

## Planning Committee

WA/2022/00383

Borrow House Farm, Jumps Road, Churt, Farnham, GU10 2LB

### 1. Summary

This application was considered by the Western Planning Committee on 14<sup>th</sup> December 2022 and it was resolved to grant the application as below:

RECOMMENDATION A                      That, subject to the applicant entering into appropriate legal agreement within 6 months of the resolution to grant, to secure the implementation and future maintenance of the drainage facilities, and subject to the conditions listed below, permission be **GRANTED**

RECOMMENDATION B                      That, in the event that a Section 106 Agreement required by Recommendation A is not completed within 6 months of the date of the resolution to grant, permission be **REFUSED**.

The application is being referred back to the Planning Committee as the S106 agreement has not been completed within the 6 months period. The Section 106 has been progressed but a further 3 months is required to conclude the Agreement.

### 2. Post December 2022 Review

Due to the length of time that has elapsed since the December 2022 resolution officers have carried out a review of changes in legislation and policy. Since the resolution to grant permission, the Council has adopted Local Plan (Part 2): Site Allocations and Development Management Policies (adopted March 2023). This report lists the policies that are relevant to this proposal and advises that adoption of these policies will not require any material change to the resolution as there is no conflict with these policies.

The Committee is advised in light of the above situation that this is not an opportunity to re-open the debate about the acceptability of the scheme, merely to consider the changes that are set out in detail in the remainder of this report.

### 3. Compliance with Local Plan (Part 2) 2023

For the purposes of the current application, it is necessary to consider whether the development conflicts with any of these new policies. The relevant policies are as follows:

DM1: Environmental Implications of Development

DM2: Energy Efficiency

DM4: Quality Places through Design

DM5: Safeguarding Amenity

DM9: Accessibility and transport

DM11: Trees, Woodland, Hedgerows and Landscaping

DM14: Extensions, alterations, replacement buildings & limited infilling in the Green Belt

DM24: Historic Landscapes and Gardens

With regard to Policy DM1, in light of the assessment set out in the Officer Report (Appendix A), Officers are satisfied that the proposed development would be in accordance with this policy. A number of conditions were recommended which required the submission of a number of landscape and construction environmental management plans. The S106 itself will secure the implementation and future maintenance of the drainage facilities.

Policy DM1 requires that developments:

- i. avoid negative impacts upon biodiversity deliver the minimum biodiversity net gain of 10% as required by the Environment Act 2021. The biodiversity net gain should be compared to the baseline and calculated using the most up to date national Biodiversity Metric;
- ii. protect and enhance geological assets.

The Ecological Assessment by 'Ecology Solutions' dated December 2021, submitted with the application, sets out that the proposals include areas of further landscape planting which shall be managed to offer biodiversity gains over the current situation, including the removal of non-native species and the re-establishment of native woodland and heathland habitat in keeping with the surrounding environment. In order to ensure that biodiversity net gain is achieved at the site, an addition condition is recommended as set out below:

No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Net Gain Monitoring and Management Plan covering a period of 30 years from commencement of development has been submitted to and approved in writing by the local planning authority. The Biodiversity Net Gain Monitoring and Management Plan shall include:

- a. Methods for delivering BNG
- b. Roles, responsibilities and competency requirements for delivery of BNG during and after construction
- c. Detail legal, financial and other resources required for delivery of BNG
- d. Description of the habitats to be managed
- e. Ecological trends and constraints on site that might influence management
- f. Clear timed and measurable objectives in the short, medium and long-terms for BNG detail objectives for all habitats (target conditions)and define key indicators to measure success
- g. Define appropriate management options and actions for achieving aims and objectives
- h. A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes
- i. Preparation of a work schedule
- j. Details for a formal review process when objectives are not fully reached
- k. Key milestones for reviewing the monitoring
- l. Establish a standard format for collection of monitoring data to make it repeatable and consistent including methods, frequency and timing
- m. Identify and define set monitoring points(representing the key habitats on site)where photographs can be taken as part of monitoring to record the status of habitats on site and
- n. Detail reporting procedures

The monitoring and associated reports shall be undertaken and provided to the LPA as a minimum in years 2,5,10,20 and 30 from commencement of the development.

Reason: To ensure the development delivers a minimum of 10% uplift in the sites biodiversity value in accordance with the policies of the Waverley Local Plan.

With regard to Policy DM2, Officers note that the proposed dwellings have been designed to incorporate a number of energy efficiency and sustainability measures.

Officers are satisfied that the proposed development would not conflict with any of these policies.

**Revised recommendation**

As a result of the changes outlined above, the amended resolution would be:

RECOMMENDATION A            That, subject to the applicant entering into appropriate legal agreement by 26/10/2023 (unless an alternative date is subsequently agreed by the Chair and Vice Chair of the Planning Committee), to secure the implementation and future maintenance of the drainage facilities, and subject to conditions 1-27 and informatives 1-8, permission be **GRANTED**

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

## **Appendix A – Officer Report to Committee**

**WA/2022/00383** – Erection of 4 dwellings and garages, following demolition of buildings and stables, removal of hard standings, and sand school, with formation of new access road (as amplified by drainage and habitats information received 29/06/2022 and 30/06/2022, flooding information received 29/09/2022 and 20/10/2022, ecology information received 12/10/2022, 14/10/2022 and 31/10/2022 and amended plans received 18/07/2022 and 21/10/2022) at Borrow House Farm JUMPS ROAD CHURT FARNHAM GU10 2LB

Applicant: Mulberry Homes (Churt) Limited  
Parish: Frensham  
Ward: Frensham Dockenfield and Tilford  
Grid Reference: E: 486581  
N: 139474  
Case Officer: Philippa Smyth  
Neighbour Notification Expiry Date: 17/02/2022  
Extended Expiry Date: Not agreed

Committee Meeting Date: Western Area - 14<sup>th</sup> December 2022

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

### 1. Summary

This application has been called into committee by Councillor Potts owing to the extensive planning history and the impact on the Green Belt, impact on the adjacent SSSI and drainage.

Permission was granted at appeal pursuant to application reference WA/2017/0928 for outline consent for the erection of 3 dwellings following the demolition of the existing commercial buildings and structures on the site. The same appeal granted permission for the erection of extensions and alterations to the existing dwelling at Borrow House Farm, pursuant to application reference WA/2018/1847. Both permissions, subject to the agreement of the relevant reserved matters, would result in 4 residential dwellings on site.

The current application seeks permission for the erection of 4 dwellings, following the demolition of the existing dwelling. On this basis, no additional

dwellings over and above that previously approved are proposed under the current application.

The proposal would constitute the redevelopment of previously developed land, with the proposed buildings occupying the locations of existing buildings. The proposals would result in a reduction in built form on site. The proposed area of access track and drainage field would constitute engineering works which would be appropriate Green Belt development.

The proposed designs are modern but have been designed to reduce their visual impact with green roofs and basements. No concerns have been raised by the Surrey Hills AONB Planning Adviser.

It is considered that the location is suitable for the development and, subject to mitigation, there would be no adverse effect on the nature conservation interests of nearby designated European nature conservation sites.

## 2. Site Description

The application site is located at the northern end of a shared access lane, adjoining and to the north of, Jumps Road in Churt.

The site comprises a number of former Nissen Hut buildings, a detached two storey dwelling known as Borrow House Cottage and a single storey stable building. The buildings are positioned in two groups on the site, with one group sited toward the north of the site and the other toward the southern end of the main section. There are large areas of hardstanding and a sand school.

A tarmac shared access road runs through the site toward the north from Jumps Road. The site also contains open areas of grassland and tree cover.

The site surroundings comprise Common to the north and natural vegetation cover to the east and west. The site largely lies within a valley between two hills to the east and west.

## 3. Proposal

The application proposes:

- The demolition of existing buildings (including Borrow House Cottage);
- The removal of hard standings and the existing sand school;
- The erection of 4 dwellings and garages;
- The realignment of the access road;
- The provision of a balancing pond;

- Associated landscaping.

Amended plans were received which resulted in minor alterations to the design of the proposed dwelling for Plot 2. Additional information was provided in relation to flooding, SuDS, ecology and habitats, as required by statutory consultees.

#### 4. Plans

Please see Appendix A for a selection of plans. The full suite of plans are on the Council's website.

