

**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 11 January 2017  
**Time** 10.30 am  
**Place:** Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

**Contact:** Angela Guest tel: 020 8541 9075, Room 122, County Hall  
**Telephone:** 020 8213 2662  
**Email:** [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk)  
 [For queries on the content of the agenda and requests for copies of related documents]

**APPOINTED MEMBERS [12]**

Tim Hall (Chairman)	Leatherhead and Fetcham East;
Keith Taylor (Vice-Chairman)	Shere;
Mr S Cosser	Godalming North;
Carol Coleman	Ashford;
Margaret Hicks	Hersham;
Ernest Mallett MBE	West Molesey;
Richard Wilson	The Byfleets;
Jonathan Essex	Redhill East;
Marisa Heath	Englefield Green;
Mary Angell	Woodham and New Haw;

**EX OFFICIO MEMBERS (NON-VOTING) [4]**

Sally Marks	Chairman of the County Council	Caterham Valley;
Nick Skellett CB E	Vice-Chairman of the County Council	Oxted;
David Hodge	Leader of the Council	Warlingham;
Mr P J Martin	Deputy Leader and Cabinet Member for Economic Prosperity	Godalming South, Milford & Witley;

**APPOINTED SUBSTITUTES [19]**

Stephen Cooksey	Dorking South and the Holmwoods;
Will Forster	Woking South;
Denis Fuller	Camberley West;
Ramon Gray	Weybridge;
Nick Harrison	Nork & Tattenhams;
Peter Hickman	The Dittons;
John Orrick	Caterham Hill;
Adrian Page	Lightwater, West End and Bisley;
Chris Pitt	Frimley Green and Mytchett;
Fiona White	Guildford West;
Chris Townsend	Ashtead;
Ian Beardsmore	Sunbury Common & Ashford Common;

**Register of planning applications: <http://planning.surreycc.gov.uk/>**

**If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call our Contact Centre on 08456 009 009, write to Surrey County Council at County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 0698, fax 020 8541 9004, or email [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk). This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Angela Guest tel: 020 8541 9075 on 020 8213 2662.**

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive any apologies for absence and notices of substitutions under Standing Order 40.

### **2 MINUTES OF THE LAST MEETING**

(Pages 1 - 12)

To confirm the minutes of the meeting held on 7 December 2016.

### **3 PETITIONS**

To receive any petitions from members of the public in accordance with Standing Order 65 (please see note 7 below).

### **4 PUBLIC QUESTION TIME**

To answer any questions received from local government electors within Surrey in accordance with Standing Order 66 (please see note 8 below).

### **5 MEMBERS' QUESTION TIME**

To answer any questions received from Members of the Council in accordance with Standing Order 47.

### **6 DECLARATIONS OF INTERESTS**

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

#### **Notes:**

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

**7 WA/2016/1793 - LINDON FARM, ROSEMARY LANE, ALFOLD, SURREY GU6 8EU** (Pages 13 - 66)

Construction of supported living accommodation for adults with autism and high support needs within Use Class C3(b) comprising; a block of 5 self-contained units with overnight staff accommodation, a 3 unit shared accommodation block with overnight staff accommodation, a 2 unit shared accommodation block, activity centre including ancillary office and staff facilities, car parking, exercise areas and associated landscaping, following demolition of existing dwelling, piggeries and open sided barn.

**8 PROPOSED TRAFFIC REGULATION ORDER ALONG PUBLIC BYWAYS OPEN TO ALL TRAFFIC (BOAT) NOS 507, 508 AND 509 (ALBURY) AND 507 AND 517 (WONERSH)** (Pages 67 - 86)

This report seeks approval to publish a Notice of Intention to make a Traffic Regulation Order (TRO) for Byways Open to All Traffic Nos. 507 (parts of) & 509 (Albury) and 507 & 517 (Wonersh). The BOATs are also classified as 'D' roads 223 and 215. It would be usual to take rights of way cases to the Local Area Committee, however, because it would involve two committees the proposal is brought to this committee in accordance with the Surrey Code of Best Practice in Rights of Way Procedures.

**9 ENFORCEMENT AND MONITORING UPDATE REPORT** (Pages 87 - 92)

This report covers the period from 15 June 2016 to 30 November 2016

**10 DATE OF NEXT MEETING**

The next meeting of the Planning & Regulatory Committee will be on 22 February 2017.

**David McNulty**  
**Chief Executive**  
3 January 2017



## MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

*Thank you for your co-operation*

**Note:** *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

*Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.*

*If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting*

### NOTES:

1. The Chairman will adjourn the meeting for lunch from 12.45pm unless satisfied that the Committee's business can be completed by 1.15pm.
2. Members are requested to let the Regulatory Committee Manager have the wording of any motions and amendments not later than one hour before the start of the meeting.
3. Substitutions must be notified to the Regulatory Committee Manager by the absent Member or group representative at least half an hour in advance of the meeting.
4. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter.
5. A record of any items handled under delegated powers since the last meeting of the Committee will be available for inspection at the meeting.
6. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Regulatory Committee Manager in advance of the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.

7. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Regulatory Committee Manager for further advice.
8. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Regulatory Committee Manager for further advice.
9. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
  - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
  - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
  - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
  - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

## **TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS**

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*”

### **Development plan**

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Plan 2008 (comprised of the Core Strategy, Waste Development and Waste Development Control Policies DPDs)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

### **Material considerations**

Material considerations will vary from planning application to planning application and can include: relevant European policy; the March 2012 National Planning Policy Framework (NPPF) and updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2013; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council or the district/borough council in whose area the application site lies).

### **National Planning Policy Framework and Planning Practice Guidance**

The March 2012 [National Planning Policy Framework](#) (NPPF) and subsequent updates replaced 30 Planning Policy Statements, Planning Policy Guidance Notes, Minerals Policy Statements and Minerals Policy Guidance Notes and related Practice Guides, some Government Circulars and letters to Chief Planning Officers and provides consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development which the document states "*should be seen as a golden thread running through both plan-making and decision-taking*" (paragraph 14). The NPPF makes clear the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental. These give rise to the need for the planning system to perform a number of mutually dependent roles: an economic role, a social role and an environmental role. The NPPF sets out 12 core land-use planning principles that should underpin both decision-taking and plan making.

The NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 14) states that development proposals that accord with the development plan should be approved without delay; and where the development plan is absent, silent or relevant policies are out of date, 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 NPPF as a whole; or specific policies in the NPPF indicate development should be restricted.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 215 states that in determining planning applications local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given). For emerging plans the NPPF (paragraph 216) states that, unless material considerations indicate otherwise, weight may also be given to relevant policies in emerging plans according to:

- *"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

## **HUMAN RIGHTS ACT 1998 – GUIDANCE FOR INTERPRETATION**

This Guidance should be read in conjunction with the Human Rights section in the following Committee reports.

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights in English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report. Members of the public wishing to make oral representations may do so at Committee, having given the requisite advance notice, and this satisfies the requirements of Article 6.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 7 December 2016 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

**Members Present:**

Mr Tim Hall (Chairman)  
Mr Keith Taylor (Vice-Chairman)  
Mr Steve Cosser  
Mrs Carol Coleman  
Mr Jonathan Essex  
Mrs Margaret Hicks  
Mr Ernest Mallett MBE  
Mr Michael Sydney  
Mrs Mary Angell

**Apologies:**

Mr Richard Wilson  
Miss Marisa Heath

**149/16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Marissa Heath and Richard Wilson.

**150/16 MINUTES OF THE LAST MEETING [Item 2]**

The Minutes were APPROVED as an accurate record of the previous meeting.

**151/16 PETITIONS [Item 3]**

There were none.

**152/16 PUBLIC QUESTION TIME [Item 4]**

There were none.

**153/16 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**154/16 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**155/16 MINERALS/WASTE MO/2016/0981 - LAND AT BURY HILL WOOD, OFF COLDHARBOUR LANE, HOLMWOOD, SURREY RH5 6HN [Item 7]**

**Officers:**

Alan Stones, Planning Development Control Team Manager

Nancy El-Shatoury, Principal Solicitor

Caroline Smith, Transport Control Team Manager

Samantha Murphy, Principal Planning Officer

**Key points raised during the discussion;**

1. The Principal Planning Officer introduced the report and the update sheets tabled at the meeting. It was explained that the Light Management Plan was a requirement set out by Condition 11 of the appeal decision APP/B3600/A/11/2166561 dated 7 August 2015. Officers highlighted that the Light Management Plan would include the lighting type and location and that once installed the lighting would be checked by a suitably qualified engineer, to ensure the lighting had been installed with the requirements of the Light Management Plan. It was also highlighted that the Leigh Hill Action Group had raised concerns over the lighting having a negative impact on the roosting of bats within a tree in close proximity of the application site.
2. A Member of the Committee queried that the lighting plan was not in accordance with the Area of Natural Beauty requirements and whether Officers saw this as reasonable. The Officer confirmed that it was exceeding the lighting requirements as it was above zero but highlighted that the Lighting Consultant had not raised any concerns as they believed it had no significant impact.
3. A discussion was had around the type of lighting used and if the lighting would be LED lighting. It was explained by a Member of the Committee that LED lighting had a significant negative impact on bat species in comparison to other lighting types and asked if it was possible to ensure no LED lighting would be used on the site. Officers explained that they could not comment as it may have an affect on the Health and Safety of the site but agreed that it would be possible to include an additional informative to ask the applicant to explore other lighting types.
4. A Member of the Committee suggested including an additional informative to address the concerns raised by the Surrey Wildlife Trust over the mitigation measures proposed to ensure lighting would not affect roosting bats during summer months.

**Resolved:**

That application MO/2016/0981 - Land at Bury Hill Wood, off Coldharbour Lane, Holmwood, Surrey RH5 6HN was permitted subject to conditions and reasons set out in the report.

