



Appeal Decision

Hearing held on 7 June 2016

Site visit made on 8 June 2016

by Peter Rose BA MRTPI DMS MCM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 November 2016

Appeal Ref: APP/R3650/W/15/3136242

Land at Firgrove Hill, Firgrove Hill, Farnham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the Guildford College Group against the decision of Waverley Borough Council.
 - The application Ref: WA/2014/2119, dated 28 October 2014, was refused by notice dated 17 April 2015.
 - The development proposed is erection of 14 dwellings with access from Firgrove Hill.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 14 dwellings with access from Firgrove Hill at Land at Firgrove Hill, Firgrove Hill, Farnham in accordance with the terms of the application Ref: WA/2014/2119, dated 28 October 2014, and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Hearing was advised of an update to Section A of the appeal form. Whilst the planning application subject to this appeal was submitted jointly by Taylor Wimpey West London and the Guildford College Group, the appeal is being made solely by the Guildford College Group.
 3. The Council's decision notice identifies documents which formed the basis of its decision. The Council provided the Hearing with an update to that list. The Council confirmed that all drawings identified were subject to relevant publicity and the list presented is agreed by the appellant.
 4. Two Unilateral Undertakings were presented to the Hearing by the appellant, both signed and dated 6 June 2016. One concerns the Thames Basin Heaths Special Protection Area (the SPA), the other relates to education and refuse. With the Council's agreement, the Undertaking relating to the SPA has been superseded by a further Undertaking signed and dated 10 June 2016.
 5. By email dated 15 August 2016, the Council drew my attention to two changes in circumstances which have occurred post-Hearing, and the appellant has been afforded the opportunity to comment accordingly. The first change is that the Council has produced a new Five Year Housing Supply assessment dated 1 July 2016 and, on that basis, considers that the Borough now has a housing land supply of some 5.3 years. The second is that the draft Farnham
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Neighbourhood Plan has now been submitted to the authority as a Regulation 15 document dated July 2016.

6. The application is for full planning permission, and I consider the appeal on the above basis.

Main Issues

7. The main issues are:

(a) what effect the development may have upon the existing multi-use games facility (MUGA) and its possible implications for the availability of local sports facilities;

(b) what effect the development may have upon the living conditions of neighbouring occupiers in terms of light, overshadowing, and outlook, and;

(c) what effect the development may have upon the character and appearance of the appeal site and its surroundings.

Reasons

MUGA

8. The appeal site lies within the grounds of Farnham College and comprises three fenced tennis courts and a surrounding grassed area also accommodating a single storey wooden shed.
9. I have contrasting evidence regarding the recent history of use of the tennis courts (the MUGA). There would appear to have been some informal use of the site in recent times, particularly for basketball. Nevertheless, the facility would appear, from visual inspection, to be in a poor state of repair, including its surface.
10. Given its history and use, the appellant questions the need for a replacement. Nevertheless, a replacement is proposed as part of the appeal scheme and in close proximity to the appeal site. Planning permission has been granted for a Type 1 MUGA laid out and constructed in accordance with relevant Sport England Guidance (Planning application Ref: WA/2016/0105 approved by decision notice dated 10 March 2016). This facility would accommodate a range of activities, including netball, basketball and tennis. It would also include floodlighting, so enabling extended periods of use, and the permission is subject to a Community Use Agreement ensuring its wider benefits for local people.
11. Notwithstanding previous concerns, I heard that Sport England does not oppose the development subject to appeal given the intended replacement.
12. Further, the appellant is proposing that a pre-condition of commencing development of the appeal scheme, if allowed, should be that the replacement MUGA has been provided. The appellant proposes this should be achieved by way of a condition precedent included within any planning permission and this would include arrangements for maintenance.
13. The Council has indicated it would prefer the robustness of a planning obligation but I am satisfied that a condition as proposed and agreed between the parties would be appropriate.