#### 5. Relevant Planning History

BHS = Borrow House Farm

BHC = Borrow House Cottage

WA/2022/01795  BHF	Approval of Reserved Matters (appearance and landscaping) following outline permission granted under WA/2017/0928 for the erection of 3 dwellings including access, layout and scale following demolition and removal of existing buildings and structures.	<i>Pending decision</i>
WA/2022/01436  BHC	Erection of two storey extension and entrance porch with alterations to elevations.	<i>Pending decision</i>
WA/2018/1847  BHC	Erection of an extension and porch (revision of WA/2017/0913).	APPEAL FOR NONDETERMINATION 21/05/2018  APPEAL ALLOWED 16/08/2019
WA/2017/0913  BHC	Erection of rear extension and porch.	REFUSE 21/05/2018

WA/2017/0928  BHF	Outline application for erection of 3 dwellings including access, layout and scale following demolition and removal of existing buildings and structures (as amplified by additional information received 18/8/17, 8/9/17, 26/1/18, 19/3/18 and 27/3/18 and amended plan received 26/1/18).	REFUSE 21/05/2018  APPEAL ALLOWED 16/08/2019
WA/2016/1074  BHF	Alterations to elevation of building - Unit 10 (as amended by plans received 13/03/2018).	GRANT 21/05/2018
WA/2015/2173  BHF	Erection of a single storey rear extension	REFUSE 11/01/2016  APPEAL DISMISSED 01/06/2016
WA/2015/1198  BHF	Erection of 5 dwellings with detached garages, landscaping and formation of new access road following demolition of existing buildings, hard standings, access road and sand school (revision of WA/2014/2362) at Land At Borrow House Farm, Jumps Road, Churt, GU10 2LB (as amplified by plans received 08/07/2015, additional information received 04/09/2015 and 09/09/2015).	REFUSE 13/11/2015  APPEAL WITHDRAWN 31/10/2016
WA/2015/1233	Erection of replacement commercial buildings for	REFUSE 19/08/2015



BHF	storage and distribution (B8 use) and light industrial uses (B1 use) following demolition of existing commercial buildings (B8 and B1 uses) together with associated works.	APPEAL WITHDRAWN 31/10/2016
WA/2015/0783 BHC	Certificate of Lawfulness under Section 191 for the commencement of works to implement front and rear extensions (as amended by Construction Method Statement received 16/06/2015).	CERTIFICATE REFUSED 03/07/2015
WA/2015/0853 BHF	Erection of non-illuminated sign board and display of one non-illuminated fascia sign on existing entrance gate.	CONSENT GRANTED 22/06/2015
WA/2015/0436 BHC	Certificate of Lawfulness under Section 192 for alterations to existing outbuildings (units 4, 14 and 18) (as amplified by email dated 21/04/2015).	CERTIFICATE REFUSED 23/04/2015
WA/2014/1379 BHC	Certificate of Lawfulness under Section 191 for the use of buildings (numbered 2, 4, 5, 6, 12, 14, 15, 17 and 18) for B8 storage purposes together with associated parking, turning areas and access within the	CERTIFICATE GRANTED 24/12/2014

	planning unit. (as amplified and amended by ema	
WA/2013/1654  BHC	Application under Section 106A for the discharge of a planning obligation associated with application WA/1990/0211 (agricultural occupancy restriction).	DISCHARGE OF PLANNING OBLIGATION ALLOWED 05/12/2013
WA/2013/0709  BHC	Certificate of Lawfulness under Section 191 for use of certain buildings for office (B1) and storage (B8) purposes. (As amplified by emails dated 08/07/2013 and 02/07/2013).	CERTIFICATE GRANTED 12/07/2013
WA/1999/1458  BHF	Application for a Certificate of Lawfulness under section 191 for the retention of stable block and manege (as amplified by letters dated 25/01/00, 27/06/00, 03/08/00 and 12/09/00; statements dated 24/08/00; and photographs received 26/01/00).	CERTIFICATE GRANTED 29/11/2000
WA/1999/0619  BHF	Erection of extensions.	GRANT 16/06/1999
WA/1994/0633  BHF	Erection of extensions (as amended by letter and plans received 09/06/94).	GRANT 20/07/1994

## 6. Relevant Planning Constraints

Green Belt – Outside of any defined settlement

Surrey Hills AONB & AGLV

Wealden Heaths I SPA 400m Buffer Zone

Wealden Heaths I SAC 2km Buffer Zone

Wealden Heaths II SPA 5km Buffer Zone

Article 4 Direction – No. 3343 – relates to moveable structures, tents and caravans

Area of Historic Landscape Value (AHLV) (*adjacent to the north of the site*)

Special Area of Conservation (*to the north and east of the site*)

Site of Special Scientific Interest (SSSI) (*adjacent to the north and east of the site*)

Local Nature Reserve (*to the north of the site and east of the site*)

Registered Common Land (*north of the site*)

Ancient Woodland 500m Buffer Zone

## 7. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, SP2, ALH1, ST1, AHN3, TD1, NE1, NE2, RE2, RE3, HA1, CC1, CC2, LRC1, EE2
- Waverley Borough Local Plan 2002 (retained policies February 2018): D1, D4, D6, D7, D8, D9, C7, HE12, HE15, IC2, IC3.

The Draft Waverley Borough *Local Plan Part 2: Site Allocations and Development Management Policies* has been published and submitted for examination but does not form part of the Development Plan. Given the stage of preparation, some limited weight should be given to the policies in this draft plan.

The degree of weight afforded to policies will increase as the preparation of the plan progresses and will depend on the level of objection received to specific policies.

Other guidance:

- The National Planning Policy Framework 2021 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)
- Land Availability Assessment (2016)
- West Surrey Strategic Housing Market Assessment (2015) Residential Extensions Supplementary Planning Document 2010 (SPD)
- Council's Parking Guidelines (2013)

- Surrey Vehicular and Cycle Parking Guidance (2018)
- Surrey Hills AONB Management Plan (2020-2025)
- Churt Village Design Statement (2011)
- Frensham Village Design Statement (2008)
- National Design Guide (2019)

## 8. Consultations and Parish Council Comments

Frensham Parish Council	FPC is concerned that the proposal is not in keeping with the density of existing houses in Jumps Road and the retention of the existing individual character of dwellings in the neighbouring area. FPC states that the proposal is contrary to WBC green belt policy. There is particular concern due to the locality to a triple SSSI adjacent to the boundary of the development which is of national importance to retain. The council would like to see more information provided by WBC before a decision can be made and if WBC are mindful to approve, we request our local Borough Cllr to call the application to committee.
Natural England	<p>Response received 01/04/2022: Further information required to determine impacts on designated sites.</p> <p>Response received 11/08/2022: NO OBJECTION, subject to appropriate mitigation being secured.</p>
Surrey Wildlife Trust	<p>Response received 05/09/2022 Further information needed.</p> <p>Response received 13/10/2022 Further information required in relation to bat potential of one building, updated bat surveys, reptile mitigation strategy, potential impact to Great Crested Newts. Bespoke mitigation would need to be secured for SPA, SAC and SSSI impacts prior to determination.</p> <p>Response received 26/10/2022 Further information required in relation to Great Crested Newts. Bespoke mitigation would need to be secured for SPA, SAC and SSSI impacts prior to determination.</p>

	Response received 09/11/2022 NO OBJECTION. Recommend conditions
Forestry Commission	No response received.
Council's Waste and Recycling Officer	No response received.
Thames Water Utilities	No comments to make at this time.
Surrey Hills AONB Office	Response received 03/02/2022: Arising from the appeal decision to WA/2017/0928, my AONB advice on that application, the Borough Council's pre-application advice and the high quality of design, I have no AONB concern relating to this latest proposal.  Response received 28/07/2022: My AONB views remain the same as set out in my email of 03/02/2022.  NO OBJECTION
County Highway Authority	NO OBJECTION, subject to conditions.
County Archaeologist	NO OBJECTION, subject to condition.

## 9. Representations

13 letters from 11 have been received raising objection on the following grounds:

### Green Belt

- This is yet further inappropriate development in the Green Belt as the new proposal is no longer 'completely within Previously Developed Land (PDL)'.
- This is development in the Green Belt and very special circumstances have not been shown.
- The road has been moved so that it now is outside the boundary of existing PDL.
- Any development of gardens for the houses will be outside the PDL.

### Landscape, heritage and visual amenity

- The development would be highly visible from various view points.
- Light pollution in a 'dark skies' area.

- The Jumps are a natural landmark and should be protected; which these proposals don't seem to fulfil.
- Impact on AONB.

### Siting and design

- The extended size of rebuilt House No.2 is much larger than the original extended cottage, and not part of the planning inspectors outline consent.
- The southwards facing L shape development towards Borrow House and Jumps House will concentrate noise towards these dwellings as sound travels significantly upwards in the valley. Could the structure face away from the resident neighbours dwellings? Could more screening be planned in?
- Existing House 2 would be redeveloped to be 100% larger.
- Paragraph 80 of NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside except in specific circumstances.
- House 2 is substantially higher than the existing cottage.
- House 1 appears significantly higher than that which has already been approved, because of the addition of a sloped roof.
- The new application goes substantially further in terms of development size.

### Highways, access and traffic

- Concerns re. increased traffic on narrow access road.
- Concerns re. construction process and construction traffic.
- The existing site entrance is too small to hold two vehicles in order to maintain clear access from the lane.
- Entry into site is from a blind bend on a busy road with 40mph speed limit.
- There is a lack of passing places down the narrow access lane from Jumps Road, meaning vehicles becoming jammed or churning up verges.
- Danger posed to existing users, pedestrians and horse riders.
- Actual experience when the site was used commercially was of 2 movements per day (based on 12 per week) as stated by a previous owner.
- Residential use will increase traffic at peak times whereas the existing commercial use spreads traffic throughout the day (if there were to be any increase).

