

WA/2023/02045 - Change of Use from Micro-Brewery (Use Class B2) to Mixed Use Micro-Brewery (Use Class B2) and sale of drink and food on the premises (Use Class E (b)), siting of storage container; installation of a 'stretch tent' and associated works. THE TAP ROOM, PIERREPONT HOME FARM, THE REEDS ROAD, FARNHAM, GU10 3BS

Applicant: The Countryside Regeneration Trust
Parish: Frensham
Ward: Western Commons
Grid Reference: E: 485964
N: 142289
Case Officer: Michael Eastham
Neighbour Notification Expiry Date: 20/10/2023
Extended Expiry Date: 10/05/2024

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

Site Description

The application site measures 0.09 hectares and is located to the south-east of The Reeds Road in Frensham. The site comprises two buildings, Buildings J and K, which comprise a micro-brewery and a tap room respectively. The two buildings were formerly a bull pen and farm blacksmiths and they form part of a complex of Grade II Listed Buildings at Pierrepont House Farm. The site is located within a wider agricultural holding, Pierrepont Farm estate, which extends to approximately 48 hectares and includes a dairy farm. The area is rural in character.

Proposal

Planning permission is sought for the change of use from a Micro-Brewery (Use Class B2) to mixed use as a Micro-Brewery (Use Class B2) and for the sale of drink and food in the Tap Room and the external dining areas on the premises (Use Class E (b)). Permission is also sought for the installation of insulation to the underside of the roof in Building K; the siting of a storage container set into the existing earth bank to the rear of the buildings, approximately 18.3m² of bank would be removed in order to facilitate the positioning of the storage container; the installation of a covered outdoor seating area comprising a 'stretch tent' measuring 12 metres x 4 metres mainly for use during the winter months located to the front of Buildings J and K; the provision of a mobile food truck parking area; parking for 20 bicycles; and 8 car parking spaces, including 3 staff parking spaces. The existing storage container would be removed from the site.

Relevant Planning History

WA/2024/00612 - Installation of a replacement package treatment plant and associated works. Pending determination.

WA/2023/02046 - Listed building consent for installation of roof insulation on Building K, Pierrepont House Farm. Consent granted on 8th April 2024.

WA/2019/1560 – Erection of shed and cold store together with alterations to wall to provide gate for pedestrian access. Granted on 4th November 2019.

WA/2016/1882 – Change of use of Buildings J and K to a micro-brewery (Use Class B2) at Buildings J and K, Pierrepont House Farm. Granted on 17th November 2016.

WA/2016/0770 – Application under Section 73 to remove Condition 7 of WA/2015/1988 (operating hours). Refused on 7th June 2016.

WA/2015/1989 – Listed Building Consent for the erection of an in-fill extension and alterations following the demolition of lean-to structures. Listed Building Consent granted on 9th December 2015.

WA/2015/1988 – Change of use to B1(a), B1(c) and B8, erection of in-fill extension and alterations following the demolition of lean-to structures. Full permission granted on 9th December 2015.

WA/2013/1475 – Change of use of milking parlour to a micro-brewery together with alterations (as amplified by letter received 22nd October 2013 and email received on 17th December 2014). Granted on 20th February 2014.

Relevant Planning Constraints

- Green Belt – outside any settlement
- Surrey Hills Area of Outstanding Natural Beauty (AONB)
- Area of Great Landscape Value (AGLV)
- Grade II Listed Buildings
- Article 4 Direction (covers a large area bounded by the Reeds to the north).
- Bridleway (513) King Alfred's Way cycle route
- Ancient Woodland 500 metre buffer
- Wealden Heaths II Special Protection Area (SPA) 5km Buffer Zone
- Wealden Heaths I SPA 400m Buffer Zone
- Wealden Heaths I SAC 2km Buffer Zone
- Flood Zones 2 and 3

Development Plan Policies and Proposals

Waverley Borough Local Plan (Part 1) 2018: Strategic Policies and Sites - Policies SP1, SP2, ST1, EE1, RE2, RE3, TD1, HA1, NE1, NE2, NE3, CC1, CC2, CC4.

Waverley Borough Local Plan (Part 2) 2023: Site Allocations and Development Management Policies – Policies DM1, DM2, DM3, DM4, DM5, DM6, DM7, DM9, DM11, DM15, DM20, DM32.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 has been updated by the Levelling Up and Regeneration Act 2023 – now refers to Section 38(5B) of the Planning and Compulsory Purchase Act 2004 which requires all applications for planning permission to be determined in accordance with the Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise. The Local Plan (Part 1) 2018 and the Local Plan (Part 2) 2023 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)
- Surrey Hills Management Plan (2014-2019)
- Employment Land Review (2016)
- Council’s Economic Strategy (2015-2020)

Consultations and Parish Council Comments

County Highway Authority	No objection
Surrey County Rights of Way Officer	Public Bridleway 513 crosses the site. It is an offence to obstruct or divert the route of a right of way unless carried out in accordance with appropriate legislation.
Frensham Parish Council	Object. Should adhere to WA/2013/1475. Lack of detail on storage area/bund. Lack of detail on proposed car parking area. Survey required confirming no tree removal. See Forestry Commission comment on trees See Rights of Way Officer’s comment. Restrict hours in AONB and Green Belt.
Tilford Parish Council	Object Proposal is inappropriate in rural location. Adverse effect on businesses and residents. Residents affected by anti-social behaviour. Proposed operating hours unacceptable. Consider impact on wildlife and dark skies.
AONB Planning Advisor	No objection subject to conditions including a 3 year temporary permission in order for

the Planning Authority to assess in practice any impact upon this nationally protected landscape.