**Actions/further information to be provided:**

1. To add an additional informative to ask the applicant to explore other lighting types.
2. To add an additional informative to ensure lighting would not affect roosting bats during summer months.



**156/16 GU14/P/01718 - THE DRIFT GOLF CLUB, THE DRIFT, EAST HORSLEY, SURREY, KT24 5HD. [Item 8]**

Margaret Hicks left at 12:09pm

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy El-Shatoury, Principal Solicitor  
Caroline Smith, Transport Control Team Manager  
Dustin Lees, Senior Planning Officer

**Speakers:**

Ms. Iles, a local resident, made representations in objection to the application. The following points were made:

1. The local resident expressed concern over the Heavy Good Vehicles (HGVs) damaging The Drift road as the HGV's weight exceeded the road weight limit which was 7.5 tonnes. It was also highlighted that the local cottages situated along the HGV route may be damaged by the vibrations caused by passing HGVs.
2. Concern over the safety of residents and school children was expressed as many cross the roads in which the HGVs were routed. The local resident urged the Committee to reject the application.

Mr. Bellchamber, a local resident, made representations in objection to the application. The following points were made:

1. The local resident highlighted that there would be 33 HGV movements per day during the course of nine months if the application was successful. It was mentioned that this would be very dangerous as the lanes were highly populated by residents and very narrow.
2. The air pollution and physical damaged caused by the HGVs was a concern to the resident in which they expressed that there was no real explanation as to why the waste movement was absolutely necessary. The local resident asked the Committee to reject the application.

Mr. Taylor, a local resident, made representations in objection to the application. The following points were made:

1. The local resident stressed that the benefits of the golf club were outweighed by the suffering to the local residents and that special circumstances were not shown for the construction in the green belt. The resident informed the committee that due to parked cars most local roads were realistically single carriageways so HGVs would make the situation much worse.
2. The resident informed the Committee that The Drift road ran alongside a wildlife reserve and explained that this development would only cause harm to the protected species. The resident urged the Committee to reject the application.

Mr. Lyzba, the applicant's Planning Consultant, made the following points in response:

1. The Planning Consultant highlighted that part of the proposal was to enable self sufficiency by the regulation of water on the new driving range and that the new development would encourage sport as it would be accessible to local schools in the area.
2. It was confirmed that there would be no movement of HGVs between 8:00am and 9:00am and that there would be no movement at all after 2:30pm. It was explained that the reasons for this were to mitigate the issues caused by HGVs at peak traffic times in the area and this that would be enforced by both the golf club and the County's Planning Enforcement Team.
3. It was explained that there were no severe impact to highways which was shown in the Officers report and that there were no technical objections. In response to the local residents in was confirm that any loss to bio-diversity would be replaced and that the local cottages referenced were already located on HGV routes.
4. The applicant's Planning Consultant concluded by confirming to the Committee that the Officers report stated there would be no adverse impact to the Green Belt and that there would be a number of benefits including re-using waste, sustainable harvesting of water, benefits to the local community and job opportunities.

The Local Member, Mary Lewis, made the following points:

1. The Local Member stated that the objectors made clear how residents in the area felt negatively about the application and the proposed HGV movements. The surrounding roads already had problems with traffic and that the HGVs would only make the situation worse. The air quality in the area was also confirmed to be low quality and that there was concern that the increased HGV movements would amplify this and so consequently the wellbeing and health of the local residents was at risk.
2. Concern was raised over Condition 6 on the report not clarifying the start time of the HGV movements. The Local Member urged the Committee to reject the application.

The Local Member, Bill Barker, made the following points:

1. The Local Member stated that they had no issue with the management of the Drift Golf Club but the problems were with the HGV movements proposed. It was stressed that the HGV drivers could possibly change the planned route if they encountered traffic and this would only put residents at risk. The highways in the area were already not up to standard and the HGVs would only damage this further. The Local Member urged the Committee to reject the application.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and the update sheet tabled at the meeting. It was explained that Officers saw no significant adverse impacts from the application therefore no reason for rejection. The development was deemed appropriate in the area and had passed the green belt test which was explained in the report. It was confirmed that special circumstances

