



Appeal Decision

Hearing held on 8 and 9 November 2022

Site visit made on 9 November 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/R3650/W/22/3291589

The Old Mission Hall, Hookstile Lane, Farnham GU9 8LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jon Boyes against the decision of Waverley Borough Council.
 - The application Ref WA/2020/0558, dated 1 February 2020, was refused by notice dated 27 July 2021.
 - The development proposed is demolition of The Old Mission Hall and adjacent industrial units to create up to 24 one and two bedroom apartments with underground parking.
-

Decision

1. The appeal is allowed and outline planning permission is granted for demolition of The Old Mission Hall and adjacent industrial units to create up to 24 one and two bedroom apartments with underground parking at The Old Mission Hall, Hookstile Lane, Farnham GU9 8LG in accordance with the terms of the application, Ref WA/2020/0558, dated 1 February 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis.
3. A legal agreement was submitted at the hearing however, this was not signed. I allowed a period after the closing of the hearing for this legal agreement to be signed and executed. The final signed agreement was submitted with minimal changes to that discussed at the hearing.
4. The appellant requested that the description of development be amended to include the words 'up to'. This would effectively allow any number of residential units to come forward up to 24 units. I note that this change in description had not undergone the usual public consultation. Nevertheless, the amendment does not fundamentally alter the proposed scheme or effect the main issues of the appeal. The amended description of development is reflected in my decision.
5. The scheme is an outline proposal, nevertheless, illustrative details including floor plans, elevational plans and visualisations have been submitted and my assessment has been based on these.

Main Issues

6. The main issues are:

- The effect of the proposal on highway safety with regards to access;
- The effect of the proposal on the living conditions of occupiers of neighbouring properties in respect of outlook and privacy;
- Whether the proposal would provide satisfactory living conditions for future occupants with regards to internal space, outlook and amenity space;
- The effect of the proposal on the character and appearance of the surrounding area;
- The effect of the proposal on the Thames Basins Heaths Special Protection Area and the Wealden Heaths Phase I Special Protection Area;
- Whether the proposal provides suitable affordable housing provision; and
- Whether the proposal provides appropriate play provision.

Reasons

Highway safety

7. The appeal site is currently a commercial site with a number of buildings, some of which are in use. The existing access is a narrow lane, named Hookstile Lane (HL), running roughly in a west east direction leading to a junction with the Firgrove Hill (FH) highway. Immediately to the south of the HL/FH junction is a number of commercial properties with car parking facilities situated to the front of these buildings and immediately to the north is a railway bridge. FH highway at the point of this junction appears to be a busy in terms of vehicle numbers, something which I witnessed during my site visit, as well as a regular stream of pedestrians passing this location.
8. The Council advise that at this HL/FH junction, a minimum visibility of 2.4 metres (m) by 43m is required in both directions. The Council consider visibility to the south to be acceptable however the visibility to the north is 2.4m by 21m and therefore substandard and unsafe. The FH highway declines to the north of the railway bridge however this decline is initially gradual. Given the width of the access at the HL/FH junction, the width of the footpath along with the location of the railway bridge brick pillar, street light and hedgerow, there is sufficient visibility for vehicle drivers exiting the HL/FH junction to observe oncoming vehicles approaching from the north and exit safely. There may be times when vehicles have to wait for other vehicles to exit the HL/FH junction, particularly if a vehicle is wanting to enter HL, however I do not consider a waiting vehicle in the road to be particularly unusual or detrimental to highway safety.
9. There are number of other junctions within close proximity to the HL/FH junction, with also a toucan crossing nearby and the previously mentioned car parking in front of the commercial properties. These factors, along with the speed limit and the decline in the road north of the railway bridge, would likely contribute to motorists being more cautious and not likely to travel at high

speeds. I also consider it to be highly unlikely, even though there isn't a solid central line in the FH highway that vehicles would initiate overtaking of other vehicles at this location. Photographic images have been provided showing a vehicle exiting the HL/FH junction having to reverse and stop at certain points in order to turn north. Nevertheless, whilst the actual visibility to the north is below the distance expected by the Council, I am satisfied that given the dimensions of the HL/FH junction, the positioning of street items in the immediate locality and the speed of vehicles in the area, that the visibility to the north would be acceptable and vehicles could enter and exit without having a detrimental effect on highway safety.

