref WA/2018/1458).

The layout was a reserved matter for the previous application but notwithstanding this an indicative layout plan was submitted. The layout plans for the previous scheme (indicative) and current scheme are below.

WA/2018/1458



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The previous application was refused for the following 8 reasons:

Refusal Reason 1

The development is unsustainable due to its scale and location and would be contrary to Policy SP2 of the Local Plan (Part 1) 2018.

Refusal Reason 2

The proposed development would result in harm to the landscape character of the area and the intrinsic character and beauty of the Countryside. The proposal conflicts with national, strategic and local policies in this regard set out in Policies RE1 and RE3 of the Local Plan (Part 1) 2018, and guidance contained within the NPPF (2018).

Refusal Reason 3

The proposed development fails to respond to the rural character of the area and would result in a cramped layout harmful to the rural character of the surrounding area as such would be contrary to Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Local Plan 2002.

Refusal Reason 4

The Council is not satisfied that up to 57 dwellings can be accommodated within the site in order to ensure the residential amenity of future residents. The proposed development is therefore contrary to Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Local Plan 2002.

Refusal Reason 5

The proposed development would lead to less than substantial harm to the settings of Holy Trinity Church (a Grade I Listed Building), Tradewinds, Dukes Farmhouse, Dukes Cottage (Grade II Listed Buildings) and to the Rudgwick Conservation Area. The public benefits of the proposal are not sufficient to outweigh the identified harm. The proposal would therefore be contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy HA1 of the Local Plan (Part 1) 2018 and retained Policies HE3, HE5 and HE8 of the Local Plan 2002.

Refusal Reason 6

The proposed development would result in loss of residential amenity to the neighbouring property of April Rise, Church Street contrary to Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

Refusal Reason 7

In the absence of a legal agreement to secure commuted sums towards the provision of recreation facilities, education provision and leisure facilities the

proposal fails to make a contribution towards sustainable inclusive and mixed communities and leisure and recreation facilities and is therefore contrary to Policies AHN1 and LRC1 of the Local Plan (Part 1) 2018 and the requirements of the NPPF 2018.

Refusal Reason 8

In the absence of a legal agreement to secure the provision of £100 voucher per dwelling for first time occupiers towards purchase of a bicycle or bus ticket, the proposal fails to maximise opportunities to travel by sustainable modes of transport and is therefore contrary to Policy ST1 of the Local Plan (Part 1) 2018 and the requirements of the NPPF 2018.

Refusal reasons 4, 6, 7 and 8 were addressed to the Council's satisfaction prior to the appeal hearing.

In relation to refusal reason 1, the Inspector concluded that the 57 dwellings then proposed could not be considered as modest growth and were therefore contrary to the Council's spatial strategy and Policy SP2. He also concluded that there was no conflict with the NPPF requirement to locate development near to services, considering that the site would be sufficiently close to services to meet the day to day needs of future residents.

In relation to refusal reasons 2 and 3, the Inspector concluded that there would be harm both in relation to the landscape and by reason that the layout and form of development would be out of character with its surroundings.

In relation to reason for refusal 5, the Inspector concluded that there would be less than substantial harm to a number of heritage assets, but that this harm in itself was outweighed by the benefits of the scheme. Therefore the dismissal was not purely on heritage grounds, albeit the heritage harm was a negative to be weighed in the planning balance.

The differences between the current proposal and that application are –

- 37 rather than 57 dwellings are now proposed.
- It is proposed that the LEAP would be sited within the same field boundary as the houses.
- The layout of the proposed development is now a matter to be considered at outline. In relation to the previous application, this was reserved.
- The Planning Statement of the current application provides further information in relation to housing need in Rudgwick (the adjacent settlement within Horsham District) and housing land supply.
- A landscaping buffer is now proposed in the adjacent field.

The test is whether having regard to the changes, the current proposal has overcome the reasons for the dismissal of the appeal and is acceptable.

13. The acceptability of the development in principle

The site is in countryside outside of the Green Belt, outside of any defined settlement boundary. Within such a context, the intrinsic character and beauty of the countryside should be recognised and safeguarded in accordance with Policy RE1 of the Local Plan (Part 1) 2018. Whether this would be the case as a result of the proposal is discussed further below.

Retained Policy RD9 of the Local Plan 2002 outlines that development will not be permitted which would result in the loss or alienation of the most versatile agricultural land, unless it can be demonstrated that there is a strong case for development on a particular site that would need to override the need to protect such land. It has been accepted that the development would not result in the loss of agricultural land. Further justification has also been submitted with the current application, which demonstrates that there is no reason to depart from previous conclusion.

The acceptability of the site for future development also needs to be considered against the Council's Spatial Strategy contained within Policy SP2. It is accepted through the appeal history that the site falls within limb 5 of the Spatial Strategy which allows only modest development to meet local needs in areas that are not adjoining one of the defined Waverley larger or other villages. The Council and subsequently the Inspector found that the previous scheme for 57 unit scheme conflicted with the spatial strategy and was not considered to be modest growth for local needs. The Inspector stated that "the development would not be in an appropriate location having regard to the development plan and LPP1 Policy SP2 in particular." The scheme has now been reduced to 37 units. On balance, notwithstanding the reduction, it is not considered that a development of 37 units would constitute modest development.

The submitted Planning Statement provides new information seeking to demonstrate a local need, it indicates a perceived deficit in housing in Horsham District Council. It also seeks to demonstrate that affordable housing completions in Waverley are below that required. On balance, it is not considered that the information provided within the Planning Statement clearly demonstrates a defined need for development commensurate with that proposed at a settlement/Parish local level is demonstrated.

Given all of the above considerations, the proposal would not to comply with Policy SP2 of the Local Plan (Part 1) 2018. Notwithstanding this, it should be noted that the previous Inspector did conclude that there are sufficient facilities within walking distance of the site to meet the day to day needs of local residents.

14. Housing Mix and Provision of Affordable Housing

Policy AHN3 of the Local Plan 2018 (Part 1) sets out 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 Waverley and West Surrey Strategic Housing Market Assessment (SHMA).