- were shown and that there were no lasting negative impacts from the development.
2. A Member of the Committee made clear that they saw the number of HGV movements as a modest number and that the environmental impacts were only temporary so could be mitigated. It was stated that they saw no grounds to reject the application and that the Planning Committee needed to stay consistent with previous applications.
  3. Members questioned where the waste would be transported from to which Officers responded that they could not yet confirm the location but it would be within 30 miles of the site.
  4. A discussion was had around The Drift road and the problems it would encounter supporting the weight of passing HGVs as they were over the road's weight limit. Officers confirmed that the 7.5 tonne weight limit of the road was mainly for environmental reasons due to the nature of the road and that it would be able to support passing HGVs.
  5. A Member explained that The Drift road should be maintained and that HGV access would need to be developed. It was mentioned that they saw the long term impact on the Green Belt due to the development as reason for refusal.
  6. The Planning Development Control Team Manager confirmed that the site had passed the test to be considered a statutory waste management facility and that it was unreasonable to say otherwise. It was also confirmed that the start time for HGV movements would be between 7:00am and 8:00am. Members were reminded to consider the application that was before them on its merits.
  7. Mr Keith Taylor moved the motion, which was:  
I propose the application should be refused for the following 3 reasons;
    - i. The proposal is by its nature and character inappropriate development in the Green Belt and the applicant has failed to demonstrate that factors exist in the form of the needs for improved irrigation and drainage, improved golf facilities and increased waste management capacity which amount to very special circumstances to clearly outweigh the harm to the Green Belt and any other harm, contrary to Policy CW6 of the SWLP 2008.
    - ii. The applicant has failed to demonstrate that there is a sufficiently robust need to provide waste management capacity in the locality to manage Surrey's wastes contrary to Policy CW4 of the SWLP 2008.
    - iii. The applicant has failed to demonstrate that the proposed development is essential to achieve a substantial improvement in the quality of the land and that the irrigation and drainage provision involves the minimum quantity of waste necessary to secure the proposed improvement, contrary to Policy WD7 of the SWLP 2008.
  8. Two Members spoke on the motion and made following points:
    - There was concern that motion did not include enough background information to be supported if it were to go to appeal.
    - It was asked that the motion be voted on each individual point which was considered and rejected.
  9. The motion put to a vote in which the majority voted against, and motion was lost, Therefore it was resolved.

10. A Member of the Committee asked that Condition 6 be reworded so that it is clear that HGV access and egress to and from the site is only permissible between 07:00 - 08:00 and 09:00 – 14:30 which was agreed.
11. A Member of the Committee asked that Condition 7 be amended to include that written approval would need to be obtained by the County Highway Authority.
12. A Member of the Committee asked that Condition 8 be amended to include 'evidence from a suitable qualified professional that the culvert and toad tunnel on The Drift are capable or are made capable of withstanding the weight of the HGVs'.
13. A Member of the Committee asked that Condition 9 be amended to remove the words 'to be' before 'submitted'.
14. A Member of the Committee asked that Condition 15 be amended to include 'has been submitted' rather than 'has be submitted'.
15. A Member of the Committee highlighted that paragraph 173 stated that Officers consider that the installation of the proposed solar panels should be secured by way of condition and that this condition had not been included in the report.
16. A Member of the Committee highlighted paragraph 210 and asked that the removal of the temporary building be conditioned after the temporary period was over.

**Resolved:**

That application GU14/P/01718 - The Drift Golf Club, The Drift, East Horsley, Surrey, KT24 5HD was permitted subject to conditions and reasons set out in the report.

**Actions/further information to be provided:**

1. That Condition 6 be reworded to so that it is clear that HGV access and egress to and from the site is only permissible between 07:00 - 08:00 and 09:00 – 14:30.
2. That Condition 7 be amended to include that written approval would need to be obtained by the County Highway Authority.
3. That Condition 8 be amended to include 'evidence from a suitable qualified professional that the culvert and toad tunnel on The Drift are capable or are made capable of withstanding the weight of the HGVs'.
4. That Condition 9 be amended to remove the words 'to be' before 'submitted'.
5. That Condition 15 be amended to include 'has been submitted' rather than 'has be submitted'.
6. That the installation of the proposed solar panels be secured by way of condition.
7. That the removal of the temporary building on site be conditioned after the temporary period is over.

**157/16 DATE OF NEXT MEETING [Item 9]**

The date of the next meeting was noted.

Meeting closed at 1.42 pm

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**Chairman**

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Application ref: MO/2016/0981

Planning and Regulatory Committee 7 December 2016

Item 7

2

**UPDATE SHEET****MINERALS AND WASTE APPLICATION MO/2016/0981****DISTRICT(S)** MOLE VALLEY DISTRICT COUNCIL**Land at Bury Hill Wood, Coldharbour Lane, Holmwood, Dorking****Details of a Light Management Plan submitted pursuant to Condition 11 of appeal decision APP/B3600/A/11/2166561 dated 7 August 2015.**Officer report

Paragraph 50, bullet point 3 should read "*the specific lighting at various heights on the rig itself as listed above in paragraph 17*"

Representations

A further letter of representation has been received raising concerns that the proposal is to go ahead in an Area of Outstanding Natural Beauty (AONB); questioning whether the Light Management Plan (LMP) covers the original application site of 0.79 hectares as opposed to the site area as shown in application MO/2016/1563 (for the proposed new security fencing); and that if it does relate to the site area as shown in MO/2016/1563 that a new LMP would need to be submitted and this current application not be determined.

Officer comment

The issue of the application site being within the AONB was dealt with as part of the Appeal decision making process therefore on the matter of an exploratory wellsite being granted planning permission this matter has already been dealt with as part of APP/B3600/A/11/2166561.

On the matter of the application area, this LMP relates to the application area for APP/B3600/A/11/216661 only.