10. There are reports that there are difficulties for pedestrians when vehicles are manoeuvring to enter or exit at the HL/FH junction, particularly pedestrians travelling southbound. Whilst it may be inconvenient for pedestrians having to wait for a vehicle to manoeuvre at this junction, this does not make the junction hazardous to pedestrians. Given the speed of vehicles manoeuvring at the HL/FH junction, which is likely to be low, there would be no adverse harm to pedestrians travelling southbound.
11. There would be an increase in vehicle trips along HL from the existing use to the proposed use. Crashmap data indicate that there are a number of incidents in the surrounding area with two being near to HL, although HL was not mentioned in the data so it is unclear whether vehicles entering or exiting HL were contributing factors. Given my findings above though, I am satisfied that the visibility from the junction would be acceptable and would not have an adverse effect on road users or highway safety in this particular location.
12. The proposal would provide improvements to HL with works including resurfacing to the full width of the lane as a shared surface, different colour or material separating vehicular and pedestrian traffic and priority arrangements for vehicles entering the site from FH. The appellant also notes that at the HL/FH junction, there is a clear radius on the south side delineated by road markings on the ground which allows for an area for vehicles to pass one another.
13. Whilst there is residential accommodation using HL at present, given the proposed quantum of development, the scheme would dramatically change the activity along HL from the existing situation. There would be an increase in pedestrian and cycling movements, as well as vehicle traffic, along HL as a result of the proposal. The width of HL does vary although overall it is a narrow access lane and the lane is also a long stretch of road. Whilst vehicles and pedestrians/cyclists would be able to pass each other, the narrow width and length of the lane would create conflict between vehicles and pedestrians/cyclists. Even with the proposed improvements, given the width and length of HL and the increase in both vehicular, pedestrian and cycling traffic, the proposal would result in occasions when vehicles and pedestrians/cyclists would not be able to have easy movement past each other, as there would be a risk of them being obstacles to one another when trying to pass. It would also likely result in vehicles meeting each other on the lane and thus requiring a vehicle to undertake an unusual manoeuvre by reversing back along the lane which would be a hazardous procedure.
14. I am satisfied that the junction of HL with FH would provide adequate visibility splays and not have a detrimental effect on highway safety for users of the

highway and users of the proposed development. However, the proposal would provide substandard access along HL. Given the lanes width and length, and the proposed increase in the use of the lane, the proposed scheme would therefore have an adverse effect on highway safety for users of HL.

15. Accordingly, the proposal would have a harmful effect on highway safety with regards to the access lane. The proposal would be contrary to Policy ST1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (WBLP) and Policy FNP30 of the Farnham Neighbourhood Plan 2020 (FNP) which seek proposals to have safely located vehicular and pedestrian access.

Living conditions – neighbouring properties

16. The appeal site is surrounded by existing residential properties including those on HL, Arthur Road and Arthur Close. Given the scale and heights of the proposal, built development would be visible from neighbouring properties. Windows proposed at ground and first level would mainly be screened from neighbouring properties due to the difference in site levels.
17. The windows at second floor level which face towards neighbouring properties are mostly into non-habitable rooms and could be obscurely glazed to avoid any overlooking onto adjacent properties and garden areas. There are a number of windows into bedrooms at second floor level which face neighbouring properties on Arthur Road. Most of these bedrooms also have another window which would not look over neighbouring properties. The installation of obscurely glazing or a redesign at reserved matters stage would ensure that there would be no overlooking from habitable rooms onto neighbouring development or their garden areas.
18. The proposed development would be higher than the existing buildings on the site and therefore would appear closer to existing buildings in the area, in particular, Hookstile Bungalow and No 2a and 6 Arthur Road which directly abut the boundaries of the site. The illustrative drawings indicate that the proposed built development can be sensitively designed and positioned, so to avoid any bulky structures that would adversely compromise the outlook for occupiers of neighbouring properties. The separation distance between the proposal and adjacent properties would be sufficient to ensure that the proposed development would not be overly overbearing and would not adversely affect the living conditions of neighbouring occupiers.
19. Due to the difference in levels between the appeal site and the surrounding neighbouring properties as well as the scale, design, height and positioning of the proposals in relation to adjacent buildings, the proposed development would not result in any adverse effects to the living conditions of neighbouring occupiers.
20. The proposal would not have a harmful effect on the living conditions of occupiers of neighbouring properties in terms of outlook and privacy. The proposal accords with Policy TD1 of the WBLP, saved Policies D1 and D4 of the Waverley Borough Council Local Plan 2002 (WBCLP), the Farnham Design Statement 2010, Waverley's Residential Extensions Supplementary Planning Document 2010 and the National Planning Policy Framework (the Framework) which seeks development to protect amenity including loss of light and privacy enjoyed by neighbours.