The table below sets out the number and type of dwellings proposed to be provided and compares the proposed provision with the estimated need for Market and Affordable sector housing for Waverley as set out in the SHMA.

Market	1 bedroom	2 bedroom	3 bedroom	4+ bedrooms	TOTAL
Total provision	6	12	12	7	37
Market Need SHMA	9.3%	32.1%	38.2%	20.4%	100%
Proposed Market	0(0%)	8 (33%)	10 (41%)	6 (25%)	24
Affordable Housing Need SHMA	40%	30%	25%	5%	100%
Proposed Affordable	6 (46%)	4(31%)	2(15%)	1(8%)	13

For the affordable housing provision there is a slight under overprovision of 1 bedroom units. This is, however, on balance considered acceptable given that the scheme design includes the 6 one bedroom units in three adjacent buildings forming one block and it would be inappropriate to provide one of these units as a different tenure to the other 5. Whilst there would be a concurrent slight under-provision of three bedroom units against the expectations outlined in the SHMA this is considered acceptable given that a four bedroom unit would be provided and given the scheme design which would provide 6 one bedroom units. Meeting the SHMA expectations exactly with the comparatively small number of unit (at 13) as proposed would not be achievable. Overall, given the numbers involved in the scheme the variation is not so significant to warrant refusal of the scheme on these grounds.

Similarly for the market housing provisions are broadly compliant with the SHMA expectations other than that they would not provide any market one bedroom units when the SHMA calls for a 10% provision. In practice, however, given the small number of units this equates to only 1.3 units and is not considered a significant deficit. This slight discrepancy is also not so significant as to warrant refusal of permission.

It is also noted that Policy AHN1 requires a minimum provision of 30% affordable housing. 30% provision on a scheme of 37 units would require the provision of 11.1 affordable units so represents an uplift of 1.9 units within the scheme. It is considered that there is a planning reason to secure these extra units which are offered within the associated legal agreement given that the application is considered on balance and the additional unit parts are considered as an additional planning benefit in the planning balance equation.

It has been confirmed that a 70% affordable rent and 30% affordable homeownership split is acceptable to the applicant, and this should be secured via any 106 agreement. The Council's Housing Enabling Team have confirmed that the provision of 35% affordable overall represents a significant benefit of the scheme and that the tenure split would need to take account of the 25% First Homes requirement, and the requirement for 10% affordable homeownership across the whole development. Subject to completing a S106 agreement securing this provision the proposal would provide an appropriate level of affordable housing.

Officers will expect in the preparation of the associate legal agreement that affordable rents will be capped at 70% of the market rent for 1beds and 2beds, and 65% of the market rent for 3beds and 4beds, in line with our adopted Affordable Homes Delivery Strategy.

The current accommodation schedule indicates that the affordable units would be geographically clustered in two adjacent clusters within the development. Overall, it is considered that the proposed siting is suitable given that most affordable units would be facing private units and the affordable units previously proposed in a cluster within a cul de sac have now been relocated. A satisfactory plan detailing this would need to be received prior to the completion of the legal agreement. Subject to resolution of this matter within the legal agreement, the spatial distribution of the proposed affordable units is considered acceptable.

As such, the proposal would comply with Policy AHN3 of the Local Plan Part 1 (2018).

15. Impact on landscape character and visual amenity

Policy TD1 of the Local Plan 2018 (Part 1) 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 Local Plan 2002 are attributed substantial and full weight respectively due to their level of consistency with the NPPF 2018.

The site is located within the Countryside beyond the Green Belt outside any defined settlement area. Policy RE1 of the Local Plan (Part 1) 2018 states that in this area the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.

The site is located in the AGLV. Policy RE3 of the Local Plan (Part 1) 2018 sets out that new development must respect and where appropriate, enhance the character of the landscape in which it is located, commensurate with its designation as a local landscape designation. The policy goes on to state that the AGLV will be retained for its own sake and as a buffer to the AONB.

The application site is also located in the Wooded Low Weald (WW) landscape character type (LCT) and the Cranleigh to Charlwood Wooded Low Weald' (WW8) landscape character area (LCA) within the Surrey Landscape Character Assessment: Waverley Borough, 2015. The adjoining landscape area where the access is located is in the Rowhook and Rudgwick Wooded Ridge (L1) (LCA) within Horsham District Landscape Character Assessment, 2003. Both the landscape types share a significant number of similar characteristics such as:

- undulating landform with low ridges
- small scale pastoral fields
- significant woodland cover
- fields bounded by hedges and tree belts and
- small villages and scattered farmsteads.

In addition to the above the Wooded Low Weald LCT is also described as a tranquil landscape with a sense of remoteness and intimacy due to woodland/ tree cover. The intrinsic character of the site and its rural context is typical of Landscape Character Area of Charlwood Wooded Low Weald WW8 and Rowhook and Rudgwick Wooded LCA L1.

The site includes components representative of the prevailing landscape characteristics and is considered of high landscape value. The nearest settlements are Cox Green and Rudgwick to the north and west of the site respectively; Cox Green in particular having a linear historic settlement pattern.

In dismissing an appeal for 57 dwellings on this site under application WA/2018/1458 the Planning Inspector was clear that the site makes a positive contribution to the Area of Great Landscape Value, is part of a locally valued landscape and is seen within the wider context of the AGLV. With regards to the AGLV and landscape character the inspector concluded that:

“the local landscape designation would be eroded and the loss of fields that contribute positively to a wider pastoral and green landscape. The approach to and from the settlement along the PROW would become more urbanised and reduce the overall rural setting.”

The inspectors report went on to say...*“The likely character and layout of the development, with estate roads and cul-de-sacs, would not be cramped or of an*

overly high density in itself. However, it would be at odds with its context of linear and dispersed pattern of housing.”

Finally in paragraph 18 the inspector stated:

“The development would not accord with paragraph 170 of the National Planning Policy Framework (NPPF) which seeks to protect valued landscapes in a manner commensurate with their identified quality in the development plan and to recognise the intrinsic character and beauty of the countryside. There would also be conflict with the NPPF and paragraph 122, which seeks efficient use of land while aiming to maintain an area’s prevailing character and setting, and paragraph 127 which seeks to ensure that development is sympathetic to local character including the surrounding built environment and landscape setting.”