### Trees

- Loss of trees.

- Two trees on Borrow House land are to be felled.
- Given that Waverley is shortly announcing a new TPO and trees-first policy for the borough that takes greater account of these trees carbon-absorbing value, can we pause the decisions on all trees pending that new policy?

### Drainage

- Concerns re. the effluent drainage field bordering neighbouring properties.
- Drainage excess on the paddock land and the pool construction at House 2 must not effect stability of Middle Jump and its extensive and unsupported tunnel system which dates back to 1870.
- Insufficient investigation into drainage for new dwellings.
- The new drainage field is less than 50m from the SSSI.
- Increased strain on already doubtful foul drainage system.
- Drainage strategy now changed.
- Local hydrology is not fully understood.

### Services

- Requires substantial changes to foul water treatment system.
- Development cannot connect to public sewer.

### Biodiversity and ecology

- Similar developments have proven catastrophic to fauna and flora from noise and light pollution, pet predation, introduction of invasive species etc and where there is little prospect of mitigation or restoration.
- This development is totally unsuitable for this fragile environmental area including the fragile Flashes area of Frensham Common - a designated SSSI and regarded as an area of national importance by all wildlife consultee groups.
- Impact on wildlife.
- Damage to bird and reptile species.
- Waverley Borough Council has a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to consider biodiversity when exercising its functions.
- The ecology report does not give adequate assurance that impacts will be properly addressed.

### Protected areas

- Much has changed since the 2017 submissions with a significantly increased international focus on measures recognised essential to preserve the integrity of the natural environment and damage resulting

from increasing frequency of extreme rainfall events making previous assumptions invalid.

- Justification is required for the new constructions to be within the 50 metre "no build" buffer zones.
- Impact on SSSI.
- Paragraph 180 of the NPPF states "... development on land within or outside of a Site of Special Scientific Interest, and which is likely to have an adverse effect on it.... should not normally be permitted."

#### Application submission

- The submitted plans show incorrect boundaries.
- The proposed access track would cross Borrow House land.
- Photographs were taken without consent from private land.
- The application has not been produced in a form accessible and readable by normal elderly people.

#### Planning history

- The existing cottage has been extended in 1994 and 1999.
- Recent attempts to extend have been refused.
- The latest increased size of 'The Farmhouse' having previously been refused should not now be approved.

#### General

- Concerns about the developers disregard for the legal situation and their lack of appreciation of our concerns as neighbours more generally.
- Proposal completely unsuitable for this isolated, beautiful location likely to cause irrecoverable damaged to the Flashes environment.
- Visitors have a right to enjoy unspoilt tranquil countryside.
- Proposal is not for affordable housing but for large affluent buyers.
- The right use of this land would be a car park for the Sculpture Park.
- Proposal would result in 25 permanent residents and their associated activities when there are currently 2.
- The Council must reject the Application which would otherwise make a mockery of their supposed obligation to protect the wider interests of both Borough and National residents.
- Current use of the sight is much less intensive.
- Concerns re. asbestos contamination.

1 letter has been received expressing support for the application.



## 10. Planning Considerations:

### 10.1. Principle of development, planning history and differences with previous proposal

The planning history is a material consideration.

Planning permission has been previously refused for 5 dwellings on the site under WA/2015/1198. This application was refused for 9 reasons which related (in summary) to harm to the Green Belt, the location of development, conflict with AONB policy, conflict with AGLV policy, insufficient information with regard to highways impacts, lack of public transport, insufficient information in relation to protected species and insufficient information as to the likely significant effect upon the special interests of the adjacent SAC. Whilst this decision was appealed, the appeal was withdrawn.

Outline planning permission has been previously granted at appeal pursuant to application reference WA/2017/0928 (appeal reference APP/R3650/W/18/3216794) for the erection of 3 dwellings following demolition of the existing commercial buildings and structures on the site. The outline consent agreed the means of access, layout and scale of the development. Landscaping and appearance are reserved matters to be agreed. At the time of writing, the associated 'reserved matters' application has been submitted and is under consideration (WA/2022/01795).

The same appeal decision granted full planning permission for a rear extension and porch at Borrow House Cottage pursuant to application reference WA/2018/1847. At the time of writing, another application has been submitted at this site (WA/2022/01436) and is under consideration.

The combination of the 2 appeal approvals (WA/2017/0928 and WA/2018/1847), subject to the approval of the reserved matters, would result in 4 residential dwellings on site – the extended and altered Borrow House Cottage and 3 new dwellings.

The differences between the current proposal and these extant permissions is that the current application under consideration proposes the erection of 4 dwellings and associated garaging following the demolition of existing dwelling, commercial buildings and stables, removal of existing hard standings, access road and sand school, and formation of new access road, pond and landscaping.

The proposed changes to the extant permission can be summarised as follows:

- The demolition and replacement of Borrow House Cottage rather than extending the property.
- The realignment of the internal access road into the site that would serve the 4 dwellings.
- Changes to the siting, scale and appearance of the proposed dwellings.
- The inclusion of basement areas into the dwellings.
- The addition of a balancing pond to the north end of the site
- The inclusion of the paddock land to the north-east of the site within the application site area to allow for a drainage field

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

### 10.2. Housing Land Supply

The Council published its latest Five-Year Housing Land Supply Position Statement, with a base date of 1 April 2022 in November 2022 which calculates the Council's current supply at 4.9 years' worth. As the Council cannot presently demonstrate a five-year housing land supply, paragraph 11(d) of the NPPF 2021 is engaged via footnote 7. Therefore, unless the site is located in an area, or involves an asset, of particular importance, that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the Framework as a whole.

The current proposal would provide a small contribution to the housing land supply in the Borough. This is a material benefit, which must be weighed against the other considerations for this application.

### 10.3. Location of development

The previous application (WA/2017/0928) proposed the erection of 3 dwellings in addition to the existing dwelling at Borrow House Cottage, resulting in 4 dwellings in total.

In determining the previous application, the Inspector concluded that whilst the site would provide isolated homes in the countryside, the proposal would result in a substantially lower number of traffic movements than the commercial use of the site. Further, the Inspector noted that whilst the site is not near to a settlement where access to services can be made on foot or via public transport and that residents are likely to utilise the private car to undertake most, if not

all, journeys, the likely number of these journeys would be lower than that which could currently occur. This would result in environmental benefits and would also benefit existing residents in the vicinity of the site, in terms of the reduced usage of the access track. On this basis, the Inspector concluded that this would outweigh the non-compliance with the provisions of the (then) paragraph 79 of the NPPF and that the location was suitable for development.

The current proposal would also provide 4 dwellings. Officers have no reason to reach an alternative conclusion to the previous Inspector.

#### 10.4. Housing mix and density

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

All proposed dwellings would benefit from 4+ bedrooms. This would conflict with the indicative requirements of the SHMA 2015, which demonstrates the need for a mix of unit sizes, including one, two and three bedroom units. However, as the proposal would result in only a small number of dwellings, it is considered that the associated level of conflict with the SHMA would not be such that it would warrant a reason for refusal of the application as a whole.

Having regard to the number of existing buildings on the site and the fact that permission has been granted historically for a total of 4 dwellings on the site, Officers consider that the site is of a size which could satisfactorily accommodate the four dwellings proposed under the current application without appearing overdeveloped.

#### 10.5. Impact on Green Belt

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

Certain forms of development are considered to be appropriate, and will be permitted provided they do not conflict with the exceptions listed in paragraphs 149 and 150 of the NPPF.

Local planning authorities are required to give substantial weight to any harm which might be caused to the Green Belt by the inappropriate development.

Paragraph 149 of the NPPF lists exceptions to inappropriate development in the Green Belt and these include the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 150 of the NPPF also lists 'engineering operations' as a form of appropriate development in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.

In the assessment of the previous outline application (WA/2017/0928), Officers accepted that the area of the application site proposed for development was previous developed land, as defined in the NPPF. The appeal Inspector concluded the same. In determining the previous outline application, the Inspector concluded that the proposal would occupy the locations of existing buildings and would result in the reduction of the amount of built development currently at the site.

Turning to the current proposal which would also see the replacement of the existing cottage, in order to assess the impact on the openness of the Green Belt, the applicant has submitted calculations (see tables below) of existing floor area, footprint and volume calculations and made a comparison with the proposal for the same criteria.