Living conditions – future occupants

21. The illustrative plans show the layout of the proposed flats including sizes of internal rooms. Some of the room sizes exceed and some fall short of the standards set out in the National Described Space Standards (NDSS). The short fall in some of the room sizes are minimal and I am satisfied that the room sizes could be addressed at reserved matters stage to ensure accordance with the NDSS, without compromising on the overall massing of the buildings.
22. It has been indicated that obscure glazing can be used to ensure there would be no overlooking onto neighbouring properties. There is a concern however that the introduction of obscure glazing would affect the living conditions of future occupiers in terms of outlook. Some of the proposed bedroom windows have been specifically identified in this regard. However, most of these bedrooms have two windows into the rooms and given the positioning of the windows, both would not necessarily need to be obscurely glazed therefore ensuring that outlook would be maintained for future occupiers. The proposal would provide a scheme that allows for the proposed rooms to have adequate levels of outlook which would not compromise living conditions of future occupiers.
23. The proposal incorporates outdoor communal areas which would be available for future residents to enjoy. These areas were described at the hearing at being around 560 square metres in size and given its location directly adjacent to the proposed buildings would be directly accessible for future residents. A number of well sized balcony areas are also proposed with the majority of the flats which would provide an element of private amenity space for future residents. Overall, the proposal would provide sufficient levels of outdoor space that can be enjoyed by future occupiers of the flats.
24. The quantum of development would not have a harmful effect on the living conditions of future occupiers with regards to internal space, outlook and amenity space. The proposal would not be contrary to Policy TD1 of the WBLP, saved Policies D1 and D4 of the WBCLP, Policy FNP1 of the FNP, the Farnham Design Statement 2010 and the Framework which seeks development to protect amenity including providing adequate amenity space.

Character and appearance

25. The area surrounding the appeal site is characterised predominantly by residential properties with elements of commercial uses. Properties have varied styles and designs including a mix of built form with bungalows, two storey and three storey size buildings. The varied built development contributes positively to the character of the area.
26. The existing site is narrow and constrained in this regard with the ground level of the site set below the majority of the surrounding residential properties. A linear development would be proposed with built form being of two and three storey heights. Due to the difference in site levels, a two and three storey development would be adequately accommodated and would not appear dominating within the existing built environment.
27. The proposal is divided into a number of separate blocks with parking and amenity areas integrated within the built form of the development and

additional parking sensitively located within a basement. This ensures that the development would not be cramped or appear overly dense in nature.

28. The proposed development, due to its design, scale and layout, would be a sympathetic addition that would not be out of keeping with the varied built form of the area and would not have a detrimental effect on the surrounding locality.
29. The proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal accords with Policy TD1 of the WBLP, Policy FNP1 of the FNP, saved Policies D1 and D4 of the WBCLP and the Framework which seeks development to protect character of the Borough and be designed to a high quality.