Surrey Wildlife Trust	No objection subject to conditions.
Natural England	No objection. Natural England considers that the proposal would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Forestry Commission	Ancient woodlands are irreplaceable habitats. Existing trees should be retained wherever possible.
Council's Tree Officer	No objection subject to conditions.
Environmental Health Officer	No objection subject to conditions.
Council's Historic Buildings Officer	No objection subject to conditions.
CPRE Surrey	Object. Proposal is harmful to Green Belt. Detrimental to character/beauty of AONB. Loss of neighbouring amenities. Contrary to Development Plan and NPPF.

Representations

Thirty-eight letters of representation have been received from local residents and from the East Millbridge Sustainable Development Association (EMSDA) objecting on the following grounds:

- Application is at odds with small scale artisan businesses that operate at Farm.
- Increased noise, lights, traffic would have harmful urbanising impact on AONB.
- A permanent food truck and stretch tent would result in material harm to AONB.
- Proposal for 7 days a week, late night opening result in anti-social behaviour.
- Proposal would have a detrimental on neighbouring residential amenity.
- The hours of operation should comply with rest of The Old Dairy: 8am-8pm Monday – Saturday and no bank holidays.
- Licensing committee granted license knowing anti-social incidents would occur.

- It should be in essence a weekend bar and tap room business, serving drinks and food, closing at the latest at 9PM (as its Licence reflects), and not also an all-day café.
- Restrict use of hard standing and stretch tent to no more than 28 days a year.
- Proposed storage and parking area would damage trees and disturb tree roots.
- Insufficient parking proposed for the mixed-use development.
- Current number of cars on lane is hazardous to pedestrians and cyclists.
- Single track road is unsuitable for the mixed-use development.
- Junction of single-track lane and The Reeds Road has limited visibility.
- Detrimental impact on the wildlife in the area.
- Septic tank overflows to meadow and cannot accommodate development.

Three letters of representation has been received from a furniture maker based in a unit at Pierrepont Home Farm and local residents in support of the planning application on the following grounds:

- Application regularises existing uses, which are enjoyed by large number of people.
- Use of container instead of white cooler units would be more attractive.
- The container being partially buried and situated behind the buildings.
- Use of stretch tent would be less intrusive and more elegant than previous marquees.
- Frensham Brewing have worked hard since taking on the business several months ago.
- Frensham Brewing offer a variety of food/drink which is popular with customers.
- Noticeable change in clientele which is now largely made up of family groups in search of a pleasant afternoon out or a meal.
- Frensham Brewing should be commended for what they have achieved to date.

Planning Considerations

Principle of development

The site is located within the Green Belt, where there is a presumption against inappropriate development. The site is also located within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV), where policies seek to preserve or enhance the existing landscape character. The site also lies adjacent to designated heritage assets and the Local Planning Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.

The planning history is a material consideration in the assessment of this current application. Permission was granted under WA/2015/1988 for the change of use of the site and the surrounding buildings to Class B1(a). B1(c) and B8 with alterations and an infill extension between the two buildings. Listed Building Consent was granted under WA/2915/1989 for alterations to the buildings in relation to WA/2015/1988. A micro-brewery was originally established in the former milking parlour following the granting of WA/2013/1475 on 20th February 2014. The former milking parlour forms part of the wider complex of buildings at Pierrepont Home Farm and it is approximately 35 metres from the application site.

The principle of developing a micro-brewery (Use Class B2) in Buildings J and K was established with the granting of planning permission (WA/2016/1882) on 17th November 2016. This permission has been implemented and the micro-brewery has moved from the former milking parlour to Building J. The current proposal (WA/2023/02045) is for the change of use of Buildings J and K from a micro-brewery (Use Class B2) to mixed-use micro-brewery (Use Class B2) in Building J and for the sale of drink and food in Building K (Use Class E (b)).

This retrospective application seeks to regularise the planning for the serving of food and drink at the Micro-brewery and the Tap Room in line with the existing licence.

A separate application for listed building consent (WA/2023/02046) has been submitted for the installation of roof insulation in Building K.

Location of development

The site's location is somewhat rural and isolated from existing built form and settlements. The proposed mixed-use development would require vehicle movements to and from the site.

The site lies within a rural area wherein opportunities for travel by public transport are limited. The NPPF outlines that there are three dimensions to sustainable development, notably economic, social and environmental. Officers agree with this and that sustainable development is not just about transport and location. Paragraph 88 of the NPPF, 2023 outlines that planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

- b) The development and diversification of agricultural and other land-based rural businesses;
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy EE1 of the Local Plan (Part 1) states: “the provision of development for economic growth to meet the needs of the economy will be delivered through promoting well designed buildings for economic development and promoting the development and diversification of agricultural and other land based rural businesses.”