**Table 1 - Existing floor areas, footprints and volumes (applicant's calculations)**

Building No.	Floor Area m2	Footprint m2	Volume m3	Lawfulness Use Confirmed WA/2013/0709	Lawfulness Use to be Confirmed WA/2014/1379
1	81	81	225	B8	
2	36	36	90		B8
3	81	81	225	B8	
4	80	80	221		B8
5	79	79	220		B8
6	59	59	219		B8
7	81	81	263	B8	
8	79	79	257	B8	
9	79	79	255	B8	
10	79	79	257	B8	
11	-	-	-		
12	85	85	319		
13	85	85	319	B8	
14	42	42	153		B8
15	75	75	230		B8
16	75	75	230	B8	
17	76	76	311		B8
18	76	76	281		B8
19	51	51	117	B1	
20	-	-	-		
21	13	13	35		
Stables	109	109	360		
Cottage	167	92	452		
<b>Total</b>	<b>1588</b>	<b>1513</b>	<b>5039</b>		

**Table 2 – Proposed floors, footprints and volumes**

PLOT 1	Floor Area	Footprint	Above Ground Volume	Below Ground Volume
	GEA	GEA	GEV	GEV
	m <sup>2</sup>	m <sup>2</sup>	m <sup>3</sup>	m <sup>3</sup>
House and integral garage	364	213	653	409
<b>Total</b>	<b>364m<sup>2</sup></b>	<b>213m<sup>2</sup></b>	<b>653m<sup>3</sup></b>	<b>409m<sup>3</sup></b>
PLOT 2	Floor Area	Footprint	Above Ground Volume	Below Ground Volume
	GEA	GEA	GEV	GEV
	m <sup>2</sup>	m <sup>2</sup>	m <sup>3</sup>	m <sup>3</sup>
House	523	206	1380	116
External Garage	62	62	210	27
<b>Total</b>	<b>585m<sup>2</sup></b>	<b>268m<sup>2</sup></b>	<b>1590m<sup>3</sup></b>	<b>143m<sup>3</sup></b>
PLOT 3	Floor Area	Footprint	Above Ground Volume	Below Ground Volume

	<b>GEA</b>	<b>GEA</b>	<b>GEV</b>	<b>GEV</b>
	<b>m<sup>2</sup></b>	<b>m<sup>2</sup></b>	<b>m<sup>3</sup></b>	<b>m<sup>3</sup></b>
<b>House</b>	447	328	940	311
<b>External Garage</b>	77	77	84	96
<b>Total</b>	524m <sup>2</sup>	405m <sup>2</sup>	1024m <sup>3</sup>	407m <sup>3</sup>
<b>PLOT 4</b>	<b>Floor Area</b>	<b>Footprint</b>	<b>Above Ground Volume</b>	<b>Below Ground Volume</b>
	<b>GEA</b>	<b>GEA</b>	<b>GEV</b>	<b>GEV</b>
	<b>m<sup>2</sup></b>	<b>m<sup>2</sup></b>	<b>m<sup>3</sup></b>	<b>m<sup>3</sup></b>
<b>House and integral garage</b>	674	317	1176	1009
<b>TOTAL</b>	674m <sup>2</sup>	317m <sup>2</sup>	1176m <sup>3</sup>	1009m <sup>3</sup>

**Table 3 – Summary of proposals versus existing buildings on site**

	<b>Floor Area (m<sup>2</sup>)</b>	<b>Footprint (m<sup>2</sup>)</b>	<b>Above Ground Volume (m<sup>3</sup>)</b>
<b>Proposed Totals</b>	2147	1203	4444
<b>Existing Building Totals</b>	1588	1513	5039
<b>Net Difference</b>	559	-310	-595
<b>% Difference</b>	35.2%	-20.5%	-11.8%

The above calculations indicate an overall reduction of footprint of built form by 20.5% over the existing on-site situation. Furthermore, there would also be a reduction in both floor area and volume as well as the number of individual buildings, reducing the overall spread of development across the site. There would be a significant reduction in hardstanding across the site.

It is noted that the current proposal includes below-ground basements for each of the dwellings. The proposed below-ground volumes are noted in Table 2 above. Whilst the basements would represent, in some cases, significant volume, they would not be visible above ground and would therefore not have a greater impact on openness or conflict with the purposes of including land within the Green Belt.

Much like the indicative plans submitted with the previous outline application, with the exception of Plot 2 which proposes a more traditional dwelling design to replace the existing cottage, the dwellings would make use of the topography to include lower ground floor and upper ground floor sections, the built form would be predominantly read as single storey development from several orientations. The use of green flat roofs would also limit the impact of height on openness.

The proposed alterations to the access road would constitute a minor engineering operation which would not have a greater impact on openness, given that it would re-site the existing access road. It would not conflict with the purposes of including land within the Green Belt. Similarly, any drainage works and the proposed swimming pools would have a limited impact on openness.

In summary, Officers are satisfied that the reduction in the overall quantity of built form, and concentration of built form into 4 new dwellings, would not have a greater impact on the openness of the Green Belt than the existing development on site and that the proposed development would be located on previously developed land. As such, the proposal is considered to be appropriate Green Belt development. Officers are therefore satisfied that the proposed development would accord with Policy RE2 of the Local Plan (Part 1) 2018 and the relevant exception within Paragraph 149 of the NPPF.

#### 10.6. Design, Landscape, AONB and AGLV and impact on visual amenity

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

The Surrey Hills Management Plan 2020-2025 sets out the vision for the future management of the Surrey Hills AONB by identifying key landscape features that are the basis for the Surrey Hills being designated a nationally important AONB.

Policy 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 2021.

The site is within the AONB and AGLV. It is immediately adjacent to (between) two of the Devil's Jumps heritage features and the adjacent Flashes/Churt Common (subject of CROW Act) designated as Area of High Landscape Value (AHLV), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR). It is surrounded by landscape recognised as being of high value and its sylvan setting, of mature trees in relatively close proximity to the buildings, contributes positively to the local landscape character.

In response to the outline proposal (WA/2017/0928), the Surrey Hills AONB Advisor made a number of observations and recommendations:

- The proposal represents a significant improvement on previous applications, the existing site detracts from the character of the AONB in the area.
- The limited extent of the proposed domestic gardens and the reduction to 3 dwellings are to be welcomed, noting that the dwellings would be substantial and larger than would have been preferred from an AONB aspect.
- The contemporary design is appropriate and that this would also keep the dwellings relatively low profile.
- The articulated and angled nature of the dwellings, together with their planted flat roofs, would help them to be better assimilated to their landscape setting.
- In terms of materials, it is considered that they should be of muted colours and not of light colours that would contrast with the darker backdrop.
- Permitted development rights for extensions and outbuildings should be removed.

The Surrey Hills AONB Advisor has set out that arising from the appeal decision to WA/2017/0928, the AONB advice on that application (briefly summarised above), the Council's pre-application advice and the high quality of design, there are no AONB concerns relating to this latest proposal.

In relation to the current proposal, Officers are satisfied that the proposed scheme, whilst incorporating the redevelopment of the existing cottage, and proposing larger dwellings with below-ground level basements and sun-terraces, would have an acceptable presence in this sensitive landscape when compared to the existing situation.

Turning to the design of the dwellings, Plots 1, 3 and 4 would be of a modern design, with angular, articulated forms, areas of flat roof, set into the contours of the landscape. This design concept is consistent with the indicative design proposed in the approved outline scheme. On this basis, Officers are satisfied that this approach is acceptable.

With regard to Plot 2, the Council's Historic Buildings Officer provided comments in relation to the proposed design which stands out as a different approach to Plots 1, 3 and 4. In relation to the originally submitted plans, it was noted that the proposal sought to adopt the language of the Arts and Crafts (popular in the decades before and after 1900) but lacked the essential cohesion of design. The initial design was considered to be disappointing rather than unacceptable. The applicant was amenable to addressing these comments.



Following discussions with the applicant, amended plans were submitted which simplified the roof design, raised the window-sills, repositioned a number of windows, reduced the depth of the L-Shape projection, removed a number of dormer windows and made some internal changes. Following the submission of the amendments, the Council's Historic Buildings Officer considered that the applicant had responded to most of the comments with the exception of the reduction in the height of the proposed bay window. Overall, the Council's Historic Buildings Officer considers the proposed design to be acceptable subject to the submission and agreement of a number of details, required via condition.

The Council's Urban Design Expert raised some concerns regarding the juxtaposition of the 'modern' proposals (Plots 1, 3 and 4) and the more 'traditional' design of Plot 2. However, the Council's Historic Buildings Officer could not see any reason why an Arts and Crafts inspired house cannot sit comfortably with houses of modern design. The question is whether the quality of each one, judged in its own stylistic terms, bears comparison. Following the submission of amended plans, Officers consider that the proposed dwellings would sit comfortably together. In any event, it is a material consideration that the existing cottage is of a more traditional design and the approved outline scheme comprised indicative modern designs to which the Council and the appeal Inspector did not object. The proposed dwellings would also benefit from generous separation distances from each other.

With regard to materials, Plots 1, 3 and 4 would be constructed in bargate stone, brick, timber mullions, steel, glass with partly vegetated roofs. Plot 2 would be constructed in brick, clay tiles, timber fenestration and powder coated aluminium rainwater goods. These materials are considered acceptable. Owing to the importance of the quality of the materials, particularly in this location, a condition is recommended requiring the submission of material samples in the event of an approval.