Thames Basins Heath and Wealden Heaths Phase I Special Protection Area

30. The appeal site is located beyond 400m but within 5 kilometres (km) of both the Thames Basins Heath Special Protection Area (TBHSPA) and the Wealden Heaths Phase I Special Protection Area (WHSPA).
31. The TBHSPA is designated for its population of breeding of Nightjar *Caprimulgus europaeus*, Woodlark *Lullula arborea* and Dartford warbler *Sylvia undata*. The area consists of a number of fragments of lowland heathland, predominantly dry and wet heath but also includes area of deciduous woodland, gorse scrub, acid grassland and mire, and associated conifer plantations. The TBHSPA is a European designation for rare wild birds with the conservation objectives to provide specific protection for the three species of birds as they nest on or near the ground and are particularly prone to disturbance from walkers, dog walking and cat predation.
32. The WHSPA contains other European and International sites including the Thursley and Ockley Bogs Ramsar sites and the Thursley, Ash, Purbright and Chobham Special Areas of Conservation with all of these underpinned by the Thursley, Hankley and Frensham Common Sites of Special Scientific Interest. These commons together incorporate a heath and valley mire complex. The WHSPA is designated for its population of breeding of Nightjar *Caprimulgus europaeus*, Woodlark *Lullula arborea* and Dartford warbler *Sylvia undata* with the Ramsar sites designated for their community of rare wetland invertebrate species including dragonflies and supporting six native reptile species, the European nightjar *Caprimulgus europaeus* and woodlark *Lullula arborea*. The conservation objectives of the WHSPA are to ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; the extent and distribution of the habitats of the qualifying features, the structure and function of the habitats of the qualifying features, the supporting processes on which the habitats of the qualifying features rely, the population of each of the qualifying features and the distribution of the qualifying features within the site.
33. The appellant has submitted evidence with regards to the effect of the proposal on the TBHSPA and WHSPA and the Council have undertaken an Appropriate Assessment (AA) in respect of both sites. Natural England have been consulted on the submitted evidence and they are satisfied with the Council's AA and raise no objections to the proposals effect on the TBHSPA and WHSPA.

34. The proposal would contribute to an increase in the local population and subsequently increase recreation pressure at the TBHSPA. Evidence provided indicates that a significant proportion of recreational visitors to the TBHSPA arrive from within a 5km catchment and that there is a demonstrated clear link between recreation pressure and reduced reproductive success of the bird species which form qualifying features of the TBHSPA. From the appropriate evidence before me, the proposal would have a likely significant effect on the TBHSPA and WHSPAs.
35. The WHSPA differs from the TBHSPA as the number of dwellings within 400m is 400-500% smaller around the WHSPA. The WHSPA is a smaller area and also unfragmented meaning that the designated bird populations are much less vulnerable to edge effects than those at the TBHSPA. This means that the WHSPA is under much less pressure from residential development and there is a lower likelihood other than smaller quantities of further residential development coming forward within the 400m zone. Given the appropriate evidence and the location of the proposed development with regards to the WHSPA, there would not be a likely significant effect on the WHSPA.
36. A Development Framework published by the Thames Basin Heaths Joint Strategic Partnership Board aims to allow a strategic approach to accommodating new residential accommodation by providing a method through which local authorities can mitigate effects on the TBHSPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy was adopted by the Council in order to provide guidance to developers on the level of avoidance measures required with new development. Mitigation measures include provision of new open space ('Suitable Alternative Natural Greenspace' (SANGs)) and the provision of measures to manage access on the Special Protection Areas alongside monitoring of visitor use and bird populations ('Strategic Access Management and Monitoring' (SAMMs)).
37. The appellant has submitted a legal agreement which includes SANG and SAMM financial contributions that are in line with the TBHSPA Avoidance Strategy, directed towards the available capacity at Farnham Park SANG. As previously indicated, Natural England have been consulted and are satisfied with this approach. The proposal would therefore not have adverse effects on the integrity of the features of the TBHSPA.
38. I have had regard to representations and evidence submitted in relation to the effects of the proposal on the TBHSPA and WHSPA. These include numerous documents and case law judgments that have been brought to my attention including the Sweetman, People Over Wind, Waddenzee, Canterbury, Crondall and Greece judgments, the Dartford Warblers on the Thames Basin and Wealden Heaths paper, reference to statements made at Audit committees, an objection from Natural England in relation to Elstead application and comments relating to past and present bird population and habitat condition data and dynamics. Whilst taking all representations into account, from the appropriate evidence, I am satisfied that the proposal does not have an adverse effect on the integrity of the features of the TBHSPA and WHSPA.
39. The proposal would not have a harmful effect on the TBHSPA and WHSPA. The proposal would not conflict with Policy NRM6 of the South East Plan (SEP), Policies NE1 and NE3 of the WBLP, Policies FNP12 and FNP13 of the FNP, the Thames Basin Heaths Special Protection Area Avoidance Strategy and the