Policy DM32 of the Local Plan (Part 2) states: “measures which promote tourism, including recreation based rural diversification, will be encouraged. Support will be given to proposals which develop opportunities associated with rural diversification, rural development initiatives and sustainable tourism, particularly where they assist farm diversification projects, benefit the local economy, or enable the retention of buildings contributing to the character of the countryside.”

The proposed mixed-use development involves temporary additions to Buildings J and K, and their curtilages to enable a wider offer of food and drink for consumption on the site in addition to the micro-brewery.

It is acknowledged that the proposed mixed-use development at Buildings J and K at Pierrepont Home Farm would be car reliant and result in use of cars to visit the site. This in itself is not considered to result in the proposal being unsustainable, due to the wider likely benefits that the proposal brings, namely the provision and retention of small-scale employment and enterprise. The proposed mixed-use micro-brewery serving food and drink would contribute to operations of the wider agricultural holding. The proposed mixed-use of Buildings J and K would therefore support a prosperous rural economy.

Overall, taking into consideration the details of the proposal, and the benefits to the rural economy, officers raise no objection to the site’s rural location with regard to the proposed mixed-use development. It is considered that the proposed mixed-use development complies with Policy EE1 of the Local Plan (Part 1) 2018, Policy DM32 of the Local Plan (Part 2) 2023 and the NPPF, 2023.

Lawful use of the site

The lawful use of the application site that is subject to the current planning application is an existing micro-brewery business (Class B2) which operates at Buildings J and K at Pierrepont Home Farm, with the benefit of planning permission since 2016.

The site is located within a wider agricultural holding, which main operation comprises dairy activities. There would be no physical interaction between the proposed mixed use micro-brewery (Building J) and food outlet in the Tap Room (Building K) and the dairy operations at Pierrepont Home Farm. The proposal would not result in the

fragmentation of agricultural or horticultural holdings and would not undermine the economic viability of the holding.

Impact on the Green Belt

The site is located within the Green Belt outside any defined settlement boundary.

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 154 and 155 of the NPPF, 2023.

Paragraph 155 of the NPPF, 2023 sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it, these are:

- Mineral extraction;
- Engineering operations;
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction;
- Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The NPPF states that in promoting a strong rural economy, local plans should support the conversion of existing buildings within rural areas.

Local Planning Authorities are required to give substantial weight to any harm which might be caused to the Green Belt by inappropriate development. Development which can be considered to be acceptable in the Green Belt includes: “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building” (paragraph 154c of the NPPF, 2023).

Paragraph 155 of the NPPF, 2023 goes on to state that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include “the re-use of buildings provided that the buildings are of permanent and substantial construction” (paragraph 155d of the NPPF, 2023).

The structural integrity of Buildings J and K was examined under WA/2015/1988 which was accompanied by a Structural Engineers Report dated 12th November 2015, which was assessed by the Council’s Building Control Service which was satisfied that the buildings were of substantial construction. The two buildings retain the appearance of a small cluster of farm buildings, which once formed part of a wider farm complex. The proposed mixed-use development would not result in a material alteration to the buildings granted under WA/2015/1988 and WA/2016/1882.

The application seeks mixed-use development of the site as a micro-brewery and the sale of food, which is considered to be capable of operating from within Buildings J and K. As such, it is considered that the proposed mixed use of Buildings J and K as a micro-brewery and for the sale of food and drink would not adversely affect the rural character or amenities of the area.

It is proposed that Building J would continue to be used for brewing and Building K to house beer for sale to the public, distribution, storage and for administration; and for the serving of food and drink to customers. The sale of food and drink on site is considered to be ancillary to the primary use of the premises as a micro-brewery. It is considered that the sale of food and drink on site would not prejudice the vitality of nearby settlements.

The micro-brewery currently operates in Building J and the introduction of a mixed-use including the production and sale of beer and the serving of food and drink from Building K would not result in an increase in traffic to the site.

The proposed mixed use for a micro-brewery and the serving of food would not conflict with the purposes of the Green Belt set out at paragraph 143 of the NPPF, 2023, and the development as a whole would, when compared to the existing situation, preserve openness. It would therefore amount to appropriate development in the Green Belt as per paragraphs 154 and 155 of the NPPF, 2023. Officers consider that the proposal does represent the provision of appropriate facilities for a mixed-use micro-brewery and the serving of food and drink would therefore be an appropriate form of development in the Green Belt. Buildings J and K are well screened from view by the existing farm buildings at Pierrepont Home Farm. Consequently, the proposed mixed-use development would not impact on the openness of the Green Belt and the mixed-use development would be acceptable. The re-use of buildings in the Green Belt is acceptable, subject to them being of a permanent and substantial construction. Buildings J and K appear to be both permanent and of substantial construction. This element of the proposal would be seen to be an appropriate form of Green Belt development.

The proposal would therefore comply with Policy RE2 of the Local Plan (Part 1) 2018, Policy DM14 of the Local Plan (Part 2) and the NPPF, 2023.

Design and impact on visual amenity, AONB and the AGLV

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.”

The site is located within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (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 same principles for protecting the AONB will apply in the AGLV which will be retained for its own sake and as a buffer to the AONB, until there is a review of the Surrey Hills AONB boundary, whilst*

recognising that the protection of the AGLV is commensurate with its status as a local landscape designation.”