With regard to landscaping, a landscape strategy is proposed for the site, seeking to retain the 'secluded wooded character' of the site. This involves the phasing out of exotic species and thinning of woodland areas to allow for ground flora and understorey regeneration. Open grass areas towards the centre of the site and the north-east paddock are proposed to be retained, and green roof areas would be installed for three of the proposed dwellings.

The main access road would consist of tarmacadam with a rolled aggregate finish. Paths and parking areas would be paved with flush kerbs and informal paths would comprise self-binding gravel, earth or grass. These materials are considered acceptable.

With regard to the AONB Advisor's comments in relation to the removal of permitted development rights for extensions and outbuildings, Officers note that the previous Inspector noted that '*no exceptional justification has been provided for removing permitted development rights for works to the dwellings or other works; as such a condition in this respect is also not necessary*'. Officers see no reason to reach a separate conclusion, noting that the site inclusion within the AONB limits what can be achieved under permitted development.

Officers consider the design approach to be acceptable. It is considered that the proposed development would respect the character of the AONB and AGLV, subject to conditions, in accordance with Policies RE3 and TD1 of the Local Plan (Part 1) 2018 and Retained Policies D1 and D4 of the Local Plan 2002.

#### 10.7. Impact on 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 application is supported by:

- Outline Woodland Management Report, SJA Trees Ltd, August 2021
- Arboricultural Implications Report, SJA Trees Ltd, December 2021
- Landscape and Ecology Management Plan (LEMP), Rummey Environmental, December 2021 (Re-issued 30 June 2022)

The site contains a mixture of stock, with a total of 214 individual trees, 15 groups of trees, 2 hedges and three areas of woodland surveyed. Trees are predominantly conifers and broad leaves with Scots Pine being the most common and dominant species on the site. None of the trees on site are covered by a Tree Preservation Order (TPO) and there are no areas which are classified as Ancient Woodland.

A total of 2 trees are considered category 'A', 49 trees category 'B' and 153 category 'C'. A total of 10 individual trees and two groups of trees are considered category 'U' and unsuitable for retention.

It is confirmed within the submission that no trees or high landscape or biodiversity value are to be removed. Where trees are proposed to be removed, it is acknowledged that there would be a partial alteration to arboricultural features of the site but that this would be very minor to the overall arboricultural

character of the site. The proposal would result in the removal of 85 individual trees. Of these, none would be category 'A'. They would comprise 10 category 'B', 65 category 'C' and 10 category 'U'. In addition, 7 groups of trees and 2 hedges would be removed.

There would be minor inclusion into the root protection areas of some trees to be retained, however measures are proposed in these areas such that there would be no significant or long-term damage to their root systems or environments. Measures would include manual excavation under direct supervision by an appointed arboricultural consultant.

A landscape strategy, involving tree planting along with green and blue infrastructure, is proposed to mitigate the removal of trees and provide an enhancement for biodiversity. In addition, a woodland management scheme is proposed for the retained and proposed arboricultural features of the site.

The Council's Tree Officer notes that the verdant screen along site edges would be retained, as set out in the Arboricultural Method Statement and LEMP, and this is welcomed. In this regard, it is considered that many of the trees internal to the site could be removed with relatively limited visual impact from public viewpoints.

It is acknowledged that the site would require many trees to be felled in order to deliver the development and there is no constraint placed upon the trees and woodland after such development. A degree of concern is expressed with regard to there being no guarantee for the future protection of retained trees. However, Officers consider that the Woodland Management Plan and LEMP which show retained trees could be conditioned as part of any grant of permission and, in the absence of any TPOs on the site, it would not warrant material concern to be raised.

Notwithstanding the information submitted with the application, in light of consultee comments some documentation will be required to be updated. Overall, it is considered that, subject to the imposition of conditions, the proposal would be acceptable in this regard.

#### 10.8. Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Retained Policies D1 and D4 of the Local Plan 2002 are given substantial and full weight respectively due to their consistency with the NPPF 2021.

Officers are satisfied that the proposed dwellings would be well separated from each other and from neighbouring occupiers such that no concerns are raised with regard to overbearance, loss of light or loss of outlook.

The closest existing residential property to the proposed dwellings is Jumps House to the south of proposed Plot 1. There is a sun terrace proposed on the upper-ground floor on the southern elevation. This would be at a minimum of 18m from the shared boundary with Jumps House. This is considered a sufficient separation distance to avoid overlooking or loss of privacy.

The proposed development would not result in harm to the residential amenity of neighbouring properties in accordance with Policy TD1 of the Local Plan Part 1 2018, retained Policies D1 and D4 of the Local Plan 2002 and the Residential Extensions SPD.

#### 10.9. Standard of accommodation

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

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

The application proposes 4 substantial, detached dwellings set in generous plots in an open setting. Officers are satisfied that all 4 proposed dwellings would provide a good standard of accommodation. All habitable rooms would be provided with sufficient light and outlook and each unit would have a good level of private amenity space.

Sufficient space exists on site for secure cycle and refuse/recycling storage.

#### 10.10. Highways considerations and parking

Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should be located where it is accessible by forms of travel other than by private car; should make necessary contributions to the improvement of existing and

provision of new transport schemes and include measures to encourage non-car use. Development proposals should be consistent with the Surrey Local Transport Plan and objectives and actions within the Air Quality Action Plan. Provision for car parking should be incorporated into proposals and new and improved means of public access should be encouraged.

The application site would be accessed via the existing access from Jumps Road. The internal access track within the site would be reconfigured slightly.

The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision.

The County Highway Authority raise some concern regarding the location of the site, considering it to not be in an ideal location in terms of sustainable transport, as it is not easily accessible by modes of transport other than the private car. It is also not located within a reasonable walking distance to key services and facilities such as jobs, shops, schools, health and leisure facilities meaning that the residents of the proposed dwellings would therefore be heavily dependent on the private car for access to normal day to day services and facilities. The County Highway Authority consider that the development would be contrary to the sustainable transport objectives of the NPPF in this regard. Notwithstanding this advice, however, the County Highway Authority acknowledges that there are three dimensions to sustainable development - economic, social and environmental - hence the sustainability of the site should not be assessed purely in terms of transport mode and distance.

Officers note the previous appeal decision (WA/2017/0928), where, as set out in the 'Location of development' section above, the Inspector concluded that whilst the site would provide isolated homes in the countryside, the proposal would result in a substantially lower number of traffic movements than the commercial use of the site.

The County Highway Authority have concluded in their response that the proposal for 4 residential dwellings would not result in a material increase in vehicular movements, compared to the existing lawful B8 and B1 use of the site, and therefore there is no technical reason to object on highway safety grounds. On this basis, the County Highway Authority is satisfied that the application would not have a severe impact on the safety and operation of the adjoining public highway, subject to conditions. Such conditions would secure parking and turning space for vehicles, a fast charge socket for each dwelling and the agreement of a Construction Transport Management Plan prior to commencement.

## Parking Provision

The NPPF supports the adoption of local parking standards for both residential and non-residential development. The Council has adopted a Parking Guidelines Document which was prepared after the Surrey County Council Vehicular and Cycle Parking Guidance in January 2012. Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should have appropriate provision for car parking. Development proposals should comply with the appropriate guidance as set out within these documents.

Officers are satisfied that sufficient space exists on site for each dwelling such as to avoid harm to neighbouring properties or other highway users.

### 10.11. Flooding, surface water and drainage issues

The site is in Flood Zone 1, on previously developed land, no flood risk is identified.

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

Paragraph 159 of the NPPF 2021 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk, but where development is necessary, make it safe without increasing flood risk elsewhere.

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

The LLFA have been consulted on the proposal and have reviewed the surface water drainage strategy for the proposed development and assessed it against the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems.

The original documentation submitted with the application was insufficient, and during a period of consultation, additional information was requested and submitted.

The following documents were submitted as part of the application:

- Surface Water Drainage Strategy, Water Environment Ltd, June 2022, revision P01, document reference: 21092-SWD-RP-01;
- Response To LLFA Response, Water Environment Ltd, September 2022, revision P01, document reference: 21092-SWD-CO-01;
- Updated Response To LLFA, Water Environment Ltd, October 2022, revision P01, document reference: 21092-SWD-CO-02;

The LLFA is satisfied that the proposed drainage scheme meets the relevant requirements and considers that outline planning permission is granted, subject to suitably worded conditions to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

Further comments in relation to drainage are provided in the 'Effect upon the SPAs, SAC and SSSI section, below.

#### 10.12. Effect upon the SPAs, SAC and SSSI

The site is located within 400m of the Wealden Heaths I Special Protection Area (SPA) and within the Wealden Heaths I Special Area of Conservation (SAC) 2km Buffer Zone. The proposal would result in an increase in people (permanently) on the site.