Framework which seeks proposals to conserve and enhance biodiversity and requires development which is likely to have a significant adverse effect on the ecological integrity of the TBHSPA to demonstrate adequate measures to avoid or mitigate potential adverse effects.

40. The proposal would also comply with the Conservation of Habitats and Species Regulations 2017 which requires the competent authority before granting consent, to carry out an AA in circumstances where a proposal is likely to have a significant effect on a European site.

Affordable housing

41. Policy AHN1 of the WBLP requires a development of the size proposed to provide an affordable housing contribution of 30% with an appropriate mix and tenure.
42. The submitted legal agreement details that seven of the proposed units would be affordable with the remaining requirement provided via a commuted sum. The Council raised no significant concerns to this at the hearing providing that the requirements were secured through a legal agreement. A signed and completed legal agreement including the affordable housing provision has been submitted.
43. Accordingly, the proposal would provide adequate affordable housing provision. The proposal would accord with Policy AHN1 of the WBLP and the Framework which seeks affordable housing on development sites.

Play provision

44. Policy LRC1 of the WBLP encourages new open space, outdoor leisure and recreation facilities in new developments, with an expectation that play provision is provided having regard to the Fields in Trust (FiT) standards. The FiT guidelines recommend that for a development of that proposed in this appeal a Local Area for Play (LAP) and Locally Equipped Area for Play (LEAP) should be provided. The FiT does also state that financial contributions towards improvement of an existing equipped/designated play space may be sought in lieu of on-site provision for larger scale play spaces, or where existing play space lies within the walking distance guideline of a proposed development.
45. Distances and accessibility to nearby play spaces in the area were discussed at the hearing. Nevertheless, a LAP or LEAP would not be provided on site and there have been no financial contributions detailed in the submitted legal agreement.
46. Therefore, the proposal would not encourage the provision of new open space, outdoor leisure and recreation facilities and would be contrary to Policy LRC1 of the WBLP.

Other Matters

47. I have had regard to representations and objections made in relation to the proposed scheme. Matters raised include details relating to the submission documents, location, flooding, ecology, loss of employment, timing of submissions, neighbour engagement and consultation, risks of subsidence and asbestos, proximity to railway lines, damage to surrounding buildings and alternative uses for the site. I have given careful consideration to these

matters, some of which the Council have not raised any objections on, and some would be capable of being addressed by planning condition or during reserved matters application, but they do not lead me to a different overall conclusion on the main issues.

Planning Balance

48. The WBLP dates from 2018, the FNP from 2020, the WBCLP from 2002 and the SEP has been abolished other than the saved Policy NRM6. The weight attached to these development plans does not hinge on their age. Paragraph 219 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. The Framework states that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. I have found that the proposal conflicts with Policies ST1 and LRC1 of the WBLP and Policy FNP30 of the FNP in respect of effects on highway safety and provision of play space. Improvements to HL are proposed which would aid in the movement of vehicles, pedestrians and cyclists and the visibility at junction of the HL with FH would be acceptable. The proposal would provide areas of open space within the site and it is noted that there are play spaces in the surrounding locality that could be used by future occupiers of the development. On this basis, the harm and the conflict with the proposal and the development plan policies, I attribute moderate weight in this appeal.
49. It is an agreed matter that the Council cannot demonstrate a five year supply of deliverable housing sites. The Council calculate that they have 4.3 years' worth of housing land supply which I consider to be a considerable shortfall. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The site is not within a protected area.
50. With regards to the Framework's three overarching objectives, there would be economic, social and environmental benefits to the proposed development. The proposal would bring contributions to the local economy and employment opportunities. The site would also be in an accessible location close to public transport, shops and services. These benefits, given the size of the proposed development, would amount to minimal weight. The proposed development would also provide housing including contributing to an identified need for affordable homes. Given the Council's lack of a five year housing land supply, I attribute substantial weight to these particular benefits. The proposal would not be harmful to living conditions of existing and future occupiers of surrounding properties and the proposed homes and it would not harm the character and appearance of the surrounding area or the TBHSPA and WHSPA. These matters I attribute neutral weight.
51. On this basis, I find that the moderate adverse impacts of the development would not significantly and demonstrably outweigh the benefits. The development therefore benefits from the presumption in favour of sustainable development set out in the Framework.