Policy 6 of the AONB Management Plan says: *“Development that would spoil the setting of the AONB by harming public views into or from the AONB will be resisted.”* The latter part of the section of Policy RE3 of the Local Plan (Part 1) covering the AONB states much the same about protecting the setting of the AONB as Policy 6 of the AONB Management Plan.

Policy RT1 of the Surrey Hills AONB Management Plan states: *“Visitors and facilities that enhance people’s enjoyment and understanding of the Surrey Hills will be encouraged, whilst conserving or enhancing the landscape character and biodiversity”*. It is understood that many walkers and cyclists using authorised long-distance routes through the site, visit the gastro pub. It can be imagined they very much welcome its presence and gain considerable enjoyment. Exercising and enjoying the countryside has increasingly been recognised to promote the public's health and wellbeing.

The LPA’s decision should be guided by paragraph 182 of the NPPF, 2023 which gives the highest status of protection for the ‘landscape and scenic beauty’ of AONBs and National Parks. For major development proposals, paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

This would be a new pub in the Surrey Hills AONB interestingly associated with a microbrewery and selling its local produce. The premises are small and make use of a redundant farm building assisting in farm diversification.

The proposed mixed-use development would not result in external alterations to Buildings J and K above those previously permitted under WA/2015/1988 and WA/2015/1989. Buildings J and K are relatively low-profile and they are well screened from view by the adjacent farm buildings and the proposed mixed-use development would not be harmful to the character of the AONB and the AGLV.

The AONB Planning Adviser requested that the proposed use be effectively controlled by stringent planning conditions and a 3 year’ temporary permission. The restrictions should cover limiting the hours of operation in the evenings; having no music or amplified sound to be played outside, or in the covered outdoor seating area comprising a ‘stretch tent’ located to the front of Buildings J and K; and no parties or functions outside the hours of operation. The storage container should be removed within 2 years. The 3 year’ temporary permission would be to demonstrate the use could be effectively carried out without disturbance and noise especially in the evenings so the Local Planning Authority can review the experience of the use and any representations of local residents and amenity groups in considering towards the end of the 3 year period a permanent permission with the conditions.

Officers consider that the proposed mixed-use development would not result in external alterations to Buildings J and K above those previously permitted under WA/2015/1988 and WA/2015/1989. Buildings J and K are relatively low-profile and they are well screened from view by the adjacent farm buildings and the proposed

mixed-use development would not be harmful to the character of the AONB and the AGLV; and that this retrospective application seeks to regularise the planning for the serving of food and drink at the Micro-brewery and the Tap Room in line with the existing licence. As such, there is no need for a 3-year temporary permission for a change of use.

The proposed conditions limiting the hours of operation in the evenings; having no music or amplified sound to be played outside, or in the covered outdoor seating area comprising a 'stretch tent' located to the front of Buildings J and K; and no parties or functions outside the hours of operation are considered to be sufficient and they would meet the 6 tests of imposing conditions as set out in the NPPF, 2023. A lighting condition is also considered to be reasonable and necessary due to the site's location within the Surrey Hills AONB and the AGLV. Officers considered that conditions would control the level of noise and late night activity and therefore there is no planning reason to grant a permission for a temporary period.

Overall, officers are satisfied that the proposed mixed-use development would not result in a harmful impact on the landscape. The impact on the intrinsic character and beauty of the countryside is considered to be acceptable subject to conditions. As such, subject to conditions, the proposed mixed-use development complies with Policies TD1 and RE3 of the Local Plan (Part 1) 2018, Policy DM4 of the Local Plan (Part 2) 2023 and the NPPF, 2023.

Impact on Designated Heritage Assets

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

Policy HA1 of the Local Plan: Part 1 states "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 by safeguarding all heritage assets."

Paragraph 200 of the NPPF, 2023 states that "Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

Paragraph 201 of the NPPF, 2023 states that "Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The NPPF defines “significance” as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

Paragraph 203 of the NPPF, 2023 states that “In determining planning applications, Local Planning Authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.”

Paragraph 205 of the NPPF, 2023 states “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 207 of the NPPF, 2023 states: “where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.”

Paragraph 208 of the NPPF, 2023 states: “Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” The National Planning Practice Guidance (NPPG) provides guidance under the Section titled “Conserving and Enhancing the Historic Environment”. Whilst not a policy document, it does provide further general advice to policies in the NPPF, 2023.

Following on from the decision of the High Court in Barnwell Manor Wind Energy, the Decision Maker should give considerable importance and weight to the setting of the Listed Building. If the harm is found to be less than substantial, it does not follow that the Section 66 duty can be ignored, although this would lessen the strength of the presumption against the grant of planning permission.

Pursuant to the decision of the Court of Appeal in Forge Field Society, the finding of harm to the setting of a Listed Building or a Conservation Area gives rise to a strong presumption against planning permission being granted. If harm is identified then the decision maker should acknowledge that there is a presumption against permission.

Pierrepoint Farm comprises a range of Grade II Listed former farm buildings, including Buildings J and K, that have been renovated and now accommodate a number of artisan businesses. The listed buildings form a loose courtyard farmstead with an 18th century threshing barn, farmhouse and cottages which was then developed in the 19th century to include a milking parlour, bull pen, cow byre and blacksmiths. They are all built in local vernacular materials of bargate stone rubble, red brick, ironstone rubble and weatherboarding. The complex of buildings illustrate the differing spatial arrangements of contemporary farms and how the running of this farm may have been undertaken. The Tap Room consists of the former blacksmiths, the former bull pen and the cow byre, which are 19th century elements which illustrate how the farm evolved over time.