The previous outline application WA/2017/0928 was refused by the Council on the basis of there being insufficient information to determine the effect of the proposals on the nature conservation interests of nearby designated European nature conservation sites. The appeal Inspector concluded that the schemes (along with the Cottage extensions (WA/2018/1847)), both alone and in combination with other schemes, could have a significant adverse effect on the integrity of the sites. The Inspector concluded that, as a result, the harm needed to be mitigated in order to overcome the harm and make the developments acceptable in planning terms. The appeal was allowed, subject to a legal agreement which secured appropriate drainage facilities.

Natural England have been consulted on the current application. They consider that without appropriate mitigation the application would have an adverse effect on the integrity of Wealden Heaths Phase I SPA, damage or destroy the interest features for which Thursley, Hankley & Frensham Commons Site of Special Scientific Interest (SSSI) has been notified, or have a significant impact on the purposes of designation of Thursley, Ash, Pirbright and Chobham SAC.

In order to mitigate these adverse effects and make the development acceptable, Natural England have advised that the following mitigation measures are required, as per the Shadow Habitats Regulations Assessment (sHRA) and included Appropriate Assessment (AA):

- Keeping to the detailed and stringent Constriction Environmental Management Plan (CEMP), largely with any impactful construction being avoided outside of the extended bird breeding season – February to August.
- The details held in the Foul Drainage Assessment, Costing/Funding and Operation/Management documents must be strictly followed to ensure these concerns are mitigated appropriately. Accepting in perpetuity (min. 80 years) management through an appropriate and calculated maintenance fund provided via both financial contributions secured via s106 agreement, together with annual charges to each of the four dwellings.
- Noting clearly the information to address our issues with the specification of the exact Package Treatment Works (PTP), the safeguards in place in the event of failure, identifying failures or loss of power, with sufficient back-up generation supported by an Uninterrupted Power Supply. Measures detailed to manage redirection to the cesspit, emptying of this in regular, timely events, and contingencies in place in the event of spillages or failures have been addressed in detail, and must be kept to.
- Maintaining commitment to the functionality of the reedbed with the proposed plan now appropriate, including strategy in the event of the reedbed not performing (discharge levels not meeting < 3mg/l NO<sub>3</sub>-N).

As per clear adherence to the details in the sHRA and the justifications following through the structured AA, Natural England view this as sufficient mitigation to any likely significant effects identified and that it would result in securing the integrity of the neighbouring designated sites. Natural England advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Officers consider that, in order for the



development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval as well as a number of conditions.

In order for the development to be acceptable in planning terms, to comply with the Conservation of Habitats and Species Regulations 2017 and to avoid a likely significant effect upon the SPA and SAC the applicant has agreed to enter into an appropriate legal agreement (for this and other matters set out in this report); however it has yet to be completed. The recommendation is therefore subject to the completion of an appropriate legal agreement within 6 months of the committee meeting.

Conditions would be attached to any approval of planning permission which would require the above mitigation measures to be secured. Notwithstanding this documentation provided with the application submission, a condition would be attached requiring the submission and compliance with an updated Construction Environmental Management Plan (CEMP) which would require the identification of measures to be implemented to avoid demolition and construction impacts on the nearby SPA.

#### 10.13. Impact on heritage features

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 HE10 of the Local Plan 2002 seeks to ensure that any proposed development will be located and designed so as to preserve the features of the heritage asset and avoid having a detrimental impact on designated heritage features. Retained Policy HE10 is afforded substantial weight owing to its consistency with the NPPF.

There are designated Heritage Features beyond the site to the east known as the Devils Jump and Little Jump. These are both heritage features which are recognised for being natural high landmarks visible from the common to the north and formed out of crops of ironstone which feed Frensham Little Pond. It is likely that parts of the proposed development would be visible from both these designated heritage features. Both these features are, however, sited on higher ground than the development site.

Officers consider that the proposed development would not have a direct impact on these Heritage Features due to their separation. As such, the proposal would not harm their significance and therefore officers raise no objection, having regard to Policy HA1 of the Local Plan Part 1 2018 and retained Policy HE10 of the Local Plan 2002.

#### 10.14. Archaeology

Policy HA1 of the Local Plan 2018 (Part 1) states that the Council will ensure that the significance of heritage assets within the Borough are conserved or enhanced to ensure the continued protection and enjoyment of the historic environment by, inter alia, facilitating and supporting the identification and review of heritage assets of local historic, architectural and archaeological significance.

Retained Policies HE14 and HE15 of the Local Plan 2002 require that appropriate desk based or field surveys should be submitted with an application and appropriate measures taken to ensure any important remains are preserved. These policies are afforded full weight owing to their consistency with the NPPF.

The supporting Archaeological Desk Based Assessment establishes that the site has a generally high archaeological potential for archaeological remains dating from the Mesolithic period, based on its geological location and that there are several recorded sites and findspots in the local area. It concludes that further archaeological investigations, in the form of field evaluation, would be required in order to clarify the archaeological potential of the site. A Written Scheme of Investigation has therefore been put forward as part of the submission, which the County Archaeologist considers to provide an appropriate methodology to determine whether significant remains are present and for mitigation measures to be put in place where necessary. It is recommended by the County Archaeologist that such investigation be secured by means of a planning condition should permission be granted. Subject to this, no concern is raised.

#### 10.15. Potentially contaminated land

The Council's Environmental Pollution Control Officer has commented that previous applications for the site have identified a moderate to low risk to future occupants of the proposed development due to identified former uses during World War II, associated potential landfilling, and the site's subsequent use as a mushroom farm.

The presence of asbestos cement and possible asbestos in lagging and insulation at the site has also previously been highlighted. There is a duty to manage asbestos under separate legislation which the Applicant would need to adhere to.

Given the potentially contaminative former uses, ground investigation and sampling has been recommended. The scope of such investigation would need to be agreed in advance as particular attention would need to be paid to areas of former tipping, investigation of anecdotal reports of historical filling associated with wartime usage and potential pesticide/herbicide usage associated with the mushroom farm use.

As such, the Council's Environmental Pollution Control has raised no objection to the proposal subject to the imposition of conditions to secure relevant investigative and, where required, remediation works.

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

The application is supported by a number of ecological surveys and reports, which have been reviewed by Surrey Wildlife Trust.

##### Badgers

The submission confirms the likely absence of active badger setts within and adjacent to the development sites. However, signs of activity within the site have been identified therefore badgers are known to be locally present. Surrey Wildlife Trust recommend that a survey of the site is undertaken prior to the commencement of development. In addition, precautionary working measures are recommended to be conditioned as part of any grant of permission.

##### Birds

Measures, in relation to the timing of works and inspection of bird's nests, are recommended by Surrey Wildlife Trust to be conditioned as part of any planning permission granted. The submitted LEMP sets out that suitable boxes for Redstart, which has been recorded along the northern boundary, along with nesting boxes for other species, will be installed on the site.

##### Bats

It has been confirmed that the Cottage on the development site has active bat roosts and these would be subject to loss as a result of the proposal. The Applicant would therefore be required to obtain a mitigation licence on receipt of any planning permission and prior to works commencing.

The application sets out that negligible potential for bats has been identified in buildings B1 – 18 and the Stable, and further surveys are therefore not required. However, Surrey Wildlife Trust recommend that a precautionary approach to works should be implemented given that bats are highly mobile and move roost sites frequently. Surrey Wildlife Trust has recommended measures which could be subject of a condition on any grant of permission.

With specific regard to lighting, Surrey Wildlife Trust has recommended the agreement of a Sensitive Lighting Management Plan prior to commencement of any development should permission be granted.

The submitted LEMP sets out that bat ridge tiles would be integrated into the building roof and bat boxes would be installed on mature trees in the vicinity to provide continued roosting opportunities.

#### Great Crested Newts (GCN)

Information has been submitted to identify the location of nearby ponds, location of reptile exclusion fencing and the potential movement of GCN locally. The application confirms that the fencing will not isolate the local pond network, GCN could be maintained at a favourable conservation status and habitat removal would ensure animals would be safeguarded.

Surrey Wildlife Trust consider that a risk to GCN still remains, given that there is not a complete evidence base on which to assess whether Reasonable Avoidance Measures under a Non-Licensed Method Statement would be acceptable, or if a licence would be required. However, Surrey Wildlife Trust is satisfied that a suitably qualified ecologist has provided justification for the conclusions set out. Furthermore, the Applicant's Ecologist has proposed a precautionary approach of undertaking eDNA surveys for GCN on the closest ponds in April 2023. Surrey Wildlife Trust is satisfied that, providing the CEMP (Biodiversity) document is amended prior to commencement of development, to include the revised proposed precautionary approach for GCN and results of the eDNA surveys, the proposal would be acceptable in this regard.

#### Reptiles

The application sets out that the site represents a 'key reptile site' given the presence of a low population of adder, common lizard, slow-worm, grass snake and sand lizard. Surrey Wildlife Trust consider that appropriate mitigation would be required to ensure adequate protection. It is acknowledged that concern has been raised by Amphibian and Reptile Conservation Trust in light of the exceptional importance for reptiles of the adjacent protected sites and, in order to ensure species are protected, Surrey Wildlife Trust recommend a detailed reptile mitigation strategy be agreed prior to commencement should permission be granted.