52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The presumption in favour of sustainable development is a significant material consideration which justifies a decision other than in accordance with the development plan in this case.

Conditions and Planning Obligations

53. The conditions imposed are those that were agreed by the appellant and the Council at the hearing. In the interests of precision and clarity I have undertaken some minor editing and rationalisation where necessary.
54. Conditions relating to timeliness, the submission of reserved matters and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of highway safety conditions are imposed in relation to vehicular access, access road improvements, parking and turning area, pedestrian access and construction transport management plan. In the interests of encouraging sustainable construction and modes of travel, conditions are imposed relating to water requirements, cycle parking provision, vehicle electric charging points and Sustainable Travel Information Packs. To prevent undue risk to the local environment it is necessary to attach conditions relating to drainage, contamination, noise levels, demolition and development operations including a construction environmental management plan. To safeguard the living conditions of neighbouring and future occupiers, conditions are necessary in relation to external lighting and broadband infrastructure.
55. A completed legal agreement has been submitted which details obligations for affordable housing within the development scheme and financial contributions towards affordable housing, SANGs and SAMMs.
56. It is necessary that I consider these obligations against the three tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. New housing can bring about demand for affordable housing and it has been clearly detailed above that this proposal, through development plan policies requires a level of affordable housing provision. Given the location of the development in relation to European sites and matters discussed above, there would be a need for contributions towards SANGs and SAMMs. Evidence has been provided that the obligations are adhering to development plan policy, and I am therefore satisfied that the proposed contributions would be necessary to make the development acceptable in planning terms. Furthermore, on the evidence before me, they would be directly related, and fairly and reasonably related in scale and kind, to the development proposed. The obligations therefore meet the relevant tests, and I am satisfied that the proposal adequately contributes to affordable housing and provides protection to the identified European sites.

Conclusion

57. For the reasons given above I conclude that the appeal should be allowed subject to the appropriate conditions and the relevant terms of the submitted legal agreement.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

J. Boyes	Appellant
D. Murray-Cox	Planning Consultant
N. Weeks	Transport Consultant
M. Rose	Ecology Consultant
S. Siddiq	Solicitor
J. Walne	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

C. Housden	Waverley Borough Council
C. French	Waverley Borough Council
R. Hudson	Highways Consultant

INTERESTED PERSONS:

Cllr Hyman	Waverley Councillor
Cllr Cockburn	Waverley Councillor
W. Blake	Local resident
D. Howell	Local resident
M. Harrison	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Natural England email response
2. Proposed Block Plan Drawing No. P012/00.2
3. Proposed Roof Plan & Section WI Demolition Overlay Drawing No. P012/02.2A
4. Cllr Hyman Appeal Hearing Submission 8.11.22
5. Cllr Hyman SoE Appendix 1 – Reference & Links
6. Cllr Hyman SoE App.3 – QUESTIONS
7. HRSH SPA Mitigation Project – Cllr Hyman Notes JHv1, 7.11.22

8. Thames Basins Heath Special Protection Area Delivery Framework extract
9. Extracts from Legal Obligation Determining SPA Considerations
10. C-323/17 Sweetman Habitats Ruling re AA and Screening
11. Crondall Judgement (2019) paragraph 77
12. Copy of Policy DM5: Safeguarding Amenity
13. Copy of Farnham Town Council Design Guidelines for Firgrove