There are several changes from the appeal scheme, notably the SuDS and play equipment are no longer proposed in the eastern field, and the number of dwellings has reduced from 57 to 37 and when compared to the previous indicative layout the proposed layout does set the dwellings further back from the Sussex Border Path.

The removal of the SuDS and play area from the eastern field has in part reduced the impact on the eastern field past that considered at the appeal, however the access road would still continue to cross into the eastern field, breaking the tree line. As such, there would continue to be some adverse impact on this part of the site.

The proposal would still result in residential development within the application site, with access roads, dwellings enclosed gardens and parking associated with the proposed 37 dwellings.

The proposal would therefore result in some harm to the valued landscape, cause some harm to the AGVL (the surrounding valued landscape) and result in a development that would cause some harm to the prevailing character. This would represent a harm to the intrinsic character and beauty of the countryside. These harms will need to be weighed into the planning balance.

In order to address concern regarding landscape harm, the applicant amended the proposal by the inclusion of a proposed comparatively wide landscaping buffer strip in addition to the existing field boundary between the red line and blue line land. The views of a landscape and visual consultant were sought of the addition of this buffer. The landscape specialist has confirmed that landscape harm still remains despite the proposed provision of this buffer, and that there remain a number of areas of disagreement between the applicant and the Council’s consultant with regards to the scale of landscape harm. However, the landscape consultant’s comments also confirmed that the proposed buffer does result in a reduction of harm, as indicated in the following statement – ““The new Landscaping Strategy Plan (MH Architects dated 25/02/22) includes a ‘landscape buffer’ outside the eastern boundary of the site. This

is an improvement on the previous masterplan. In itself it would not be out of character in the local landscape. If it established well it would eventually limit views of the development from the Sussex Border Path. However, it would not be sufficient to mitigate the harm to the landscape identified in BN01.”

For these reasons the proposal would fail to comply with Policies TD1, RE1 and RE3 of the Local Plan 2018 (Part 1), Policies D1 and D4 of the Local Plan 2020 (as retained) and guidance contained in the NPPF with particular reference to paragraphs 124, 130 and 174. The scale of the harm is, however, reduced from that of the previous proposal, particularly by the inclusion of a significant landscape buffer strip which would reduce views of the development from the adjacent PROWs.

16. Layout

Whilst this is an outline application, layout is one of the matters to be considered.

As set out above the development is more loose than the previously refused scheme. Overall, and particularly within the context of the adjacent Berkeleys site, it is considered that the scheme would be broadly within the character of the surrounding village environments. The applicant has resolved an issue of parking arrangement within part of the site in order to reduce congestion and ensure the spaces relate to the units they would serve. Playspace is reasonably well integrated into the site and the mixture of building types and designs is such that the spaces when viewed from within the site would have sufficient variety and create a well-designed development. The character of the development, in layout terms, is considered therefore to be acceptable and appropriate for the locality.

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 Local Plan 2002 are attributed substantial and full weight respectively due to their level of consistency with the NPPF 2018. It is considered that the proposal complies with these Policies.

17. Impact on residential amenity

Policy TD1 of the Local Plan 2018 (Part 1) seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Furthermore, this policy 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 playspace provision and appropriate facilities for the storage of waste and private clothes drying facilities.

Retained Policies D1 and D4 of the Local Plan 2002 seek to ensure development does not result in a loss of amenity to neighbouring properties. Policies D1 and D4 are given substantial and full weight respectively due to their consistency with the NPPF 2018.

The closest neighbouring residential properties are those along Church Street and High Croft to the south of the site. Properties along Church street have substantial rear gardens with depths varying from 100 metres to approximately 27 metres. The proposed dwellings would be set off boundaries shared with properties along Church Street and would not result in an overbearing impact, loss of light or loss of privacy to any primary amenity areas serving these neighbouring properties.

High Croft is located to the south, with this neighbouring property close to the boundary of the site. The scheme has been designed with open space to the southern boundary. Therefore the closest dwelling would be approximately 27 metres from this neighbouring dwelling. The distances of separation would be sufficient to ensure that the development would not give rise to an overbearing impact, loss of light or loss of privacy to this property.

Within the development itself the layout had generally avoided adverse impacts between properties. There is one unfortunate relationship, whereby the garage serving plot 2 has been shown extending down its own garden in an overbearing form. The layout does even indicate through shading that there would be loss of light to the rear of that plot. Given that scale and appearance remain to be agreed the impact can be reduced through a reduction in height of the garage, on balance this relationship would not be so harmful to warrant refusal of the scheme as a whole.

The proposed units would generally be provided with good standard of outdoor amenity spaces. It is noted that the flatted building at plots 5 to 10 would have a small amenity space for the 5 flats. On balance, taking into account that these are 1-bedroom units, rather than larger family dwellings, the space provided would not be harmful to amenities of future occupants.

The indicative floor plans provided show that the dwellings would meet the Nationally Described space standards. Scale remains a reserved matter and it would therefore need to be checked should an application be submitted for the remaining reserved matters.

In terms of the relationship between dwellings, the provision of garden space and the size of the units the proposal would be acceptable, and would not be contrary to Policies TD1 of the Local Plan 2018 and Policies D1 and D4 of the 2002 Local Plan, when taken as a whole.

18 Provision of Play Space

Policy LRC1 of the Local Plan Part 1 (2018) states that proposals for new residential development will be expected to make provision for play space having regard to Fields in Trust standards set out in Tabel 1. Table 1 confirms that for a development of over 10 dwellings a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) are required.

Both a LEAP and LAP are proposed, these are well located and would meet the requirements of LRC1.

The proposal would therefore comply with Policy LRC1 of the Local Plan Part 1 (2018) and guidance contained in the NPPF in this regard.