Surrey Wildlife Trust and Leith Hill Action Group (LHAG)

Further comments have been received from the Surrey Wildlife Trust and LHAG.

*Surrey Wildlife Trust (SWT)*

SWT having reviewed the latest version of the Light Management Plan (LMP) have commented that they wish to have more information from the applicant on the mitigation measures proposed for how the lighting would not affect roosting bats during the summer months.

*Leith Hill Action Group (LHAG)*

LHAG have commented that that latest version of the LMP has gone some considerable way to addressing the concerns previously raised by them. However they remain concerned, and object to, two matters: a) the definition of an emergency and b) that the current LMP should only be for the winter months and should the applicant wish to operate the development

proposal during the summer months, because of the concerns regarding bats, another LMP should be submitted for approval.

#### Officer comment

##### *Definition of an emergency*

Officers recognise the concerns raised by LHAG on this matter and to alleviate these concerns Officers propose to impose an informative on any decision made on this approval. The currently submitted LMP does not contain a definition of an emergency to which the applicant would wish to abide by. Within the Officers report a definition of an emergency is provided. However Officers would like to now amended this definition to the following:

*"For the purposes of this approval, an emergency is defined as an event that would not maintain site safety and would be likely to result in a significant risk to human wellbeing or a significant risk of harm to the environment or local amenity."*

The applicant has confirmed they have no objection to this definition. This definition was sent to LHAG on 29 November 2016 and LHAG comment that this definition is different to that in the Officer report but that LHAG are content for this definition of emergency to be applied in all circumstances to Europa's various planning applications.

##### *Bats*

Officers do not agree with LHAGs request that a clause be added into the LMP that the LMP is only effective for the winter months. Officers also consider that sufficient information is provided with regards to foraging and roosting bats with regards to the summer months.

LHAG have responded saying:

*We maintain that statements to the effect that there are no bat roosting trees and no concerns about bats are factually incorrect and in contradiction to Europa's own Ecology Plan. We would like it set on record (including the records made available to the Planning Committee) that such statements are factually incorrect. We would also like to place on record that acceptance of the LMP should not prejudice any other decision regarding ecology.*

*On the grounds, however, that such incorrect statements do not directly impinge on the LMP (and taking your response regarding mitigation measures fully into account), we are content for the LMP (including our record about its inaccuracy) not to be held up further on this account.*

Officers are aware that the Ecological Monitoring and Management Plan (EMMP) identifies two trees with potential for bat roost potential. A bat survey was carried out of these two trees in August 2016. One tree was assessed as having low bat roost potential. One tree was assessed as having moderate bat roost potential for summer roosting but no potential for hibernation as the heartwood gone thus offering no thermal stability. Both of these trees are within the 1 lux contour level.

The LMP identifies one tree (para 3.1.4) having moderate bat roost potential and states that in the setting up of the compound lighting care will be taken not to illuminate this tree. Para 6.10 states that bat surveys undertaken identified a low level of bat activity, that the proposal would not affect the ability of bats to forage and the proposed timing of the development avoids the main bat activity period.



Officers are aware that during the winter months when lighting could be required to be on during the hours of darkness because the days are shorter, the tree with moderate bat roosting potential has no winter hibernation potential. During the summer months, the days are longer and there is less likelihood of lighting (aside from the rig which is required to be lit 24/7).

Both trees identified within the EMPMP are located in an area that would be subject to a very low increase in light levels as the lighting proposed is directional towards the centre of the application site. There would also be measures to reduce light spillage including use of hoods.

Regarding potential impacts on bats, the Bat Mitigation Guidelines, (2004) English Nature, Section 8.2, p.42 covers Avoidance of disturbance, killing and injury and provides a table of bat usage and optimum timing for works. For summer use, i.e. roosting, the optimum time for carrying out works/ development is given as 1st September to 1st May. By May the day length will have extended and there will be less time when lighting will be needed.

Officers have identified that lighting levels of 1 lux are considered acceptable for bats and the level of 1 lux is the equivalent of moonlight. The level of 3 lux (the level above 1 lux) is the equivalent of civil twilight. Both of these lux levels are low levels of lighting.

Officers are satisfied that the LMP provides adequate information on mitigation for roosting bats during the summer months and that the proposed lighting levels would not cause a significant adverse impact on roosting bats during the summer months.

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**TO:** PLANNING & REGULATORY COMMITTEE**DATE:** 11 January 2017**BY:** PLANNING DEVELOPMENT TEAM MANAGER**DISTRICT(S)** WAVERLEY BOROUGH COUNCIL**ELECTORAL DIVISION(S):**  
Waverley Eastern Villages  
Mrs Young**PURPOSE:** FOR DECISION**GRID REF:** 503778 134145

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**TITLE:** SURREY COUNTY COUNCIL PROPOSAL WA/2016/1793

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**SUMMARY REPORT**

Lindon Farm, Rosemary Lane, Alfold, Surrey GU6 8EU

Construction of supported living accommodation for adults with autism and high support needs within Use Class C3(b) comprising; a block of 5 self-contained units with overnight staff accommodation, a 3 unit shared accommodation block with overnight staff accommodation, a 2 unit shared accommodation block, activity centre including ancillary office and staff facilities, car parking, exercise areas and associated landscaping, following demolition of existing dwelling, piggeries and open sided barn.