14. The Planning Practice Guidance (the Guidance) advises that it may be possible to use a condition worded in a negative form i.e. prohibiting development authorised by a permission until a specified action has been taken, except where there may be no prospects of the actions being taken. The Guidance also advises that where it may be possible to overcome a planning objection to a development equally well by imposing a condition or by entering into a planning obligation, a condition should be used.
 15. Aside from the necessity already discussed, I consider such a condition to be both reasonable and precise and otherwise meets the tests of the Guidance. It would also appear consistent with model planning conditions produced by Sport England. Whilst such a condition would relate to land outside the application site, it is land controlled by the appellant and the appellant's commitment to its development is clear. I am also mindful of the agreement in principle to development of the MUGA as set out in the letter from Farnham Educational Foundation dated 26 March 2015.
 16. The Hearing was told that the scheme would also generate a capital receipt for reinvestment in local education, including provision of sports facilities. Whilst there would be no certainty how such funds would be used, I regard this matter as a local financial consideration also relevant to my decision.
 17. Hence I find the scheme would yield significant benefits in terms of MUGA provision and a capital receipt for possible reinvestment, and would not be harmful to the availability of local sports facilities. Accordingly, the proposal would not be contrary to Policy LT8 of the Waverley Borough Council Local Plan 2002 (the Local Plan). Policy LT8 seeks, amongst other matters, to resist loss of sports grounds to development unless suitable alternative provision can be made.
 18. I also find the scheme would accord with paragraph 74 of the National Planning Policy Framework (the Framework). This advises that existing open space, sports and recreational buildings and land should not be built on, but with exceptions. These include where the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- Living conditions*
19. Evidence has been submitted by the appellant through a Daylight and Sunlight Study dated 22 October 2014. This shows that, in relation to the impact upon adjacent properties, the scheme would be in conformity with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' by P J Littlefair 2011. In general, the BRE tests are based upon the requirements of British Standard BS 8206 Part 2, and no dispute is raised by the Council regarding the technical content of this submission or the conclusions reached.
 20. It is also significant that the previous scheme has been modified in relation to the design of properties as they relate to No 21 Firgrove Hill (No 21) and to No 4 College Place (No 4). This has included detailed discussions with relevant occupiers. In particular, Plot 5 adjacent to No 4 has been re-designed with changes to the roof and eaves levels and removal of habitable windows from the side elevation, whilst arrangements for landscaping around Plot 1 and its design adjacent to No 21 have also been reviewed.

21. There is a marked difference in ground levels between the appeal site and the levels of No 4 and No 21 but I have little reason to question the technical findings of the appellant's evidence in relation to daylight, sunlight or overshadowing. In coming to this conclusion, I have also given particular attention to windows identified at No 21 as windows 88 and 90 in the appellant's evidence which are closest to the relevant boundary.
22. There would, however, be a change in the existing relatively open outlook from those properties, and the Council has referred to a perception of loss of light. Such changes in outlook would be an inevitable consequence of any development of the site as proposed, but I do not find that in itself would be significantly harmful to living conditions. The dwellings at Plots 1 and 5 would be set some distance from the boundary and the impacts would also be offset to a degree by the revised designs.
23. I have also had regard to the impact upon other adjacent residential properties, particularly in Fairholme Gardens, but given the physical relationship, including intervening distances, I do not find the scheme to be materially harmful in that regard.
24. Although general passing reference has been made by an interested local party to the Council's Residential Extensions Supplementary Planning Document Adopted October 2010, such guidance would not appear to be directly relevant to new dwellings but to extending existing homes. Whilst noting the recommended rules of thumb for overlooking distances, no specific conflict has been identified with that document by the local planning authority, although reference is made to possible appropriate planning conditions. No breach of any other relevant technical standards has also been formally identified by the Council in objection.
25. It is therefore concluded that the proposed development would incur some limited impact upon the living conditions of neighbouring occupiers of No 21 Firgrove Hill and No 4 College Place in terms of loss of outlook, but not in terms of light or overshadowing. Whilst the limited change in outlook for adjoining occupiers at No 21 and No 4 would be readily apparent, I do not consider, for the reasons described, that the magnitude of each impact would be significantly harmful. Accordingly, the proposed development would not be, in overall terms, contrary to Policy D1 or contrary to Policy D4 of the Local Plan. These seek, amongst other matters, to resist development involving a loss of general amenity and to ensure that development does not significantly harm the amenities of occupiers of nearby properties.
26. A core principle of the Framework is also to seek a good standard of amenity for existing and future occupants of land and buildings and, on balance, I am satisfied the proposal would accord with that aim.