19 Biodiversity and compliance with the Habitat Regulations

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

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

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

The ecological information submitted by the applicant has been considered by Surrey Wildlife Trust. Following the receipt of additional information with regards to reptiles and amphibians, an appropriate mitigation strategy has been demonstrated, subject to condition. A licence from Natural England would be necessary for the proposed relocations. Additional information is awaited with regards to bat roosting in trees proposed to be felled. Verbal advice from Surrey Wildlife Trust is that a suitable outline Bat Mitigation Strategy, indicating how the development will make provisions within the wider site for bats, is likely to be address this matter. This information has been sought for receipt prior to the committee meeting and will be reported to committee by way of an update sheet.

Overall, subject to conditions and the receipt of additional information with regards to bats, it is considered that the scheme complies with Policy NE1 of the Local Plan (Part 1) 2018, guidance within the NPPF, the provisions of The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act (1981) as amended.

20. Impact on the Arun Special Protection Area

The site is not within a defined buffer zone of the above statutorily designated sites. However, during the course of the consideration of the application, an Interim Position Statement was issued by Natural England noting that it could not be confirmed that sites within the Sussex North (water) Supply Zone would not have an adverse impact on the SAC, SPA and Ramsar sites by reason of water abstraction. Natural England have subsequently confirmed, independently of their preceding comments specifically on this application, that the Sussex North Supply Zone does not cross into Waverley Borough. However, given the proposals trans-boundary nature, it needs to be ascertained that the water supply would not be taken from the adjacent water supply zone. The applicant has provided written confirmation that, if the water supply is taken from Cox Green, Thames Water would be the supplier and there would therefore be no abstraction from the Sussex North Supply Zone. This matter would need to be secured by condition were consent to be granted.

Subject to the surety of such a condition, it can be concluded that there would be no adverse impact on the Arun Valley SPA, SAC and Ramsar sites by reason of water abstraction. As this condition represents an avoidance measure, an Appropriate Assessment will be required. This will be provided to members prior to the committee meeting.

21. Impact on Heritage

The proposed development is located to the east of Rudgwick Conservation Area and within its setting. It is also in the setting of other designated heritage assets including the Grade I Listed Holy Trinity Church and the Grade II Listed Tradewinds and Dukes Cottage (north) and Dukes Farmhouse (West). Policy HA1 of the Local Plan (Part 1) 2018 outlines that the Council will ensure that the significance of heritage assets are conserved or enhanced to ensure the continued protection and enjoyment of the historic environment. Retained Policy HE3 of the Local Plan 2002 is afforded significant weight owing to consistency with the NPPF 2018. Retained Policy HE8 of the Local Plan 2002 is afforded substantial weight due to its level of consistency with the NPPF and seeks to ensure that the development preserves or enhances the character of Conservation Areas. (Barnwell Manor Wind Energy Ltd v. East Northants DC, English Heritage and National Trust [2014] EWCA Civ 13)

Impact on Listed buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraphs 193, 194, 195 and 196 of the NPPF are of particular relevance and are provided below:

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application of the statutory duties within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and weight. Policy HA1 of the Local Plan (Part 1) 2018 outlines that the Council will ensure that the significance of heritage assets are conserved or enhanced to ensure the continued protection and enjoyment of the historic environment. Retained Policies HE3 and HE5 of the Local Plan 2002 are afforded significant weight owing to their consistency with the NPPF 2018.

The Church of the Holy Trinity is a medieval church with 19th century restorations, it has considerable architectural and historic interest and occupies a prominent position within its churchyard on the edge of the village. It is experienced in views from Church Street and along the PROW which skirts the building to the south and heads east into the countryside past the site. The wider setting of the church takes in land on both sides of Church Street and comprises leafy and largely rural surroundings beyond the village. Modern development around the church does not detract from this setting. Views back to the church along the PROW beyond the churchyard and from the site itself are limited to brief glimpses due to mature vegetation. Views from the church to the site are similarly restricted. The application site, is however, considered to contribute positively to the setting and significance of the church as part of the rural surroundings in which one experiences the church, principally from the approach along the PROW.

Duke's Farm House appears to be an early 18th century dwelling. It has architectural interest as a notable Georgian house and historic interest due to its age and links with the development of Rudgwick. It most likely formed part of the traditional farmstead of Duke's Farm and therefore there is also a historic functional relationship between the building, the countryside and the farming of fields, although the full extent of its land ownership remains unclear. The farmhouse has a rural backdrop on the edge of the village which forms part of its setting, to which the application site contributes to. In terms of public views, the building is best appreciated from Church Street, with little visibility from the PROW along the southern part of the site. However, there is intervisibility between the farmhouse and the western part of the site through gaps in boundary planting. The house is quite distant, but clearly identifiable. As such, application site makes a positive contribution to the setting and significance of the listed building.

Trade Winds is a late 16th century timber framed dwelling with subsequent alterations and extensions. Duke's Cottage is a 17th century timber framed dwelling which has subsequently been altered and extended. They have architectural and historic interest as timber framed buildings of vernacular construction which reflect the materials, techniques and craftsmanship of their regional typology. They are best appreciated in public views from the road although there are glimpses from PROWs to the rear. They share a rural backdrop with fields to the rear, which contribute greatly to their setting. The application site forms part of this wider backdrop but there is little intervisibility between the listed buildings (including their gardens) and the site due to the distance and boundary vegetation and neither building faces towards the site. Therefore, it is considered that the site makes little contribution to the setting and significance of these two listed buildings.

The previous application for 57 dwellings (WA/2018/1458) was dismissed at appeal. In dismissing this the planning inspector identified less than substantial harm to the heritage assets because the introduction of housing into the western part of the site

would result in an erosion of the rural fields on the edge of the settlement. Boundary screening was unlikely to block views altogether and lighting and vehicle movements would also be detectable, eroding the rural backdrop. He identified this harm to be of a moderate level due to the positive contribution the application site makes to the setting of the church, Duke's Farm House and the CA.

For Duke's Cottage and Trade Winds, the distance and lack of any intervisibility, along with insufficient evidence on the links between the site and these listed buildings means that the development would have no adverse effect on their setting and would not harm their significance.