The application site is located to the immediate north of Alfold village covering an area of 2.27 hectares within the Countryside Beyond the Green Belt. The site currently comprises a two storey detached dwelling, two single storey disused piggeries and an open sided barn. The buildings are located within the northern part of the site. Access is via Rosemary Lane at the south west corner of the site. Alford Village Conservation Area is located to the south and east of the application site. To the east is Sandy Cottage and an open field fronting Loxwood Road. To the west of the site is Clover Cottage. There is an area of ancient woodland on the northern boundary of the site and beyond is farmland.

The proposal would provide accommodation for 10 residents who would be provided with 24 hour care. The units would be spread over three separate blocks; a block of 5 self-contained units with overnight staff accommodation, a 3 unit shared accommodation block with overnight staff accommodation and a 2 unit shared accommodation block. There would also be an activity centre with staff facilities. All the buildings would be located towards the north of the site as per the existing situation and would replace the current buildings on the site (two storey farm house, piggery building and open sided barn). The buildings would measure a combined floor area of 1205sqm with the floor area of the existing buildings measuring 838sqm. The accommodation blocks would measure a height of approximately 6.5m and the activity centre would measure approximately 8.7m. The proposed parking area would be located in the west of the site and the access would remain as existing, from Rosemary Lane. A total of 19 car and 2 disabled spaces are proposed. Staff numbers would vary between 9 and 15 to cover the shift patterns throughout the day and night.

In this case the main issues are the principle of the sustainability of development in this location; the loss of agricultural land; the impact upon the Countryside Beyond the Green Belt; whether the development is acceptable in terms of flood risk and drainage; whether the highways works, parking and traffic generated by the proposal are acceptable in terms of highway safety and impacts on the amenity of neighbours; whether there would be any other adverse impacts on residential amenity; whether the design of the development meets the required standard; the

risk of harm to archaeological resources. The ecological, landscaping and tree impacts will also be given full consideration as well as the impact on the setting of the Conservation Area,

Officers consider that the applicant has demonstrated that there is a need for supported living accommodation within Surrey and that the principle of the development in this location is accepted. The proposal would also not result in the loss of the most versatile agricultural land. The proposal would integrate within the surrounding area and the impact on the surrounding area has been reduced through the design and location of the buildings and the use of materials. The highways implications can be controlled by conditions and are not considered to prejudice highway safety. Officers consider that there would be no adverse impact upon the setting of the Conservation Area. The proposal would not cause adverse impacts in terms of loss of trees, ecology, landscaping or archaeology (subject to conditions).

Whilst the proposal is contrary to Development Plan Policy with regard to Countryside Beyond the Green Belt, the less restrictive controls of the NPPF and the emerging Draft Local Plan, in combination with the need for the facility, amount to material considerations which justify the grant of planning permission subject to the imposition of appropriate conditions.

The recommendation is PERMIT subject to conditions.

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## **APPLICATION DETAILS**

### ***Applicant***

SCC Property

### ***Date application valid***

8 September 2016

### ***Period for Determination***

8 December 2016

### ***Amending Documents***

Full Travel Statement dated September 2016

Great Crested Newt report

Email from Agent dated 07/12/16 regarding the choice of roof material

DWG No: 1091 1005 PL3, Proposed Context Site Plan dated 21/07/2016

DWG No: 1091 1006 PL3, Proposed Site Plan - ground floor dated 21/07/2016

DWG No: 1091 1007 PL3, Proposed Site Plan - roof dated 21/07/2016

DWG No: 1091 1009 PL3, GA Ground Floor Plan - Individual Flats dated 21/07/2016

DWG No: 1091 1012 PL3, GA Roof Plan - Individual Flats dated 21/07/2016

DWG No: 1091 2003 PL2, Proposed Elevations - Individual Flats dated 23/06/2016

DWG No: 1091 2006 PL2, Proposed Elevations - Individual Flats dated 21/07/2016

DWG No: 795\_P\_005 Rev B, Enabling Works Ancient Woodland Protection dated August 2016

DWG No: 795\_P\_006 Rev B, Tree Removals / Protection Construction dated August 2016

DWG No: 795\_P\_007, Open Barn Enabling Works Part Retention dated November 2016

DWG No: 795\_P\_010 Rev A, Landscape Proposals and Site Context dated August 2016