Character and appearance

27. The site lies on the western side of the campus adjacent to Firgrove Hill. No direct vehicular access is currently provided via Firgrove Hill and that frontage comprises extensive planting, including trees subject to Tree Preservation Orders.
28. The appeal site forms part of the built-up area of Farnham and, aside from the college premises, the surrounding area is predominantly residential in

- character. This includes large and distinguished houses along Firgrove Hill and a number of newer developments, including a courtyard development around Fairholme Gardens to the south, and a further courtyard development of contrasting style and form further to the north at Barncroft.
29. The appeal site slopes down from south to north so creating a marked contrast in ground levels with the adjacent properties. Firgrove Hill is a relatively steep and busy road but with limited parking restrictions.
 30. The proposal would involve a development of 14 dwellings of mixed form and design. Five dwellings would front onto Firgrove Hill but be set back from the road along a similar building line to those existing. The remaining 9 dwellings would be set around a central courtyard arrangement behind the main frontage. The front part of the scheme seeks to reflect aspects of the existing residential character of properties in Firgrove Hill, whilst the rear element would not be inconsistent in conception with the principle of new, self-contained developments nearby.
 31. I note that the density of the scheme may be higher than some nearby developments but, given the resulting physical implications, I do not find that would be excessively so. Whilst the plots would be smaller than other dwellings in Firgrove Hill, amenity space would be provided to each property and appropriate provision would be made within the development for some limited landscaping and for parking. The Council has also confirmed that no specific standards are applied by the authority in relation to amenity space and no objection is raised on that basis. Some existing mature trees would be retained.
 32. I also note that no specific objection is raised in relation to the expectations of the Farnham Design Statement 2010. My attention has been drawn to the Statement's encouragement of appropriate courtyard developments and the quoted example of Barncroft. I also note that the Design Statement appears to give some encouragement to higher densities without undermining the character of the existing area.
 33. Taking all these considerations together, I do not find that the scheme would appear cramped or otherwise lacking in spaciousness, and nor do I conclude the development to be at odds with the very broad residential character of the setting or with the overall grain of built form in the vicinity.
 34. I therefore conclude that the proposed development would not be harmful to the character and appearance of the appeal site and its surroundings. Accordingly, the development would not be contrary to Policies D1, D4 or H10 of the Local Plan. Policy D1 seeks to safeguard the visual character and distinctiveness of the locality. Policy D4 seeks to ensure high quality design which integrates well with the site and complements its surroundings. Policy H10 seeks to ensure adequate provision is made for amenity space within residential development, but acknowledges the absence of rigid standards for garden sizes.
 35. I find these policies broadly consistent with the Framework which places great importance upon high quality design and the significance of local distinctiveness. It also advises that local planning authorities should set their own approach to housing density to reflect local circumstances. Further, it states that design policies should avoid unnecessary prescription or detail and

should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Other Matters

Five-year housing land supply

36. The Framework requires the local planning authority to identify and update annually a supply of specific deliverable housing sites sufficient to provide five years' worth of housing relative to its full objectively assessed needs for market and affordable housing.
37. It was agreed common ground that the authority was unable to demonstrate a five-year supply. The Council indicated at the Hearing that, based upon data for 1 April 2016, it considered its supply had increased to 4.66 years relative to the figure of 4.52 years quoted in the agreed Statement of Common Ground. This also compares to a previous figure of 3.7 years quoted in the earlier Committee report.
38. The Council has subsequently asserted, post-Hearing, that it has a five-year supply of some 5.3 years. Notwithstanding the Council's apparent progress, the authority's position has yet to be tested through development plan examination and no full, up-to-date, objectively assessed housing need has yet been formally endorsed. Nevertheless, I return to this matter as part of my overall planning balance.