The proposed application reduces the number of houses to 37, this reduction does reduce the density and therefore the amount of built form, level of lighting and vehicle movements. However, they would still be visible heading to and from the church along the PROW, or looking east from Duke's Farm House's rear garden, eroding the rural backdrop. Therefore, less than substantial harm is still identified albeit of a slightly lower level than identified by the appeal Inspector.

In light of the above, the proposal would lead to less than substantial harm to the significance of the Heritage Assets and as such, would fail to preserve the special interest and setting of the Listed Buildings. As such, there is a presumption against granting planning permission.

However, the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. In this instance, the public benefits are:

- the provision of 35% affordable housing (13 units) and 24 market dwellings; The social benefits of increased choice in housing and ability for new households to live near their families are specifically identified as social benefits by the applicant.
- and provision of a LAP and LEAP within the development.
- County PROW officers from both Surrey and West Sussex have indicated that they would support the creation of a new bridleway to link Church Street to Bridleway 1395.
- Contributions to infrastructure directly related to the development, whilst necessary to mitigate the effects of the development may be considered as a benefit of the development that may be weighed with regard to the harm to heritage assets.
- The employment opportunities during the construction phase and the use of local services by future residents could also be considered as public benefits to be weighed when considering harm to heritage assets.
- The applicant lists CIL funds and new homes bonus. These funds would not go beyond addressing the infrastructure demands of the development and therefore would provide no significant benefit.
- Provision of nett biodiversity gain, which is attributed moderate weight

Officers consider that these public benefits are sufficient to outweigh the identified harm. The proposal would therefore be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990 and relevant paragraphs of the NPPF, despite there being some conflict with Policy HA1 of the Local Plan (Part 1) 2018 and retained Policy HE8 of the Local Plan 2002. Any harm does however remain to be considered in the overall planning balance.

Impact on Conservation Area

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

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
 - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁶³.
195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the

public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application of the statutory duties within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and weight. Policy HA1 of the Local Plan (Part 1) 2018 outlines that the Council will ensure that the significance of heritage assets are conserved or enhanced to ensure the continued protection and enjoyment of the historic environment.

Retained Policy HE8 of the Local Plan 2002 is afforded substantial weight due to its level of consistency with the NPPF and seeks to ensure that the development preserves or enhances the character of Conservation Areas.

Rudgwick Conservation Area covers the village's historic core along Church Street and contains a number of buildings of architectural and historic interest. The CA is of linear form which is flanked by countryside to the west and east, which forms part of its setting. Public views of the countryside from within the CA are restricted by buildings and vegetation. Nevertheless, the rural backdrop to the CA can be appreciated from the PROW past the church as well as from the rear garden of Duke's Farm House. Public views into the CA from the PROW are restricted by vegetation, but there is intervisibility with the site in a similar way to the intervisibility between the site and Duke's Farm House. The application site forms part of the rural setting and as such makes a positive contribution to setting and significance of the CA, albeit of a more moderate nature given that it is only a small part of the rural backdrop.

In light of the above, the proposal would lead to less than substantial harm to the significance of the Heritage Asset and as such, would fail to conserve the character of the Conservation Area. As such, there is a presumption against granting planning permission.

However, the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. In this instance, the public benefits are as outlined above in relation to the Listed Buildings. Officers consider that these public benefits are sufficient to outweigh the identified harm to the significance of the Conservation Area as well as the Listed Buildings. The proposal would therefore be in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) and relevant paragraphs of the NPPF, some conflict with Policy HA1 of the Local Plan (Part 1) 2018 and retained Policy HE8 of the Local Plan 2002 does however remain and should be considered in the overall planning balance.

Overall conclusions with regards to heritage harm

The harm to each of the numerous heritage assets would be less than substantial and as outlined in the NPPF, this should be afforded considerable weight and importance. The harm to the significance of the Grade 1 Listed Church should be afforded greater weight in accordance with Paragraph 199 of the NPPF (2021) given that this is an asset of greater significance.

In considering the appeal under WA/2018/1458, the Planning Inspector concluded the following with regards to the impact on the church, Duck's Farm house and the Conservation Area:

"As a consequence, the development would not preserve the setting of both listed buildings and the CA. This would result in harm to the significance of these heritage assets. Therefore, there would be conflict with LPP1 Policy HA1 and LP2002 Policies HE3 and HE8, which seek to safeguard the significance of heritage assets, protect the setting of listed buildings and protect open spaces and views important to the conservation and setting of a conservation area.

The harm would be less than substantial in each case. Although the site is only one part of the setting for each designated heritage asset, the positive contribution it makes to that setting means that the harm is of a moderate rather than low level. Nevertheless, NPPF paragraph 193 states that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm (with greater weight to highly graded assets). NPPF paragraph 194 states that any harm should require clear and convincing justification, with NPPF paragraph 196 requiring less than substantial harm to be weighed against public benefits. The exercise is carried out in the planning balance section below ...

...As noted above the harm to the listed church and farmhouse and the CA would be less than substantial and moderate in magnitude. Although great weight should be given to the conservation of designated heritage assets irrespective of the level of harm, the heritage balance indicates that the public benefits would outweigh the harm in this instance. There would be no conflict with the NPPF paragraph 196 and the weight to the conflict with Policies HA1, HE3 and HE8 is reduced. As such, NPPF paragraph 11 (d)(i) would not apply. Therefore, the tilted balance in the NPPF paragraph 11 (d) (ii) needs to be applied...In contrast, the effect of the proposal on the character and appearance of the area would be considerable due to the change in landscape and visual character and the incongruous form of development in this part of Rudgewick and Cox Green ... The moderate harm to heritage assets, although not enough on its own to outweigh the benefits, should also be considered in the overall balance... Therefore, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed as a whole"

Having regard to the inspectors balancing exercise and giving great weight to the harm identified to the heritage assets, it is concluded that the public benefits do

outweigh the less than substantial harm to the heritage assets when considered alone. However the harm, although not of such weight in itself to outweigh the benefits, remains a harm of the development and is still relevant to the overall balancing exercise in reaching a final decision as to whether planning permission should be granted (which is detailed at the end of this report). As set out in the inspector's report to WA/2018/1458 there would be no conflict with the NPPF paragraph 202 but there would be some conflict with Policy HA1 of the Local Plan (Part 1) 2018 and retained Policies HE3 and HE8 of The Local Plan 2002.