DWG No: 795\_P\_011 Rev A, Landscape Proposals dated August 2016

DWG No: 795\_P\_013 Rev B, Landscape Area 1 Hard Landscape dated August 2016

DWG No: 795\_P\_014 Rev A, Landscape Area 2 Hard Landscape dated August 2016

DWG No: 795\_P\_015 Rev B, Landscape Area 1 Planting dated August 2016

DWG No: 795\_P\_016 Rev A, Landscape Area 2 Planting dated August 2016

DWG No: 795\_P\_030 Rev A, Sections A-A, B-B, C-C dated August 2016

DWG No: 795\_P\_031 Rev A, Sections D-D, E-E, F-F dated August 2016

DWG No: 795\_P\_032 Rev A, Sections G-G, H-H, J-J dated August 2016

DWG No: 795\_P\_033 Rev A, Sections K-K, L-L, M-M dated August 2016

DWG No: 795\_P\_035 Rev A, Boundary Section PRPW FP410 + FP411 dated August 2016

DWG No: 795\_P\_056: Tree Planting Pits 1 dated December 2016  
 DWG No: 795\_P\_057: Tree Planting Pits 2 dated December 2016  
 DWG No: 795\_P\_058: Tree Planting Pits 3 dated December 2016  
 DWG No: 795\_4\_067: 01 Apple Orchard dated December 2016  
 DWG No: 795\_4\_068: 02 Pear Orchard dated December 2016  
 DWG No: 795\_4\_069: 03 Apple and Plum Orchard dated December 2016  
 DWG No: 795\_P\_090, T47 Activity Centre Section dated December 2016  
 Ground Maintenance Schedule, November 2016

## SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
<b>Principle of the Development</b>	Yes	23-29
<b>Loss of Agricultural Land</b>	Yes	30-34
<b>Housing Type</b>	Yes	35-39
<b>Countryside Beyond the Green Belt</b>	Approved Plan No Draft Plan Yes	40-52
<b>Design and Visual Amenity</b>	Yes	54-58
<b>Impact on Residential Amenity</b>	Yes	59-66
<b>Highways, Transportation and Rights of Way</b>	Yes	67-76
<b>Ecology</b>	Yes	77-87
<b>Impact on trees and landscaping</b>	Yes	88-103
<b>Impact on the Setting of the Conservation Area</b>	Yes	104-114
<b>Flood Risk and SuDs</b>	Yes	115-120
<b>Archaeology</b>	Yes	121-124
<b>Sustainable Construction</b>	Yes	125-130

## ILLUSTRATIVE MATERIAL

### Site Plan

Plan

### Aerial Photographs

Aerial

### Site Photographs

- Figure 1: Entrance to Lindon Farm facing north
- Figure 2: Entrance to Lindon farm facing north
- Figure 3: Entrance to Lindon farm facing south onto Rosemary Lane
- Figure 4: Existing farm house facing north east, with the public footpath to the south
- Figure 5: View of existing piggeries and house facing north east
- Figure 6: View of southern boundary facing south, showing footpath on the boundary
- Figure 7: View of piggeries facing north east

- Figure 8: View of eastern part of the site  
 Figure 9: View of Ancient Woodland facing north  
 Figure 10: View of open sided barn facing north east  
 Figure 11: View of piggeries facing south west  
 Figure 12: View of house facing south east  
 Figure 13: View of site facing north east  
 Figure 14: View of site facing west  
 Figure 15: View of piggeries and ancient woodland facing west  
 Figure 16: View of Lindon Farm from Loxwood Road (B2133) facing west
- 

## **BACKGROUND**

### ***Site Description***

1. The application site is located to the immediate north of Alfold village covering an area of 2.27 hectares. The site currently comprises a two storey detached dwelling, two single storey disused piggeries and an open sided barn. The buildings are located within the northern part of the site and a meadow / grassed area occupies the rest of the site which separates the buildings from the dwellings on the edge of the village. Access is via Rosemary Lane at the south west corner of the site. Alford Village Conservation Area is located to the south and east of the application site. On the southern and western boundaries there is an existing public right of way running from Loxwood Road, adjacent to Alfold Chapel, through to the entrance at Rosemary Lane and Rectory Cottage, continuing along the western boundary towards the north of the site. To the east is Sandy Cottage and an open field fronting Loxwood Road. To the west of the site is Clover Cottage. There is an area of ancient woodland on the northern boundary of the site and beyond is farmland. The site is relatively flat with a very slight slope towards the south western corner.

### ***Planning History***

2. Surrey County Council have not determined any applications on this site previously, however the following list relates to the applications that Waverley Borough Council have dealt with:

WA/2014/2184 Certificate of Lawfulness under Section 192 for the erection of side and rear extensions, erection of an outbuilding and rearrangement of access and parking areas. Certificate of Lawfulness Granted 9/01/2015

PRA/2014/0009 Prior notification for change of use of agricultural buildings to a dwelling with garage and associated works. Prior approval not required 3/12/2014

PRA/2014/0008 Prior notification for change of use of agricultural buildings to a dwelling with garage and associated works. Prior approval not required 3/12/2014

WA/2005/1827 Use of dwelling without complying with agricultural occupancy condition (condition 2 of HM/R 19748). Full permission 19/12/2005

WA/2000/0668 Outline application for the erection of fifteen dwellings. Withdrawn 24/11/2000