The significance of the Listed Buildings on the site lies in their collective form as an important complex of buildings that illustrate the differing spatial arrangements of contemporary farms and how the running of Pierrepoint Home Farm may have been undertaken. The survival of much of the historic fabric of these buildings forms a large part of their significance.

The Council's Historic Buildings Officer considered that the proposed storage container would not be particularly attractive visually however, the applicant has minimised the harm through the choice of location which means the storage container would be obscured from the main public areas and screened by the existing topography and mature trees. The Council's Historic Buildings Officer has requested a condition requiring the storage container to be removed once its use is no longer required and the land put back to how it was.

The size and siting of the proposed 'stretch tent' would obscure views of the listed building, however, as a temporary structure this is not irreversible and it would not remove the ability to appreciate the building as part of a farmstead. However, the Council's Historic Buildings Officer concludes that the proposal would result in no harm to the heritage assets.

As such, subject to conditions, the proposed mixed-use development is considered to be acceptable and complies with Policy HA1 of the Local Plan (Part 1) 2018, Policy DM20 of the Local Plan (Part 2) 2023, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, 2023.

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. Policies DM1, DM4 and DM5 of the Local Plan (Part 2) 2023 are also applicable.

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.

The nearest neighbouring dwellings to the site are a pair of cottages within the building complex to the south-west, also within the applicant's ownership. The next nearest dwellings are approximately 290 metres on foot to the south-west.

The applicant is requesting that the Tap Room be open in Building K for the serving of food and drink from 8.00am to 11.00pm Monday to Friday; 8.00am to 12.00pm on Saturdays; and 8.00am to 10.00pm on Sundays. If these hours were permitted, staff would arrive before 8.00am and leave after midnight on weekends & after 11.00pm on weeknights. The microbrewery will be a 7 days' a week business.

WA/2015/1988 gave permission for change of use for the whole site from agricultural to commercial but with the condition of operating hours. CRT attempted to remove this condition but that was refused in WA/2016/0700. Then in WA/ 2016/1882 permission was granted for buildings J and K "for a microbrewery and for no other purpose" but without any condition as to hours. It is considered that this superseded WA/2015/1988 in relation to buildings J and K. In the course of the officer's report, the imposition of a condition on operating hours was considered and rejected.

The Licensing Permission granted in April 2023 is proving detrimental to the amenity of residents and users of the Farm and surrounding countryside. In cases where licensing and planning decisions differ, the more restrictive provisions will take precedence.

All of the other existing planning permissions at the farm complex stipulate operating hours finishing at 8.00pm Monday to Saturday and not on Sundays or Bank Holidays so as to protect the AONB and the amenities of neighbouring properties. It is considered that this mixed-use development including the serving of food and drink both indoors and outdoors should have the same operating hours all of the other businesses on at Pierrepont Home Farm from Monday to Saturday. However, it is considered appropriate to allow the serving of food and drink on a Sunday which could be a peak time especially for walkers and cyclists. As such, it is recommended that the hours imposed by condition are 8:00am-8:00pm Monday to Sunday (excluding Bank Holiday), so as to safeguard neighbouring residential amenity in accordance with Policy DM1 of the Local Plan (Part 2) 2023, the NPPF, 2023 and the Licence which states clearly in the Licensing Conditions that 'the general opening hours shall be to 19.00/20.00 hours.'

If permission is to be granted to allow for use other than that of a micro-brewery with ancillary sale of the beer brewed on site, there should be no provision for private parties or other events outside the hours of operation imposed by condition to ensure that there is no unreasonable disturbance to neighbouring residential amenity.

The Council's Environmental Health Officer commented that the applicant will need to demonstrate the ability to control noise at and from the premises. The Environmental Health Officer has recommended conditions relating to noise levels; the need to submit a noise management plan; and that no amplified music is to be played outside or in the covered outdoor seating area in front of Buildings J and K; all of which are considered to be acceptable and meet the six tests of applying conditions as set out in the NPPF, 2023.

Overall, it is considered that the proposed mixed-use development, subject to conditions, would not cause material harm to neighbouring amenity and would comply 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 Ancient Woodland

Ancient Woodland exists within 15 metres of the mixed-use development but the Council's Tree Officer does not envisage the mixed-use development would directly affect the woodland. Tree protection measures would be required along the sites northern boundary to eliminate stray equipment, material storage or other unauthorised access associated with this construction into the Ancient Woodland and this should be conditioned.

The Council's Tree Officer has recommended a condition requiring the submission of a Landscape and Environmental Management Plan (LEMP) with mitigation measures, which is considered to be acceptable and meet the 6 tests as set out in the NPPF, 2023.

Natural England and the Forestry Commission have been consulted on this application and have advised that standing advice with regard to Ancient Woodland should be followed, this includes maintaining a minimum 15 metre buffer zone between development and Ancient Woodland.