22. Impact on parking, access and highway safety

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

Paragraph 104 of the NPPF states that opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 110 goes on to state that when considering development proposals appropriate opportunities to promote sustainable transport modes can or be taken up given the type of development and its location and also that safe and suitable access to the site can be achieved for all users. Paragraph 112 states that applications for development should address the needs of people with disabilities and reduced mobility.

The access to the site falls within West Sussex and the application was previously considered by both Surrey and West Sussex Highways Authorities. Both Highways Authorities have under previous separate submissions assessed the proposals and have not raised any objection subject to conditions and informatives. It is noted that a new submission is on hand with East Hants District Council, highway safety from the access will be controlled via that submission.

With regard to access for pedestrians, the proposed access route to Church Street would allow pedestrians to access facilities within Rudgwick being approximately 1.7km from the central part of the site to the nearest shops within Rudgwick. This is not the most direct walking route however, that would be via the public footpath to the south of the site which runs to the south of the Holy Trinity Church which is approximately 1.25km from the centre of the site. This route, whilst shorter, is uneven, narrow and includes gates and stiles and is not suitable for groups with limited mobility.

Whilst no alterations to the public footpath network are proposed both Surrey County Council and West Sussex County Council Public Rights of Way officers have expressed a desire under application WA/2018/1458 that a public bridleway link between Church Street and Public Bridleway 1395 be created. This would allow connect to the popular Downs Link bridleway. In addition local residents would then be able to access the Downs Link without having to use the local road network. Whilst details would need to be secured via a 106 agreement the applicant has indicated that the link should be considered as a benefit of the scheme and is still part of the proposed scheme.

Overall, whilst the development is located approximately 1.7-2km from local services and schools (via the proposed access and along Church Street), it would be possible to undertake this route safely on foot or by non-motorised forms of transport. Given the above, it is considered that the proposed development would not conflict with Policy ST1 of the Local Plan (Part 1) 2018 and policies within the NPPF with regards to access.

With regard to parking standards, the relevant requirements would be met and the Highway Authority have no objection. The applicant has provided a parking plan to confirm that the parking spaces would be allocated to the affordable units at the same ratio as to the private units.

It is therefore considered that the proposal complies with Policy ST1 of the Local Plan (Part 1) 2018 and the relevant requirements of the NPPF (2021).

23. Impact upon trees

Policy NE2 of the Local Plan (Part 1) 2018 states that the Council will seek, where appropriate, to maintain and enhance existing trees, woodland and hedgerows within the Borough. Retained Policies D6 and D7 of the Local Plan 2002 are attributed full and significant weight respectively due to their level of consistency with the NPPF 2021.

The tree loss would be very similar to that proposed in relation to the previous application, with the loss of one oak tree assessed within the submitted report as category B for a access road and some smaller trees to allow the spine road within the existing boundary between the two fields.

This tree loss is regrettable but is considered acceptable in this instance given the proposed tree planting and biodiversity nett gain across the scheme, this is line with the principle established with the previous application.

There is some conflict with the above mentioned policies due to tree loss. However, this is considered acceptable given the proposed replacement planting.

24. Drainage and Flood Risk

Policy CC4 of the Local Plan (Part 1) 2018 relates to flood risk management and states that development must be located, design and laid out to ensure that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere. The Policy also states that sustainable drainage systems (SuDS) will be required on major developments.

This site is located in flood zone 1 and is not at high risk of flooring. It is noted that some surface water flooding does occur in a limited part of the site to the north. However, this could be addressed by a comprehensive drainage scheme being provided for the development. The applicant has submitted a Flood Risk Assessment and details of sustainable urban drainage. SCC as the Local Lead Flood Authority has been consulted, and have highted some areas where the scheme submitted would need to be revised, as for instance there is an over reliance on underground storage. It is considered that this could be addressed through conditions should the application be recommended for approval.

Subject to conditions the application would be acceptable with regards to flood risk and surface water drainage.

25. Planning Benefits of the Scheme

The applicant's agent has via e-mailed on the 17/12/2021 have set out what they consider to be a list of the benefits of the scheme. In the planning balance regard will be had to any benefits that the scheme secures. For the avoidance of doubt the applicant's list is provided below, along with commentary on the weight afforded to each of these benefits in the Councils balancing exercise.

- a) Provision of market houses – substantial weight is afforded to this
- b) 35% affordable housing – it is noted that a minimum of 30% would be required by policy. Therefore, substantial weight is attached to the provision of 35% affordable housing within the scheme.
- c) An increased choice of house types – moderate weight is given to this, whilst a mixture of housing is proposed there are deviations from the SHMA and therefore the needs of Waverley as a whole.
- d) Sustainable extension of the settlement – this is not of significant benefit as it is a prerequisite of an acceptable scheme to be sustainably located, this is considered to be a neutral point.
- e) Provision of a LAP and LEAP – It should be noted that the scheme is policy compliant in this regard. It is recognised that these would be available for people outside of the development and therefore does provide some limited wider benefit, and afforded some limited weight.

- f) Direct construction jobs – this is a scheme for 37 dwellings and therefore the build out programme is not so substantial that there would be a significant level of employment. Notwithstanding this, there would be a limited short-term benefit in this regard.
- g) Additional economic benefit through Gross Value Added (GVA) over the build period – Similar to the construction jobs above, this is considered to be a limited short-term benefit.
- h) Residential expenditure by new homeowners brought into the local economy – It is accepted that there is some long term benefit on local services, however taking into account the scale of development this is considered to be of limited benefit.
- i) New homes bonus – This applies to all new housing, taking into account the scale of the development this would be a limited short term benefit.
- j) Bridleway Improvements into the village centre and wider countryside – This was considered by the Planning Inspector for WA/2018/1458 to represent a benefit of the scheme. There is no reason why this should not again, as set out by the Inspector, be considered as a benefit of moderate weight.
- k) Significant biodiversity net gain –This is considered as a significant benefit of the scheme.