Richborough Estates

Schedule of Conditions

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters" shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan; Site Survey and Elevations; Tree Constraints Plan.
4. Before the development hereby approved is occupied a scheme showing visibility splays at the junction with Hookstile Lane and Firgrove Hill shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.
5. Before the development hereby approved is occupied an access road improvement scheme, including a priority give way system and resurfacing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. Before the development hereby approved is occupied a scheme for pedestrian access to the site, to include a demarcated area for pedestrians running from the entrance to the proposed dwellings as far as the boundary with the public highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
7. Before the development hereby approved is occupied a scheme for parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details before the development is occupied and shall be retained and maintained for their designated purposes.
8. Before the development hereby approved is occupied a scheme for vehicular charging points requiring 1 fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) per residential unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details before the development is occupied and shall be retained and maintained for their intended purposes.

9. Before the development hereby approved is occupied a scheme for secure cycle parking requiring a minimum 1 secure cycle parking space in an enclosed facility per residential unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details before the development is occupied and shall be retained and maintained for their intended purposes.
10. Before the development hereby approved is occupied a Travel Plan in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to first occupation of the development and for each and every subsequent occupation of the development, be thereafter maintained and developed to the satisfaction of the Local Planning Authority.
11. Before the development hereby approved is occupied a Sustainable Travel Information Pack (STIP) in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's Travel Plans Good Practice Guide for Developers shall be submitted to and approved in writing by the Local Planning Authority. The STIP should include:
- Details of local public transport services and location of rail stations and local bus stops
 - Details of local car club and lift sharing schemes
 - Maps showing local walking and cycling routes and isochrone maps showing accessibility to public transport, schools and local community facilities
 - Information to promote the take-up of sustainable travel.

The approved Sustainable Travel Information Pack shall be issued to the first-time occupier of each dwelling, prior to first occupation.

12. Before the development hereby approved is commenced a Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP should include details of:
- (a) parking for vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials;
 - (d) programme of works (including measures for traffic management);
 - (e) HGV deliveries and hours of operation;
 - (f) measures to prevent the deposit of materials on the highway;
 - (g) on-site turning for construction vehicles;
 - (h) measure to ensure access is retained for existing users of Hookstile Lane.

The development shall be carried out in accordance with the approved details.

13. Before the development hereby approved is commenced a surface water drainage scheme that satisfies the SuDS Hierarchy and be compliant with the national Non- Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels;
- (b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.3 l/s;
- (c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
- (d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected;
- (e) Details of drainage management responsibilities and maintenance regimes for the drainage system;
- (f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be carried out in accordance with the approved details.

14. Before the development hereby approved is occupied a verification report carried out by a qualified drainage engineer demonstrating the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

15. Before the development hereby approved is commenced details of measures to control the emission of dust and dirt during demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

16. The burning of any materials on site during the demolition and construction phases shall be prohibited.

17. Any reserved matters application shall be accompanied by a scheme to demonstrate that the internal noise levels within the residential units will conform to the "indoor ambient noise levels for dwellings" guideline values specified within BS 8233: 2014, Guidance on Sound Insulation and Noise

Reduction for Buildings. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of any residential dwelling and be retained thereafter.

18. Any reserved matters application shall be accompanied by a scheme to demonstrate that the external noise levels within external amenity areas, including balconies, will conform to the "design criteria for external noise" upper guideline value of 55 dB LAeq,T, as specified within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.
19. Before the development, including any works of demolition, hereby approved is commenced a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall provide for:
- (a) An indicative programme for carrying out of the works
 - (b) The arrangements for public consultation and liaison during the construction works
 - (c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
 - (d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - (e) the parking of vehicles of site operatives and visitors
 - (f) loading and unloading of plant and materials
 - (g) storage of plant and materials used in constructing the development
 - (h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (i) wheel washing facilities
 - (j) measures to control the emission of dust and dirt during construction.
- The approved CEMP shall be adhered to throughout the construction period.
20. Before the development hereby approved is occupied a detailed scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved details.
21. Before the development hereby approved is commenced an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

22.No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

23.Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

24.Before the development hereby approved is occupied the highest available speed broadband infrastructure shall be installed and made available for use.

25.Before the development hereby approved is occupied, the dwellings shall be completed such to meet the requirement for a maximum of 110 litres of water per person per day.