Neighbourhood Plan

39. Whilst the Farnham Neighbourhood Plan remains at a relatively early stage of preparation, I heard representations from the Town Council at the Hearing of the intention for the plan to allocate the site for housing development. Post-Hearing, I have been advised that the subsequently produced Regulation 15 version takes this matter further forward.
40. Policy FNP14j) now allocates part of Farnham College, (identified to be the tennis courts) for housing development. It further identifies an approximate capacity for 15 dwellings. The accompanying Development Guidance suggests the scheme should respond to the local characteristics of the Firgrove Character Area as set out in the Farnham Design Statement 2010, and that houses should front on to, but be set back from, Firgrove Hill, and that a courtyard layout would be appropriate. Amongst a range of other considerations, it identifies that a replacement multi-use games area should be provided prior to development taking place.
41. I note the local planning authority advises that substantial weight cannot be attached to the Neighbourhood Plan given its emerging status. I agree but, nonetheless, find the appeal scheme to be compliant with its policy expectations to date, and which are significantly more up-to-date than the Local Plan. Further, the appeal scheme would appear broadly compliant with the Neighbourhood Plan's design expectations for the site.

Unilateral Undertakings

42. The first Undertaking, as amended, makes a commitment for agreed contributions to mitigate the impact of development upon the nearby Thames

Basin Heaths Special Protection Area. This involves contributions to the Suitable Alternative Natural Green space (SANG) at Farnham Park, but would not relate to matters of infrastructure.

43. The second Undertaking contains commitments to education and refuse (also referred to as a Planning Infrastructure Contribution).
44. The Council has provided evidence of compliance with the relevant provisions set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 and this is not disputed. I have also had regard to the Framework, and to the relevant advice of both the Guidance, and of the Planning Inspectorate's Procedural Guide Planning Appeals - England, published 5 August 2016.
45. The Council also indicated at the Hearing that it was satisfied with the form and content of the documents as deeds.
46. I find the Undertakings to be generally fit-for-purpose. Accordingly, I take into account the commitments and accompanying terms as considerations of my decision.

Other considerations

47. I have had regard to all other matters raised in relation to the appeal, both at the Hearing and in written evidence.
48. I have noted concerns raised by local residents regarding possible flooding, but the application is accompanied by a Drainage Strategy and no objection is raised by the authority on that basis. Nonetheless, should the development otherwise be found to be acceptable, further drainage details would be required by way of planning conditions.
49. Neither the Council nor the highway authority raises objections regarding traffic or other related implications, including access and parking, and I have little reason to conclude otherwise. I have also had regard to the appellant's submitted Transport Statement.
50. I have noted the planning history of the site and the various references made to pre-application and other discussions and consultations, and including the appellant's Statement of Community Involvement.

Sustainable development

51. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a whole. The Framework further identifies economic, social and environmental dimensions to sustainable development.
52. The scheme would undoubtedly provide significant housing benefits consistent with the social dimension of sustainable development, and this would include provision for incidental services and facilities through the Unilateral Undertakings. The scheme would also involve provision of a new and enhanced MUGA to the benefit of local education and of the wider local community.

53. The investment represented by the development would also be consistent with the economic dimension. The economic benefits would include investment in construction and related employment for its duration, a subsequent increase in local household expenditure and demand for services, and financial contributions to the Council through New Homes Bonus payments. The scheme would also generate a capital receipt for possible reinvestment in local education, including provision of sports facilities.
54. In environmental terms, however, the scheme would incur, in overall context, some limited impact for a small number of local residents in terms of implications for outlook and private views, and these need to be weighed against the other aspects of the development.
55. It is agreed common ground that the site is accessibly located in relation to services and lies south of Farnham town centre which offers a comprehensive range of facilities including public transport.
56. In summary, the scheme would offer considerable economic and social benefits consistent with the Framework, and environmental implications in that wider context would be very limited.