As such, subject to conditions, the proposed mixed-use development complies with Policy NE2 of the Local Plan (Part 1) 2018, Policy DM11 of the Local Plan (Part 2) 2023 and the NPPF, 2023, in terms of tree protection.

Impact on Highways, Access and Parking

Policy ST1 of the Local Plan (Part 1) 2018 states that the Council will work in partnership with Surrey County Council to ensure development schemes make appropriate provision for parking and maximise sustainable modes of transport.

Vehicular access to the site and to the existing micro-brewery buildings is taken from The Reeds Road which is a private road and does not form part of the public highway, therefore it falls outside the County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed mixed-use development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.

The proposed mixed-use development appears to result in a change to the layout of the site, including the creation of a further area of car parking within an area shown as deciduous woodland Habitat of Principal Importance.

The application has been amended, by removing the proposed additional area of car parking within the deciduous woodland immediately behind the micro-brewery, as there is no real need for the additional parking. The existing parking provision on site works perfectly well for the proposed mixed-use. The proposed mixed-use

development would provide 8 existing car parking spaces, including 3 staff parking spaces, whilst providing 74m² of employment space.

This works out as 1 space per 5.2m² of employment space, which exceeds the Council's Parking Guidelines (2013) which indicate that 1 space should be provided per 500m² with a minimum of two spaces. However, Officers consider that the proposal comprises sufficient spaces for customers to Building K (The Tap Room). The proposed mixed-use development includes the provision of parking for 20 bicycles which is acceptable as the site is located on a bridleway (the King Alfred's Way cycle route) which is a popular cycle route.

Overall, the proposal would provide safe access to the site and would not cause harm to highway safety; and the parking provision complies in general with the Council's parking guidelines. As such, the proposed mixed-use development is considered to comply with Policy ST1 of the Local Plan (Part 1) 2018, Policy DM9 of the Local Plan (Part 2) 2023, the Council's Parking Guidelines (2013) and the NPPF, 2023.

Flood Risk and Foul Drainage

The NPPF, 2023 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. 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, it should be made safe without increasing flood risk elsewhere.

Development should only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exceptions Test, it can be demonstrated that:

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

Whilst the site is within Flood Zones 2 and 3, 'general industry' is classified as 'less vulnerable' in the NPPG Flood Risk Vulnerability Classification. It is therefore considered the proposed mixed-use development is appropriate.

Furthermore, the NPPG states that the Sequential and Exceptions Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.

As such, the proposed mixed-use development complies with the NPPF in terms of flood risk.

There is an existing foul drainage system, in terms of a septic tank that is in place and which serves the users of the former farm buildings at Pierrepont Home Farm.

Biodiversity and compliance with Habitats and Species Regulations 2017

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) 2023 sets out that development should avoid negative impacts upon biodiversity.

Further, 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 submitted biodiversity checklist and the additional letter from the applicant (ref. 978 13 LMS MAG) dated 11th September 2023 identify that the site has features favourable to bats. The proposal seeks change of the use of the land only and does not incorporate operational development. As such, it is considered that the change of use of the land would not result in material harm to biodiversity.

The Surrey Wildlife Trust was consulted and recommended that the applicant submitted an assessment of the potential impact of the proposed development on reptiles; an impact assessment for the proposed works and mitigation strategy for the adjacent ancient woodland; and an impact assessment for the proposed works and mitigation strategy for the lowland mixed deciduous woodland, prior to determination of the current planning application. ESL Ecological Services submitted a letter (Ref. DH/ES/146/L042.24) dated 12th March 2024 on behalf of the applicant in response to Surrey Wildlife Trust’s recommendations.

Prior to commencement, details of how the floodplain grazing marsh would be adequately protected from development should be submitted by means of a condition. The applicant should be required to implement the development in accordance with an appropriately detailed CEMP. The Surrey Wildlife Trust recommended that the development should incorporate the provision of bird and bat boxes erected on the buildings or nearby trees by means of a condition; and that an informative should be added to remind the applicant that protected species may present and that works should stop should they be found during the course of the works; both of which are considered to be acceptable.

Overall, it has been demonstrated that the proposal would not cause harm to protected species. As such, subject to conditions, it is considered that the proposed mixed-use development complies with Policy NE1 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023 and the NPPF, 2023, in terms of habitat protection and biodiversity enhancement.

Effect upon the Wealden Heaths Phase I Special Protection Area (SPA)

The site is within the 400 metres buffer zone of the Wealden Heaths Phase I Special Protection Area (SPA). As the proposal is for the proposed mixed-use of the micro-brewery and for the serving of food and drink on the premises, it is not likely to result in a significant increase in the number of people permanently residing on the site and therefore would not have a likely significant effect on the integrity of the Wealden Heaths Phase I SPA in accordance with Policy NE3 of the Local Plan (Part 1) 2013. As such an Appropriate Assessment under Regulation 63 of the Conservation of

Habitats and Species Regulations 2017 is not required. In drawing this conclusion regard has been had to guidance provided to the Council by Natural England.

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 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 DM2 of Local Plan (Part 2) 2023 seeks to improve energy efficiency and reduce carbon emissions in the Borough.

The Planning, Design and Access Statement and Drawing No. 978-13_PL_GA01 Rev. A – 'Proposed Plans and Elevations' include the provision of an air source pump which would be attached to the storage container, which would be located to the rear of Buildings J and K.