The LEMP sets out that hibernacula, typically consisting of piles of wood and rubble taken from the site construction areas, will be placed on the ground to naturalise and provide valuable habitat areas.

### Invasive non-native species

Surrey Wildlife Trust have advised the application should ensure they do not cause any invasive non-native species to spread as a result of the works associated with the development in order to comply with the relevant legislation. A condition is recommended in this regard.

Overall, subject to the imposition of conditions on any grant of permission, it is considered that the proposal would be acceptable in this regard.

### 10.17. Third Party representations

Officers note the comments received from third parties. These have been addressed in the above report and below:

- Officers consider that sufficient information was submitted to allow the determination of the application.
- The taking of photographs is not a planning matter, and would be a civil matter between parties.
- The removal of asbestos would be a matter for the developer, and it is in their interests to do this safely.
- The Council must determine applications on their merits.
- Disruption from construction is transitory.

### 11. Conclusion

The planning balance assessment concludes that the proposal is in accordance with the Development Plan, as such, planning permission is recommended for approval.

### Recommendation

#### RECOMMENDATION A

That, subject to the applicant entering into appropriate legal agreement within 6 months of the resolution to grant, to secure the implementation and future maintenance of the drainage facilities, and subject to the conditions listed below, permission be **GRANTED**

## **Conditions:**

### 1. Condition:

The plan numbers to which this permission relates are:

RD1760-Z0-P-L-100 REV 00 – Proposed site plan  
RD1760-Z1-P-A504 REV 00 – Plot 1 – section  
RD1760-Z1-P-A509 REV 00 – Plot 1 – diagrammatic 3 dimensional views  
RD1760-Z1-P-A505 REV 00 – Plot 1 south elevation/section  
RD1760-Z1-P-A506 REV 00 – Plot 1 – volumetric study seen from the south west  
RD1760-Z1-P-A507 REV 00 – Plot 1 - volumetric study seen from the south east  
RD1760-Z1 -P-A508 REV 00 – Plot 1 – diagrammatic 3 dimensional views  
RD1760-Z1-P-A103 REV 00 – Plot 1 – mezzanine floor plan  
RD1760-Z1-P-A102 REV 00 – Plot 1 - upper ground floor plan  
RD1760-Z1-P-A100 REV 00 – Plot 1 – lower ground floor plan  
RD1760-Z1-P-A101 REV 00 – Plot 1 ground floor plan  
RD1760-Z1-P-A503 REV 00 – Plot 1 – west elevation  
RD1760-Z1-P-A502 REV 00 – Plot 1 – north elevation  
RD1760-Z1-P-A500 REV 00 – Plot 1 – east elevation  
RD1760-Z1-P-A501 REV 00 – Plot 1 south elevation  
RD1760-Z3-P-A101 REV 00 – Plot 3 – upper ground floor plan  
RD1760-Z3-P-A100 REV 00 – Plot 3 - ground and lower ground floor plan  
RD1760-Z3-P-A102 REV 00 – Plot 3 – roof plan  
RD1760-Z3-P-A508 REV 00 – Plot 3 - ground level view from the south towards the entrance  
RD1760-Z3-P-A501 REV 00 – Plot 3 – south front elevation  
RD1760-Z3-P-A505 REV 00 – Plot 3 – volumetric study seen from the south east  
RD1760-Z3-P-L100 REV 00 – Plot 3 – general arrangement plan  
RD1760-Z3-P-L101 REV 00 – Plot 3 – general arrangement plan – wider site  
RD1760-Z3-P-A507 REV 00 - Plot 3 – aerial view from the south west  
RD1760-Z3-P-A500 REV 00 - Plot 3 – east elevation  
RD1760-Z3-P-A504 REV 00 - Plot 3 – aerial view from the south volumetric study  
RD1760-Z3-P-A502 REV 00 - Plot 3 – north elevation  
RD1760-Z3-P-A503 REV 00 – Plot 3 – west elevation  
RD1760-Z0-P-L100 REV 01 – Illustrative masterplan  
RD1760 -Z0-P-L103 REV 02 – Site location plan  
RD1760-Z1-P-L100 REV 02 – Plot 1 – general arrangement plan  
RD1760-Z0-P-L101 REV 01 – Existing site plan  
RD1760-Z0-P-L102 REV 01 – PDL and proposed development  
ITA111\_P02\_50 REV P1 – GARAGE ELEVATIONS  
ITA111\_P02\_12 REV P2 – PROPOSED HOUSE & GARAGE ROOF PLANS  
ITA111\_P02\_06 REV P3 – SITE PLAN & ROOF PLAN  
ITA111\_P02\_07 REV P2 – SITE SECTIONS  
ITA111\_P02\_10 REV P2 – PROPOSED HOUSE GROUND FLOOR PLAN  
ITA111\_P02\_11 REV P2 – PROPOSED HOUSE FIRST FLOOR PLAN  
ITA111\_P02\_15 REV P2 – PROPOSED HOUSE BASEMENT & GARAGE PLANS  
ITA111\_P02\_20 REV P2 – PROPOSED HOUSE ELEVATIONS, SHEET 1  
ITA111\_P02\_21 REV P2 – PROPOSED HOUSE ELEVATIONS, SHEET 2  
918 P001 – Location Plan – Plot 4

918 P107 – Proposed Roof Plan  
918 P105 – Proposed Lower Ground Floor Plan  
918 P102 – Proposed Site Plan  
918 P110 – Proposed North and South Elevations  
918 P106 – Proposed Ground Floor Plan  
918 P111 – proposed East and West Elevations  
GP/BH/05/14 – Existing Elevations Units 14 and 20  
GP/BH/03/14 – Existing Elevations Units 1-6  
GP/BH/07/14 - Existing Elevations Units 15, 16 and 17  
GP/BH/08/14 – Existing Elevations Units 18 and 19  
GP/BH/04/14 – Existing Elevations Units 7-10  
GP/BH/06/14 – Existing Elevations Units 11, 12 and 13  
GP/BH/01/14 – Existing Floor plans and elevations Stable block  
topo/BH/01/14 – Topographical survey

The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policies DM1 and DM4 of the Local Plan Part 2 (2023) and Policy TD1 of the Local Plan (Part 1) 2018.

2. Condition:

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

Reason:

In the interest of the character and amenity of the area in accordance with Policies DM1 and DM4 of the Local Plan Part 2 (2023) and Policy TD1 of the Local Plan (Part 1) 2018.

3. Condition:

Before any work begins (on Plot 2), the following details must be approved in writing by the local planning authority. The works must not be executed other than in complete accordance with these approved details:

- a. Drawings to a scale not smaller than 1:5 fully describing:
  - i. windows, external doors. These drawings must show:
    - materials
    - cross section of frame, transom, mullions, glazing bars, etc

- formation of openings including reveals, heads, sills, arches, lintels, dormer construction, etc
- method of opening
- method of glazing
- ii. Roof details including sections through: roof ridge, hips, valleys, eaves, verges
- iii. Chimneys
- b. Specification of brickwork including material, colour, texture, face bond, components of the mortar, and jointing/pointing profile.
- c. Samples or specifications of external materials and surface finishes.

Reason:

In the interest of the character and amenity of the area in accordance with Policies DM1 and DM4 of the Local Plan Part 2 (2023) and Policy TD1 of the Local Plan (Part 1) 2018.

4. Condition:

With regard to Plot 2, rainwater goods (including gutters, down pipes and hopperheads) shall be of cast iron, cast aluminium, or plastic formed in imitation of a cast iron pattern unless otherwise agreed in writing by the local planning authority.

Reason:

In the interest of the character and amenity of the area in accordance with Policies DM1 and DM4 of the Local Plan Part 2 (2023) and Policy TD1 of the Local Plan (Part 1) 2018.

5. Condition:

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

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and the NPPF 2021.

6. Condition:

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials



- (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway
  - (i) before and after construction condition surveys of the 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:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and the NPPF 2021.

7. Condition:

The development hereby approved shall not be occupied unless and until each of the proposed dwellings 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:

In recognition of Section 9 of the NPPF 2021 "Promoting Sustainable Transport" and in accordance with Policy ST1 of the Local Plan (Part 1) 2018.

8. Condition:

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority.

The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 4l/s for the 1 in 2-year rainfall event and 15.9l/s for the 1 in 100 year rainfall event (+CC allowance)

- b) 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.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- c) 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 from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- 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.

Reason:

To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

9. Condition:

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water 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), and confirm any defects have been rectified.

Reason:

To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.

10. Condition:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the Written Scheme of Investigation for an Archaeological Evaluation produced by Cotswold Archaeology and dated 10/6/2020 which has been submitted by the applicant and approved by the Planning Authority.

Reason:

To accord with Policies DM1 and DM25 of the Local Plan Part 2 (2023).

