

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

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

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

Introduction

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

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

Site Description

The application site sits within the southern part of Pathfield Close, a cul-de-sac of six bungalows. The site covers an area of approximately 1471m² and comprises two semi-detached bungalows, green semi-public area and access road. The road provides access to Numbers 1-4 Pathfield Close and unmarked parking spaces.

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

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

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

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

Proposal

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

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

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

Relevant Planning History

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

Relevant Planning Constraints

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

Development Plan Policies and Proposals

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

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

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

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

Other Guidance

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

Consultations and Parish Council Comments

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

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

Representations

None

Planning Considerations

Principle of Development

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

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

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

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

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

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

Housing Land Supply

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

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

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

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

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

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

Scale, Appearance and Layout

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

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

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

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

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

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

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

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

Housing Mix and Affordable Housing

Policy AHN1 of the Local Plan (Part 1) 2018 states that the Council will require a minimum provision of 30% affordable housing on all housing development sites where at least one of the following applies:

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

Size and design of the affordable homes

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

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

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

Impact on residential amenity

The NPPF, 2023 identifies that within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. These principles are supported by guidance contained in the Council's SPD for Residential Extensions.

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

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

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

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

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

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

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

Provision of amenity space and standard of accommodation

Policy TD1 of the Local Plan (Part 1) 2018 seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through the provision of appropriate private, communal and public amenity space, appropriate internal space standards for new dwellings, on site play-space provision, appropriate facilities for the storage of waste and private clothes drying facilities. Policy DM5 of the Local Plan (Part 2) 2023 says developments should meet, as a minimum, the DCLG's Technical Housing Standards – Nationally Described Space Standard (and/or subsequent revisions to this standard).

The Government Technical Housing standards – nationally described space standards (2015) requires dwellings to meet certain internal space standards in order to ensure that an appropriate internal standard of accommodation has been provided for future occupiers.

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

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

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

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

Impact on Trees, Landscaping and Ancient Woodland

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

The NPPF, 2023 states that planning permission should be refused for development resulting in the loss or deterioration of aged or veteran trees found outside Ancient Woodland, unless the need for, and benefits of, the development clearly outweigh the loss.

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

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

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

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

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

Impact on Highways and Parking

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

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

The NPPF, 2023 supports the adoption of local parking standards for both residential and non-residential development. The Council has adopted a Parking Guidelines Document which was prepared after the Surrey County Council Vehicular and Cycle Parking Guidance in January 2012. Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should have appropriate provision for car parking. Development proposals should comply with the appropriate guidance as set out within these documents.

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

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

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

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

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

Contaminated land

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

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

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

Refuse/recycling storage

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

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

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

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

Flooding and Drainage

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

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

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

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

- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) The development is appropriately flood resistant and resilient;
- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) Any residual risk can be safely managed; and
- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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

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

Biodiversity and compliance with Habitats and Species Regulations, 2017

The NPPF, 2023 requires that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Climate Change and Sustainability

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

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

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

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

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

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraph 38 of the NPPF, 2023. This included:

Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

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

Conclusion

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

Recommendation

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

1. Condition:

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

Reason:

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

2. Condition:

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

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

Reason:

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan (Part 1) 2018 and Policies DM1, DM4 and DM5 of the Local Plan (Part 2) 2023.

3. Condition:

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

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

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

Reason:

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and Policies DM1, DM4 and DM5 of the Local Plan (Part 2) 2023.

4. Condition:

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

Reason:

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

5. Condition:

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

Reason:

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

6. Condition:

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

Reason:

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

7. Condition:

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

Reason:

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

8. Condition:

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

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

Reason:

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

9. Condition:

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

Reason:

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

10. Condition:

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

Reason:

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

11. Condition:

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

Reason:

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

12. Condition:

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

Reason:

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

13. Condition:

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

Reason:

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

14. Condition:

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

Reason:

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

15. Condition:

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

Reason:

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policy NE2 of the Chiddingfold Neighbourhood Plan (2013-2032) and the National Planning Policy Framework, 2023.

16. Condition:

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

Reason:

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

17. Condition:

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

Reason:

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

18. Condition:

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

Reason:

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

19. Condition:

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

Reason:

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

20. Condition:

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

Reason:

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

Informatives:

1. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and

possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.

2. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £116.00 or a reduced rate of £34.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site. Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

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

5. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

6. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

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

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

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

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

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

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

13. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of Paragraph 38 of the National Planning Policy Framework, 2023.