Overall planning balance

57. Paragraph 12 of the Framework reminds us of the statutory status of the development plan as the starting point for decision-making. It explains that proposed development which accords with an up-to-date Local Plan should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise.
58. Notwithstanding its stated progress towards identification of a five-year housing land supply, the authority still has an on-going need for new housing. The scheme would deliver 14 new dwellings and of a varied mix, and this would be consistent with the emerging Neighbourhood Plan.
59. The development subject to appeal would lead to the loss of an existing MUGA, but also its replacement by a far superior facility. The scheme would incur some limited loss of outlook to properties at No 21 and No 4 but not unduly so.
60. I also recognise that, in terms of its intrinsic physical character and the absence of formal designations, the site is relatively unconstrained and offers a location accessible to services within the existing built-up area of Farnham.
61. The scheme would also generate a significant capital receipt which the appellant intends be re-invested in local education and, in particular, associated sports facilities, and across a possible range of sites.
62. At the heart of the Framework is the presumption in favour of sustainable development as set out in paragraph 14. Amongst its considerations for decision making, the third bullet point requires that development proposals that accord with the development plan should be approved without delay. Further, the fourth bullet point states that, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and unless specific policies in the Framework indicate development should be restricted.

63. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise, and I find the scheme would accord with the development plan taken as a whole.
64. That being so, noting that this decision does not turn upon the Council's position in relation to its five-year supply of housing land, and acknowledging that the Council has since moved from the position agreed at the Hearing, and regardless of what that housing land supply position may now be, I conclude the proposed scheme would constitute sustainable development within the terms of the Framework consistent with the development plan as a whole.
65. Accordingly, planning permission should be granted.

Conditions

66. I have considered the list of conditions discussed at the Hearing and which was largely agreed by the main parties. In assessing such matters, however, I must also have regard to the advice set out in the Guidance and in the Framework in terms of both the need for individual conditions and of appropriate wording.
67. For the avoidance of doubt and in the interests of proper planning, a condition is imposed to ensure the development is undertaken in accordance with the relevant drawings. For the purposes of clarity and future reference, a detailed submission of existing and proposed site levels is also required.
68. I impose a condition requiring replacement of the MUGA as proposed.
69. To ensure satisfactory character and appearance, conditions are imposed requiring details to be approved of landscaping, of all external materials, and of all boundary treatments.
70. To safeguard the free and safe movement of vehicles and pedestrians, conditions require implementation of the proposed site access and visibility splays, and of the proposed parking and turning areas, prior to first occupation of the dwellings. A detailed scheme for the access is also required to be approved. For similar reasons, a condition requires the proposed garages to be available at all times for the parking of vehicles. To promote sustainable transport, a condition requires arrangements for cycle parking and for charging of electric vehicles to be agreed.
71. Details are also required to be agreed of external lighting, both in response to issues of public safety but also with regard to any further ecological implications. More generally, to safeguard the ecological value of the site, a condition requires implementation in accordance with the submitted Ecological Appraisal.
72. To protect existing planting within the site, a condition requires a scheme to be submitted for approval setting out arrangements to safeguard existing trees and hedges during the period of works, and this would be set within the terms of an Arboricultural Method Statement.
73. To identify and protect any heritage value of the site, a scheme of archaeological investigation is necessary.