11. Condition:

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

Reason:

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

12. Condition:

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

Reason:

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

13. Condition:

No above ground development shall commence (excluding site clearance and demolition) until a scheme of climate change and sustainability measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard for the content of the Council's Climate Change and Sustainability SPD (2022). The approved scheme shall be implemented prior to first occupation of the development and thereafter retained.

Reason:

In the interests of achieving a high standard of sustainability in accordance with Policies CC1 and CC2 of the Local Plan (Part 1) 2018.

14. Condition:

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

a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF.

b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The scheme shall include

- (i) All works to be undertaken
- (ii) Proposed remediation objectives and remediation criteria
- (iii) Timetable of works
- (iv) Site management procedures

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Policy DM1 of the Local Plan Part 2 (2023).

15. Condition:

Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with condition 14 and shall be submitted to Local Planning authority for approval prior to occupation of the development.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Policy DM1 of the Local Plan Part 2 (2023).

16. Condition:

Following commencement of the development hereby approved, if unexpected contamination is found on site at any time, other than that identified in accordance with Condition 14, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The following shall be submitted and approved in writing by the Local Planning Authority prior to the recommencement of works:

- a) An investigation and risk assessment, undertaken in the manner set out in Condition 12 of this permission.
- b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 14.
- c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 14.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Policy DM1 of the Local Plan Part 2 (2023).

17. Condition:

Following the receipt of planning permission, the developer will be required to:

- Obtain a mitigation licence from Natural England prior to any works which may affect bats commencing.
- Undertake all the actions which will be detailed in the Method Statement which must support a mitigation licence.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

18. Condition:

Prior to the occupation of the first dwelling, a Sensitive Lighting Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the approved details.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

19. Condition:

In implementing this permission, the developer shall take action to ensure that development activities such as site clearance or the removal of dense vegetation are timed to avoid the bird nest season of early March to August inclusive. The applicant should take action to ensure that significant noise pollution be avoided during this period.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

20. Condition:

No development shall commence until a an appropriately detailed Construction Environmental Management Plan (CEMP), to include details of:

- a) Map showing the location of all of the ecological features
- b) Risk assessment of the potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protected fences, exclusion barriers and warning signs.

is submitted to and approved in writing by the LPA. The works shall be carried out in strict accordance with the approved detail.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

21. Condition:

No development shall commence until a an appropriately detailed landscape and ecological management plan (LEMP), to include details of:

- a) Description and evaluation of features to be managed
- b) The areas to be allocated as formal garden to each proposed dwelling and the areas which will be managed as for biodiversity enhancement and 'open space' (which should include the reptile receptor area) be clearly shown on a map
- c) Ecological trends and constraints on site that might influence management
- d) Aims and objectives of management
- e) Appropriate management options for achieving aims and objectives
- f) Prescriptions for management actions, together with a plan of management compartments
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
- h) Details of the body or organisation responsible for implementation of the plan
- i) Ongoing monitoring and remedial measures
- j) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
- k) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme
- l) The separate Outline Woodland Management Report should be appropriately referenced.

is submitted to and approved in writing by the LPA. The works shall be carried out in strict accordance with the approved detail.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

22. Condition:

Before work begins, cross sections/details indicating the proposed finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within protected zone around retained trees shall be submitted and approved in writing by the Local Planning Authority.

Reason:

In the interests of the protection of the rooting areas of trees in the interests of the visual amenity and character of the area in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policies DM1, DM4 and DM11 of the Local Plan Part 2 (2023).

23. Condition:

Prior to commencement of any works on site, details of any services to be provided or repaired including drains and soakaways, on or to the site, shall be submitted to and approved by the Local Planning Authority in writing and shall be carried out as shown. This requirement is in addition to any submission under the Building Regulations. Any amendments to be agreed with the Local Planning Authority in writing.

Reason:

In the interests of the protection of the rooting areas of trees in the interests of the visual amenity and character of the area in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policies DM1, DM4 and DM11 of the Local Plan Part 2 (2023).

24. Condition:

No development shall commence, including any site remediation or groundwork preparation, until a series of detailed, scaled Tree Protection Plans 'TPP's' for each phase of development and related Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the specification and location of exclusion fencing, ground protection and any development activity that may take place within the Root Protection Area of trees shown to scale on the TPP's including installation of

service routings. All works shall be carried out in strict accordance with the approved details.

Reason:

In the interests of the protection of the rooting areas of trees in the interests of the visual amenity and character of the area in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policies DM1, DM4 and DM11 of the Local Plan Part 2 (2023).

25. Condition:

a) No development, site remediation, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be undertaken in strict accordance with the approved details. The scheme shall include details of a pre-commencement meeting between the retained arboricultural consultant, local planning authority Tree Officer and personnel responsible for the implementation of the approved development and timings, frequency & methods of site visiting and an agreed reporting process to the Local Planning Authority.

b) This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during development.

Reason:

In the interests of the protection of the rooting areas of trees in the interests of the visual amenity and character of the area in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policies DM1, DM4 and DM11 of the Local Plan Part 2 (2023).

26. Condition:

Prior to the commencement of the development hereby permitted, a Woodland Management Plan, Arboriculture Impact Assessment, Arboriculture Method Statement and Tree Protection Plan must be submitted to Local Planning Authority for their prior approval. The Local Authority also require detail to include (a) Detail of soil grading and ground level change from the site into the Ancient Woodland and mitigation measures to reduce contamination, drainage and impact of urban activities upon it.

(b) Location of soil, material storage, mixing areas, construction access, porta cabins/porta loos and parking areas and method to prevent ground compaction and contamination

(c) Detail and implementation of a 15-year minimum Woodland management Plan subject of approval from the Forestry Commission



- (d) Design and method of Installation in accordance with manufacturers instruction of an appropriate no-dig driveway and sacrificial layer within proximity of Root Protection Areas of significant trees to be retained.
  - (e) Plan showing all Electricity, water, gas, cable, surface/suds, sewerage, foul water and other utility runs associated with this development
  - (f) Details of special foundation design from a structural engineer to ensure no potential direct and indirect damage of new surfaces and property construction would arise in the future from mature tree growth.
  - (g) Future site monitoring schedule by appointed Forestry expert of woodland management implementation
  - (h) Detail of reporting format by the appointed forester, to be submitted to Local Planning Authority for their prior approval
  - (i) The approved Forestry report to be submitted annually or as otherwise agreed by the Local Authority
- The development hereby permitted shall be carried out in accordance with the approved details.

Reason:

In the interests of the protection of the rooting areas of trees in the interests of the visual amenity and character of the area in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policies DM1, DM4 and DM11 of the Local Plan Part 2 (2023).

27. Condition:

No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Net Gain Monitoring and Management Plan covering a period of 30 years from commencement of development has been submitted to and approved in writing by the local planning authority. The Biodiversity Net Gain Monitoring and Management Plan shall include:

- a. Methods for delivering BNG
- b. Roles, responsibilities and competency requirements for delivery of BNG during and after construction
- c. Detail legal, financial and other resources required for delivery of BNG
- d. Description of the habitats to be managed
- e. Ecological trends and constraints on site that might influence management
- f. Clear timed and measurable objectives in the short, medium and long-terms for BNG detail objectives for all habitats (target conditions)and define key indicators to measure success
- g. Define appropriate management options and actions for achieving aims and objectives
- h. A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes

- i. Preparation of a work schedule
- j. Details for a formal review process when objectives are not fully reached
- k. Key milestones for reviewing the monitoring
- l. Establish a standard format for collection of monitoring data to make it repeatable and consistent including methods, frequency and timing
- m. Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site and
- n. Detail reporting procedures

The monitoring and associated reports shall be undertaken and provided to the LPA as a minimum in years 2,5,10,20 and 30 from commencement of the development.

Reason: To ensure the development delivers a minimum of 10% uplift in the sites biodiversity value in accordance with the policies of the Waverley Local Plan.

### **Informatives:**

1. Community Infrastructure Levy (CIL)- - The development hereby permitted is CIL liable. - - 'CIL Form 6: Commencement Notice' must be received by the Council prior to the commencement of development. Commencement of development is defined in Regulation 7 of the CIL Regulations 2010 (as amended).- - Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur surcharges.- - For further information see our webpages ([www.waverley.gov.uk/CIL](http://www.waverley.gov.uk/CIL)) or contact [CIL@waverley.gov.uk](mailto:CIL@waverley.gov.uk)
2. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. 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. 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.
6. With regard to Plot 2, the preferred new roof tiles will be of a warm orange-red. Initial brightness will be acceptable where the surface texture is predisposed to eventual weathering. If an instant weathered surface is sought, suitable reclaimed tiles are acceptable.
7. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
8. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £116.00 or a reduced rate of £34.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web

site.- - Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.- u0000

### **Recommendation B**

That, in the event that a Section 106 Agreement required by Recommendation A is not completed within 6 months of the date of the resolution to grant, permission be **REFUSED**.

The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of Paragraph 38 of the National Planning Policy Framework 2021.