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

Crime and Disorder

Section 17(1) of the Crime and Disorder Act, 1998 places a duty to consider crime and disorder implications on local authorities. In exercising its various functions, each authority should have due regard to the likely effect of those functions on and the need to do all that it can to prevent crime and disorder in its area. This requirement is reflected in the NPPF, which states that planning policies and decisions should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Given the scale and nature of the proposed mixed-use development in Buildings J and K it is considered that the proposal would not lead to crime and disorder in the local community and it would accord with the requirements of the NPPF, 2023.

Environmental Impact Regulations 2017

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

Other Matters

Frensham Parish Council has commented that the brewery development should remain as granted by WA/2013/1475. A micro-brewery was originally established in the former milking parlour following the granting of WA/2013/1475 on 20th February 2014. The former milking parlour forms part of the wider complex of buildings at Pierrepont Home Farm and it is approximately 35 metres from the application site. The principle of developing a micro-brewery (Use Class B2) in Buildings J and K was established with the granting of planning permission (WA/2016/1882) on 17th November 2016. This permission has been implemented and the micro-brewery has moved from the former milking parlour to Building J.

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. 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 officers have not identified harm to the countryside with the existing use of Building J as a micro-brewery and Building K as a retail outlet for the sale of the beer; or the proposal to serve food and drink in Building K at Pierrepont Home Farm. The Officers recommend conditions limiting the hours of operation in the evenings; having no music or amplified sound played outside, or in the covered outdoor seating area comprising a 'stretch tent' located to the front of Buildings J and K; and no parties or functions outside the hours of operation; and the storage container should be removed when no longer in use.

The proposed mixed-use development would be appropriate to its surroundings on Pierrepont Home Farm and would be compatible with surrounding area subject to conditions. The proposed change of use would not result in harm to the character of the Grade II Listed Buildings. There would be no adverse impacts on neighbouring amenities, subject to conditions restricting the hours of opening for the serving of food and drink on the premises.

It is acknowledged that employees and customers travelling to and from the site are and will be car reliant, however, the number of employees would not be at a significant number and although this is a negative aspect with the proposal, it is not considered, in itself to warrant objection to the overall scheme. The proposal would provide a source of employment and would make a positive contribution toward the rural economy, which the Development Plan and the National Planning Policy Framework seek to encourage.

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

Recommendation

That permission be GRANTED subject to the following conditions:

1. Condition:

The storage container hereby approved and identified on Drawing No. 978-13_PL_SP01 Rev. A – ‘Proposed Site Plan’ which is to be sited at the rear of the Tap Room, should be removed from the site when no longer in use.

Reason:

To protect the visual amenity and character of the AONB, the amenity of nearby residential properties, in accordance with Policy RE3 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023 and the National Planning Policy Framework, 2023.

2. Condition:

Within three months of the date of this permission, the existing storage container which is parked by the fence near the Tap Room should be removed from the site.

Reason:

To protect the visual amenity and character of the AONB, the amenity of nearby residential properties, in accordance with Policy RE3 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023 and the National Planning Policy Framework, 2023.

3. Condition:

The ‘stretch tent’ hereby permitted, located on the hardstanding in front of Buildings J and K shall not be erected or be retained on site between the months of April to October.

Reason:

In the interests of the character and amenity of the area, to protect the amenity of nearby residential properties, in accordance with Policy DM1 of the Local Plan (Part 2) 2023 and the National Planning Policy Framework, 2023.

4. Condition:

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

Drawing No. 978-13_PL_LP01 Rev. A – Location Plan
Drawing No. 978-13_PL_GA02 – Existing Plans and Elevations
Drawing No. 978-13_PL_SP02 Rev. A – Existing Site Plan
Drawing No. 978-13_PL_GA01 Rev. A – Proposed Plans and Elevations
Drawing No. 978-13_PL_SP01 Rev. A – Proposed Site Plan
Drawing No. 978-13_PL_DD01 Rev. A – Proposed roof insulation

Reason:

In order that the development hereby permitted shall be 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.

5. Condition:

The premises shall be used for a micro-brewery (Use Class B2) and for the sale of drink and food on the premises (Use Class E(b)) and for no other purpose (including any other purpose in Class B2 or Class E as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to Class B2 or Class E in any statutory instrument revoking and re-enacting that order with or without modification.

Reason:

In the interests 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.

6. Condition:

Within one month of the date of this permission, a Sensitive Lighting Management Plan should be submitted for approval in writing by the Local Planning Authority. The lighting plan shall be implemented in strict accordance with agreed details within one month of the formal approval of submitted details and thereafter retained. Any external lighting installed on this development should comply with the recommendations of the Bat Conservation Trust's document titled: "Bats and Lighting in the UK – Bats and the Built Environment Series."

Reason:

To protect the visual amenity and character of the AONB, in the interests of protecting protected species and to avoid light pollution, in accordance with Policy RE3 and Policy NE1 of the Local Plan (Part 1) 2018 and the National Planning Policy Framework, 2023.

7. Condition:

Prior to commencement of development a Landscape Ecological Management Plan (LEMP) shall be submitted to and be approved by the Local Planning Authority. The LEMP shall include:

- a) Designation and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions, together with a plan of management compartments.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Legal and funding mechanisms.
- j) 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.