74. To ensure the creation of satisfactory living conditions for future and neighbouring occupiers, a condition requires details to be approved of schemes for surface and foul water drainage. A condition similarly requires details of arrangements for refuse to be approved. Whilst I have only limited indications of possible site contamination, it is still necessary to safeguard the living conditions of future occupiers of the development by ensuring that appropriate arrangements are made for identification and treatment of any on-site contamination which may be present.
75. To protect the living environment of nearby occupiers during construction, it is necessary for the works to be undertaken in accordance with a Construction Method Statement (the CMS), the precise terms of which remain to be agreed. The terms of the CMS would embrace a range of issues discussed at the Hearing as possible separate conditions, and would include arrangements for liaison with local residents during the course of the works. A limitation is also placed on the hours of external works.
76. A condition has been suggested by the Council regarding the need to ensure appropriate demolition and removal of the existing wooden store. I also note the concerns of residents towards possible presence of asbestos. Whilst this would be covered to some degree by other legislation, I am satisfied, given the location, extent and possible condition of the building, that a full scheme of works for the satisfactory demolition and removal of this building is both necessary and reasonable in order to safeguard local living conditions.
77. The authority has also requested conditions withdrawing Permitted Development rights in relation to the four corner properties, and this is supported by adjacent occupiers. The suggestion is that rights should be removed in relation to windows within elevations facing adjacent properties and in relation to enlargement, and no objection is raised by the appellant. Whilst the Guidance makes clear that conditions restricting the future use of Permitted Development rights will rarely pass the test of necessity and should only be used in exceptional circumstances, I am satisfied that the particular changes in site levels and relative proximity of the proposed dwellings to the adjacent properties are such as to render a limitation upon possible further development appropriate in this instance, and particularly with regard to any possible future overlooking. Further, both requirements are sufficiently specific in the terms proposed.
78. In the case of each of the pre-commencement conditions, I consider that resolution of the matters specified to be of sufficient significance to the achievement of an acceptable development and in safeguarding the subsequent form of development such that it would be inappropriate to proceed further without the prior clarification and certainty that would arise from their approval.
79. The Council has suggested a condition to ensure that any area of habitat suitable for any reptiles which may be found on the development footprint shall be retained. I do not find such a requirement to be sufficiently precise or necessary. I also do not find it to be reasonable given the site's existing and proposed predominantly built form, and particularly so as the condition is suggested to relate to the development footprint hereby approved. I further note that the appellant's Ecological Appraisal only identified a small extent of

suitable habitat likely to support reptiles, and indicated appropriate action accordingly.

Conclusion

80. For the above reasons, the appeal is allowed subject to the conditions set out in the attached schedule.

Peter Rose
INSPECTOR

Richborough Estates

SCHEDULE OF CONDITIONS

Time limit

1. The development hereby permitted shall begin not later than the expiration of three years from the date of this permission.

Drawings

2. The development hereby permitted shall be carried out in accordance with the approved drawings Ref: 091217-WIM-WL-01 Rev E, 02 Rev E, 03 Rev D, 04 Rev D, 05 Rev D, 06 Rev A, 07 Rev B, PER01 Rev B, SS01 Rev D, SS02 Rev B, SS03 Rev C, SS04 Rev A, A-E1 Rev A, A-P1 Rev B, B-E1 Rev A, B-P1 Rev A, D-E1 Rev B, D-P1 Rev D, E-P-N-E1 Rev A, E-P1, F-M-E1, F-P1, K-E1 Rev D, K-P1 Rev C, L-E1 Rev A, L-P1 Rev A, M-P1, N-P1, P-P1, BH-01, BH-02, GAR01, GAR02 Rev A, GAR03, and Topo-01 Rev B.

Pre-commencement

3. No development as hereby approved shall take place until the Multi-Use Games Area (MUGA) as approved under application Ref: WA/2016/0105 by decision notice dated 10 March 2016 has been provided in full accordance with the details as approved pursuant to that permission. The MUGA shall be maintained in accordance with a scheme to be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of any development hereby permitted, and shall subsequently be made available for use by the community in accordance with the Community Use Agreement dated January 2016 approved pursuant to permission Ref: WA/2016/0105.
4. No development shall take place until full details of existing and proposed ground levels have been submitted to and been approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the details as approved. The submission shall include details of finished floor levels.
5. No development shall take place until full details of the external materials to be used in the construction of all buildings and of all external ground surfaces of the development hereby permitted have been submitted to and been approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved details.
6. No development shall take place until full details of all proposed boundary treatments, both around the site and between the curtilages of individual properties, have been submitted to and been approved in writing by the Local Planning Authority. The boundary works shall be implemented in accordance with the approved details, and in accordance with an agreed programme.
7. Notwithstanding details previously submitted, no development, including ground works and demolition works, shall start on site until an Arboricultural Method Statement (the AMS) detailing low impact methods for implementation of demolition and construction as part of the works, and