26. Housing Land Supply

The Council published its latest Five-Year Housing Land Supply Position Statement, with a base date of the 1st of April 2021 on the 3rd November 2021. It concluded the Council had a housing land supply of 5.2 years.

Since the publication of the Council's 5YHLS position statement and a factual update to the Five Year Supply Position Statement (December 2021), several appeal decisions have also been issued which examine the Council's five year supply. Many conclude that the Council cannot currently demonstrate a five year supply. The Council accepts this but considers some of the sites discounted by recent Planning Inspectors should remain in the supply. On this basis, the Council calculates it currently has 4.3 years' worth of housing land supply.

This conclusion has the effect of engaging paragraph 11 of the NPPF (2021) and indicating that the Policies most relevant to the determination of the application could be considered out of date. This has the effect of creating what is often termed a 'tilted balance' meaning that planning permission should be granted unless the harms of the development significantly and demonstrably outweigh the benefits.

27. Legal obligations, including request for contribution to heath facilities

The following matters would need to be secured by legal agreement, before planning permission could be granted –

1. The provision of affordable housing
2. The maintenance of play space

3. The maintenance of the Sustainable Urban Drainage System (SUDS)
4. The maintenance of open space including off site landscaping buffer
5. The provision and monitoring of a travel plan
6. The provision of a new public bridleway

NHS Royal Surrey requested a financial contribution towards healthcare in relation to the development. This was calculated on a pro-rotta basis. Given the Council's CIL charging schedule, there isn't policy support for the Local Planning Authority to request pro rata healthcare contributions which do not relate specifically to the site or proposal. Healthcare providers are, however, able to bid for CIL funding for appropriate proposals, and this bidding process would facilitate addressing the healthcare needs of the development.

28. Conclusion and planning balance assessment

The proposal would be acceptable with regards to the impact on neighbouring amenity, proposed layout and density, ecology and flood risk. It is also noted that there are a number of benefits to the scheme listed in the section above. These include but are not limited to provision of market and affordable housing, links to the local public footpath network and short term economic benefits.

There are also a number of conflicts with the development plan, the proposal would harm the intrinsic character and beauty of the countryside, have adverse impacts on the AGLV and rural character of the area and be out of character with the surroundings. The Proposal would also conflict with the Councils; spatial strategy and result in less than substantial harm to designated heritage assts.

At the present time the Council cannot demonstrate a five year supply and therefore a tilted balance is applied. Recent appeal decisions have indicated that the impacts of the titled balance are significant and that the bar is set very high for demonstrating that harms significantly and demonstrably outweigh benefits, within the context of the greater weight attributed to the provision of housing. Overall on balance, given the substantial benefits of the provision of market and affordable housing, and particularly the reduced landscape harm, it is considered that the resultant harms would not significantly and demonstrably outweigh the benefits.

It is therefore recommended that planning permission is granted.

29. Recommendation

That the application is GRANTED subject to legal agreement as outlined above and the following conditions and informatives:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before expiration of two years

from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Town and Country Planning Act 1990 (as amended).

2. Details of the appearance, landscaping, internal building layout and scale of the development, hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the requirements of Town and Country Planning Act 1990 (as amended).

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the date of this permission.

Reason: To comply with the requirements of Town and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
5578 202 B; 20-017-003-P02; 004-PO2; 005-P02; 006-P07; 007-P06; 009-P03;
Landscape Strategy Plan; W10 11a; W11; W12; W13

Reason: To provide a satisfactory standard of development in accordance with Policy SP1 of the Waverley Local Plan (Part 1) 2018.

5. Before the commencement of any above ground works to construct any building hereby approved details and samples of the proposed external facing and roofing materials and all hard surfacing materials shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To provide a satisfactory appearance and durability in accordance with Policy TD1 of the Waverley Local Plan (Part 1) 2018.

6. No development shall take place until details of existing and proposed finished site levels and finished floor levels of the buildings to be erected have been submitted to, and approved in writing by, the local planning authority. The constructed development shall not vary from the approved levels unless first agreed in writing by the local planning authority.

Reason: To provide a satisfactory design in accordance with Policy TD1 of the Waverley Local Plan (Part 1) 2018.

It is necessary to receive the details prior to the commencement of the development because the finished floor levels will be determined prior to the construction process.

7. Prior to the first occupation of any dwelling hereby approved full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a schedule of maintenance for a minimum period of 10 years, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

Reason: To soften and naturalise the appearance of the development in accordance with Policies NE2, SP1, TD1 and RE3 of the Waverley Plan (Part 1) 2018.

8. Prior to the first occupation of any dwelling hereby approved, a Landscape Phasing Plan shall be submitted to and agreed in writing by the Local Planning Authority. The landscaping shall be provided in accordance with the details approved under condition 7 and in accordance with the timescales within the approved Landscape Phasing Plan. Thereafter, all hard landscaping shall be retained in the form specified for the lifetime of the development, and all planting shall be maintained for a period of 5 years from planting (with any plants which die, become seriously diseased or damaged being replaced with plants which meet the original approved specification)

Reason: To soften and naturalise the appearance of the development in accordance with Policies NE2, SP1, TD1 and RE3 of the Waverley Plan (Part 1) 2018.

9. Prior to the first occupation of any dwelling hereby approved hereby approved, details of the proposed Local Equipped Area for Play (LEAP) and Local Area of Play (LAP) shall be submitted to, and approved in writing by, the local planning authority. Such details shall include layout, surfacing, fencing and details of equipment. The provision of the LEAP and LAP shall be carried out in accordance with the approved details, prior to the occupation of the 10th dwelling, or in accordance with a timescale that has first been agreed in writing by local planning authority.

Reason: To make suitable provision for childrens' play in accordance with Policies LRC1 and TD1 of the Waverley Local Plan (Part 1) 2018.

10. No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To prevent harm to trees of landscape value in accordance with Policy NE2 of the Waverley Local Plan (Part 1) 2018.

The details are necessary prior to commencement as the earliest works on site, including preparatory works such the assembly of materials, have potential to cause harm to trees.