Once approved the development shall be completed at all times in accordance with the approved details.

Reason:

To safeguard protected species and their habitat and to protect the biodiversity of the site in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 Policy NE1 of the Local Plan (Part 1) 2018 and the National Planning Policy Framework, 2023. This condition is a pre-commencement condition as it goes to the heart of the permission.

8. Condition:

The hours of operation of the Tap Room in Building K both indoors and outdoors shall only be between 8.00am to 8.00pm Monday to Sunday (excluding Bank Holidays) and all members of the public should have left the site by 8.30pm; and there should be no provision for private parties or functions or other events.

Reason:

To protect the visual amenity and character of the AONB, and to safeguard neighbouring residential amenity, in accordance with Policy RE3 of the Local Plan (Part 1) 2018, Policies DM1 and DM4 of the Local Plan (Part 2) 2023 and the National Planning Policy Framework, 2023.

9. Condition:

Prior to the commencement of development, a noise management plan should be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason:

To protect the visual amenity and character of the AONB, and to safeguard neighbouring residential amenity, in accordance with Policy RE3 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023 and the National Planning Policy Framework, 2023.

10. Condition:

No music is to be played outside, or in the covered outdoor seating area comprising a 'stretch tent' located to the front of Buildings J and K hereby permitted, and there shall be no amplified music played inside Buildings J and K at any time.

Reason:

To protect the amenity of nearby residential properties, in accordance with Policy DM1 of the Local Plan (Part 2) 2023 and the National Planning Policy Framework, 2023.

11. Condition:

An Arboriculture Method Statement and scaled Tree Protection Plan, shall be submitted to the Local Planning Authority for their prior approval, to include:

a) The protection fence and stabilisation feet (if applied) shall remain clear of spoil and materials. A minimum clear gap of 1 metre shall therefore be maintained during demolition and construction activities.

b) Notices shall be fixed at regular intervals at head height to tree protection fence panels alerting construction workers of the sacrosanct tree protection area which shall not be entered.

c) Considering the rural location and likelihood of unaccustomed wildlife, particularly nocturnal birds and bats in flight, to the sudden erection of tree protection fencing, brightly coloured ribbons, bird scare tags or other approved methods shall be attached to the mesh of each protection fence panel at shoulder height (1.5 metres).

The development shall be carried out in accordance with the approved details. All revisions of the approved details shall be submitted to the Local Authority Tree Officer for their approval before it can be applied.

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 Policy DM11 of the Local Plan (Part 2) 2022.

12. Condition:

The Local Authority shall be notified at least 2 weeks prior to expected commencement of demolition/construction activities with a written notice. The notification shall include photographic evidence of tree protection, such as temporary ground cover, sacrificial surface layer and Heras fencing. All protection measures shall strictly accord with the approved Tree Protection Plan (TPP) and Arboriculture Method Statement (AMS). The Local Planning Authority shall determine the detail within the notice and if found satisfactory shall provide written approval for the development to proceed. This approval requires continued monitoring by the appointed person to ensure effective tree protection continues throughout the life of the construction in strict accordance with the approved TPP and AMS.

Retained trees which become damaged by demolition and construction activities shall be considered as a breach of this Condition and could lead to a temporary Stop Notice being issued immediately upon the development.

Reason:

In the interests of the protection of the rooting areas of trees prior to construction and preservation 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 Policy DM11 of the Local Plan (Part 2) 2023.

13. Condition:

Within three months of the date of this permission, the car parking spaces shall be laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking spaces shall be retained and maintained for their designated purpose.

Reason:

To limit the total number of vehicles parking at the Tap Room and at Pierrepont Home Farm at any time in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and Policy DM9 of Local Plan (Part 2) 2023.

14. Condition:

No development shall take place until a Construction and Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to:

- 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.
- g) The provision of bird and bat boxes on the buildings or nearby trees.

The construction of the development shall be carried out in accordance with the approved CEMP.

Reason:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and to mitigate any adverse impact from the development on both the strategic and local road networks in accordance with Policies ST1 and NE1 of Local Plan (Part 1) 2018 and in accordance with DfT Circular 01/2022. It is also to ensure impact on neighbouring residents' amenity is minimised in accordance with Policy DM1 of Local Plan (Part 2) 2023. It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

15. Condition:

Prior to commencement, details of how the floodplain grazing marsh would be adequately protected from development should be submitted for approval in writing by the Local Planning Authority. The approved details for the protection of the floodplain grazing marsh should be implemented.

Reason:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policies ST1 and NE1 of Local Plan (Part 1) 2018. It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

16. Condition:

Prior to the commencement of development, a Biodiversity Enhancement and Mitigation Plan (BEMP), written by a suitably qualified ecologist, shall be submitted to and be approved in writing by the Local Planning Authority. The BEMP should include details of the proposed ecological enhancements. The development shall proceed in accordance with the approved details.

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. 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.

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 actively taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
2. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £97.00 or a reduced rate of £28.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our website. 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 applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice on Tel. 0845 600 3078.
4. The applicant should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.
5. The developer is advised that Public Bridleway Number 513 crosses the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

6. The granting of any permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Service on 01483 523393.
7. 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.