including root protection measures for all retained trees, has been submitted to and been approved in writing by the Local Planning Authority. The AMS shall include appropriate specifications in accordance with details submitted within the Arboricultural Report by Tim Moya Associates dated January 2014. The development shall be implemented in accordance with the details as approved.

8. The AMS referred to in Condition 7 shall also include full details of all trees and hedges to be retained and of all other measures for their temporary protection throughout the period of the works. The measures to be approved shall be implemented before any equipment, machinery or materials are brought onto the site and shall be retained until all equipment, machinery and surplus materials have been removed from the site.
9. No development shall take place until a detailed landscaping scheme has been submitted to and been approved in writing by the Local Planning Authority and in accordance with the principles set out in the submitted Soft Landscaping Method Statement prepared by Tim Moya Associates dated October 2014. The landscaping scheme shall be carried out in accordance with the agreed details and be implemented within the first planting season after commencement of the development or as otherwise agreed in writing by the Local Planning Authority. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, and such maintenance shall 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 shall be of the same species and size as those originally planted.
10. No development shall take place until an archaeological investigation of the site has been carried out in accordance with a specification to be submitted to and be approved in writing by the Local Planning Authority. The specification shall include proposals for an initial trial investigation and for mitigation of damage to deposits of importance thus identified. The investigation shall be undertaken by an appropriately qualified archaeologist in accordance with an agreed programme, and shall include arrangements for the recording of findings and subsequent publication of results.
11. No development shall take place until full details of schemes for surface water and foul water drainage, and an overall drainage strategy addressing any off-site implications arising, have been submitted to and been approved in writing by the Local Planning Authority, and the details shall be implemented as approved and in accordance with an agreed programme.
12. No development shall take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and been approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and

in accordance with an agreed programme. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and be approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the agreed additional measures in accordance with details and a programme of works to be approved in writing by the Local Planning Authority.

13. No development shall take place until details of all external lighting have been submitted to and been approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, and in accordance with an agreed programme.
14. No development shall take place until details of arrangements for demolition of the existing wooden storage building, and including disposal of all resultant materials, have been submitted to and been approved in writing by the Local Planning Authority, and all works shall be undertaken in accordance with the details as approved and in accordance with an agreed programme.
15. No development shall take place until a Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The approved Statement shall be implemented and adhered to throughout the period of all works. The Statement shall include the intended programme for works, and details and arrangements for the following matters:
 - (i) means of access to the site during development;
 - (ii) parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) erection and maintenance of security hoardings;
 - (vi) provision of wheel washing facilities and other measures required to mitigate the physical impact of construction traffic upon the public highway;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) management of waste;
 - (ix) cement mixing;
 - (x) arrangements for any burning of waste or other materials if to be undertaken on site;
 - (xi) location of any site huts/cabins/offices, and;
 - (xii) details of public liaison arrangements with local residents and other occupiers, but particularly with regard to information dissemination, both prior to and during construction works.

Pre-occupation

16. The development hereby approved shall be implemented in accordance with the recommended actions in section 6.0 of the Ecological Appraisal, Preliminary Bat Survey and GCN HSI Assessment report dated December 2013 prepared by Keystone, including the biodiversity enhancements detailed in sub-section 6.10.