11. Prior to the first occupation of any dwelling hereby approved details of all boundary treatments shall have been submitted to and approved in writing by the local planning authority. The boundary treatments to the main site shall be provided in accordance with the approved details prior to the first occupation of any dwelling hereby approved. The boundary treatment relating to each dwelling shall be implemented in accordance with the approved details prior to the first occupation of that dwelling or phased as agreed in writing by the local planning authority.

Reason: To provide a satisfactory design in accordance with Policy TD1 of the Waverley Local Plan (Part 1) 2018.

12. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels

- b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events including a 10% allowance for urban creep, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a Greenfield Qbar rural discharge rate. Network Asset Management Highways Laboratory and Information Centre Merrow Lane Guildford Surrey GU4 7BQ
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)
- d) A plan showing details of the wider catchment area (approx. 9ha) affecting the existing pond.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- f) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- g) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Reason: To facilitate Sustainable Urban Drainage and prevent increased surface water flooding in the locality in accordance with Policy CC4 of the Waverley Local Plan (Part 1) 2018.

The details need to be submitted prior to the commencement of the development because parts of the SUDS to be provided may need to be implemented prior to the construction of any dwellings.

13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. The archaeological investigations shall be carried out in accordance with the approved details prior to the commencement of works, and a report detailing the findings of the investigations shall be submitted to the Local Planning Authority for written approval. Works shall not commence on site until it has been confirmed that the archaeological investigations of the site have been concluded to a satisfactory degree and that

the development would not result in residual harm to archaeological features of merit.

Reason: To prevent harm to archaeological assets of value in accordance with Policy HA1 of the Waverley Local Plan (Part 1) 2018.

It is necessary for this condition to require details and investigations prior to the commencement of works because below ground archaeological assets could otherwise be disturbed by the earliest groundworks on site.

14. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To mitigate and compensate for the impacts of the development upon protected species and other wildlife in accordance with Policy NE1 of the Waverley Local Plan (Part 1) 2018.

Submission and approval of the LEMP prior to the commencement of the development is necessary because the earliest works on the site have the potential to lead to harm to ecology.

15. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Drawing No. 20-017 WDF MHA ZZ 00 DR A 009 P03) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes for the lifetime of the development.

Reason: To make suitable provisions for parking and turning in accordance with Policy ST1 of the Waverley Local Plan (Part 1) 2018.

16. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

(j) 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: To make the development acceptable in accordance with Policy ST1 of the Waverley Local Plan (Part 1) 2018.

17. The development hereby approved shall not be first occupied unless and until the following have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for: (a) The secure parking of bicycles within the development site, (b) Travel Plan Welcome Packs to be provided to first time occupiers.

Reason: To make the development acceptable in accordance with Policy ST1 of the Waverley Local Plan (Part 1) 2018.

18. The development hereby approved shall not be occupied unless and until each of the proposed dwellings and at least 10% of all visitor parking bays are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To make the development acceptable in accordance with Policy ST1 of the Waverley Local Plan (Part 1) 2018.

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

Reason: To make the development acceptable in accordance with Policy ST1 of the Waverley Local Plan (Part 1) 2018.

20. Prior to the occupation of Plots No. 29-33, the proposed footway connection to Public Footpath 1391 shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footway shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To make the development acceptable in accordance with Policy ST1 of the Waverley Local Plan (Part 1) 2018.

21. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the suitable drainage has been provided in accordance with Policy CC4 of the Waverley Local Plan (Part 1) 2018.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans or details, shall be erected or placed forward of any wall of the dwelling(s) (including a rear or side wall) which fronts onto a highway, carriageway or footpath).

Reason: To provide a satisfactory appearance in accordance with Policy TD1 of the Waverley Local Plan (Part 1) 2018

23. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: Thames Water have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. The condition is therefore necessary to ensure suitable water infrastructure in accordance with Policy CC2 of the Waverley Local Plan (Part 1) 2018.

24. Development shall not commence until a foul drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by the local planning authority in writing. The drainage shall be provided in accordance with the approved details.

Reason: The application was not accompanied by sufficient details as to allow Thames Water to assess the impact of the proposal upon foul sewerage infrastructure. The details are therefore necessary to ensure that the foul sewerage demands of the development are satisfactorily met on site.

These details are necessary prior to the commencement of works because the foul water drainage works will need to take place before construction can commence.

25. No development shall take place until a Construction Environmental Management Plan (providing details of how highways, visual and polluting impacts will be mitigated) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period.

Reason: In the interest of highways safety, local amenity and air quality, in accordance with retained Policies ST1 and NE1 of the Waverley Local Plan (Part 1) 2018.

This is a pre-commencement condition as it relates to the development works themselves.

26. Construction works pursuant to this permission shall not take place other than between the hours 08:00 and 18:00 Mondays to Fridays and between 08:00 and 13:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.

Reason: Having regard to the amenities of neighbouring occupiers and to accord with Policy TD1 of the Waverley Local Plan (Part 1) 2018.

27. 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 2018 (Part 1).

28. The development shall achieve Secure By Design accreditation. Prior to the first occupation of the development, or within such other timescale as has been previously agreed by the Local Planning Authority in writing, certification shall be submitted to the Local Planning Authority to confirm that accreditation has been achieved.

Reason: To provide a safe development in accordance with Policy TD1 of the Waverley Local Plan (Part 1) 2018.

29. The water supply to serve the development shall be taken from Cox Green and shall be provided by Thames Water.

Reason: To prevent potential adverse impact on the water resources within the Arun Valley Special Protection Area.

30. Prior to the commencement of the development, reptile and amphibian mitigation and relocation shall be carried out wholly in accordance with a strategy which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm to protected species in accordance with the Habitat Regulations.

Informatives:

1. 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.

2. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning team at Surrey County Council.

3. The developer is advised that Public Footpath Number 449 runs nearby the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

4. 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.

5. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies

and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.

6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

7. The applicant is advised that a licence will be required from Natural England to prevent harm to protected species on site in accordance with the Habitat and Species Regulations.

8. The Council has worked in a proactive manner.