17. The development hereby approved shall not be first occupied unless and until the proposed vehicular/pedestrian access via Firgrove Hill as shown on the approved drawings has been constructed and provided with visibility splays in accordance with a detailed scheme to be submitted to and be approved in writing by the Local Planning Authority. Thereafter the visibility splays shall be kept permanently clear of any obstruction between 0.6 metres and 2.0 metres in height above ground level.
18. The development hereby approved shall not be first occupied unless and until identified space for vehicles to be parked and for vehicles to turn has been laid out within the site in accordance with the approved drawings. Thereafter the parking and turning areas shall be retained and remain available at all times for such purposes.
19. The development hereby approved shall not be first occupied unless and until schemes for the secure parking of bicycles and for electric charging of vehicles have been submitted to and been approved in writing by the Local Planning Authority and have been implemented in accordance with the approved details. Such schemes shall be thereafter retained in accordance with arrangements as agreed.
20. The development hereby approved shall not be first occupied unless and until facilities for the storage of refuse have been provided on site in accordance with details which have been previously submitted to and been approved in writing by the Local Planning Authority and the relevant approved facilities shall be retained thereafter.
21. The working hours for all external works in connection with the development shall be limited to between 08:00 and 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays and not at all on a Sunday or a Bank Holiday.

Post-occupation

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking or re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission on the approved drawings shall be constructed in the following elevations:
 - north-western (side) elevation of the dwelling within Plot 1 at first floor level or above;
 - north-western (side) elevation of the dwelling within Plot 5 at first floor level or above;
 - south-eastern (side) elevation of the dwelling within Plot 9 at first floor level or above, and;
 - south-eastern (side) elevation of the dwelling within Plot 12 at first floor level or above.
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking or re-enacting that Order with or without modification), no enlargement, as

set out within Classes A or B of Part 1 to Schedule 2 of that Order, shall occur to any of the dwellinghouses at Plots 1, 5, 9 and 12 hereby permitted.

24. The garages hereby approved shall be available and be retained at all times for the purpose of parking vehicles and shall not be occupied as habitable living accommodation.

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APPEARANCES

For the appellant:

Chris Wilmshurst	Vail Williams LLP
Graeme Keen	of Counsel
William Luck	DHA Architecture Ltd
Paul Fawell	Right of Light Consulting
Phil Coulthard	Guildford College Group
Diana Barron	Guildford College Group

For the local planning authority:

Rachel Kellas	Senior Planning Officer
Louise Yandell	Area Team Leader

Interested parties:

David Victor-Smith	Local resident at No 21 Firgrove Hill
Colin Christmas	Local resident at No 4 College Place
Councillor Andy McLeod	Borough and Town Councillor
David Howell	Farnham Society Planning Committee

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DOCUMENTS SUBMITTED TO THE HEARING

By the appellant:

1. A3 and A1 copies of comparison drawing Ref: 091217-APP-01
2. Unilateral Undertaking signed and dated 6 June 2016 and relating to the Thames Basin Heaths Special Protection Area, and as subsequently replaced by version dated 10 June 2016
3. Unilateral Undertaking signed and dated 6 June 2016 and relating to education and refuse (Planning Infrastructure Contribution)
4. Appendix F Setting Alternative Target Values for Skylight and Sunlight Access (Appendix to the Building Research Establishment (BRE) publication Site Layout Planning for Daylight and Sunlight 2011)
5. Drawing showing mirror image development for the purposes of the Right of Light Consulting Daylight and Sunlight Study dated 22 October 2014
6. Sport England Model Planning Conditions dated December 2012
7. Letter from Farnham Educational Foundation dated 26 March 2015

By the Council:

8. Notification letters dated 7 January 2016 and 9 May 2016
9. Compendium of additional documents/information, and including agreed list of drawing numbers
10. Note re. updated housing land supply position
11. Residential Extensions Supplementary Planning Document Adopted October 2010

Jointly by the main parties:

12. Suggested and agreed wording for possible condition regarding implementation of permission Ref: WA/2016/0105 (replacement MUGA)

Subsequently by the Council:

13. Email dated 15 August 2016 setting out new information in relation to the Farnham Neighbourhood Plan and five-year housing land supply
14. Email dated 6 September 2016 further clarifying the Council's update

Subsequently by the appellant:

15. Email dated 30 August 2016 responding to Council's new information
16. Email dated 12 September 2016 further responding