WA/1996/1226 Alteration to former piggery buildings to form two new dwellings (as amplified by letter dated 29/10/96). Refused 16/12/1996 Appeal dismissed 03/10/1997

WA/1995/0269 Construction of a private drive and access from Loxwood Road to serve existing dwelling. Refused 18/04/1995 Appeal dismissed 31/10/18995

WA/1994/1473 Construction of new access onto Loxwood Road (as amended by letter and plans received 12/12/1994). Refused 16/12/1994 Appeal dismissed 31/10/1995

WA/1991/0439 Change of use of agricultural building to office. Refused 26/07/1991

WA/1991/0423 Conversion of agricultural buildings to form two dwellings. Appeal dismissed 19/11/1991

WA/1990/0590 Erection of two pig fattening units (as amplified by plans received 20/06/90 and letter and plans received 25/06/90, 10/07/90 and 24/08/90) Refused 10/07/1991 Appeal dismissed 10/07/1991

WA/1977/0387 Erection of general purpose agricultural building Full Permission 14/06/1977

## THE PROPOSAL

3. The proposal is for the construction of supported living accommodation for adults with autism and high support needs. The accommodation would be for 10 residents who would be provided with 24 hour care. The units would be spread over three separate blocks; a block of 5 self-contained units with overnight staff accommodation, a 3 unit shared accommodation block with overnight staff accommodation and a 2 unit shared accommodation block. There would also be an activity centre with staff facilities. All the buildings would be located towards the north of the site as per the existing situation and would replace the current buildings on the site (two storey farm house, piggery building and open sided barn), with the open meadow in the southern part of the site retained as amenity space. The buildings would be predominately single storey with pitched roofs with the activity centre two storey in scale. The buildings would measure a combined floor area of 1205sqm with the floor area of the existing buildings measuring 838sqm. The accommodation blocks would measure a height of approximately 6.5m and the activity centre would measure approximately 8.7m.
4. The materials would be different for the individual blocks; the shared accommodation blocks would be sandstone with a black zinc roof, the individual flats would be local red / brown brick with areas of black stained timber cladding and a black zinc roof and the activity centre would be clad with black timber boarding with the black zinc roof.
5. The proposed parking area would be located to the west of the site and the access would remain as existing, from Rosemary Lane. A total of 19 car and 2 disabled spaces are proposed. Staff numbers would vary between 9 and 15 to cover the shift patterns throughout the day and night.

## CONSULTATIONS AND PUBLICITY

### *District Council*

- |                             |  |
|-----------------------------|--|
| 6. Waverley Borough Council | Generally supportive of meeting the specific needs that the application would address, concern is expressed at the relatively unsuitable location of the proposed development at the edge of Alfold, its adverse impact on the countryside location and the less than significant harm which would result to the setting of the conservation area. |
|-----------------------------|--|

### *Consultees (Statutory and Non-Statutory)*



7. Arboriculturalist	No objection subject to conditions
8. Ecologist	No objection subject to conditions
9. Landscape Architect	No objection subject to conditions
10. Rights of Way	No objection subject to conditions
11. SuDs Consenting Team	No objection subject to conditions
12. Thames Water	No comments received
13. Southern Water	No objection subject to condition / informative
14. The Environment Agency South East	No comment
15. Transportation Development Planning	No objection subject to conditions
16. Historic Buildings Officer	No objection
17. Archaeological Officer	No objection subject to conditions

***Parish/Town Council and Amenity Groups***

18. Alfold Parish Council	Generally in support but have grave concerns regarding vehicle access to the site both during construction and thereafter in connection with the running of the unit therefore would want enforceable conditions in regard to construction work to start at 08.00 on Saturday and cease at midday, a limit on the number of traffic movements after the completion of construction to accord with the applicant's traffic Statement. A limit on lorry movements during construction and arrangement of lorry movements properly managed so that there would be a limit of large lorries in Rosemary Lane so that they would not meet on this road. Require that at the end of construction the road surface would be put in a good condition and the surface maintained during the construction period as required. Request that surface water disposal provisions are sufficient. Suggest forming a liaison group.
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***Summary of publicity undertaken and key issues raised by public***

19. The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 35 owner / occupiers of neighbouring properties were directly notified by letter. To date 15 letters of representation have been received, 13 letters of support and 2 letters raising concerns:

Support

- Fully support this application which meets a pressing social need for specialised accommodation for autistic adults



- Will enhance the local community
- Use of land is sympathetic and respectful of the character of the area
- Access arrangements should not be disruptive
- Ensure good stewardship of the Lindon Farm plot for many years
- Plans are well thought out and the environmental factors have been considered and accommodated
- Very important facility as there is currently no provision in Surrey for Surrey residents with autism and complex needs
- Important to keep the individuals near to their families and not spread across the Country
- People with autism need a great deal of indoor and outdoor space and this site is 6 acres, safe and enclosed offering all the space they require
- Ideal location as it is a small village, it will encourage the residents to be part of a community but Guildford, Cranleigh and Godalming are not far
- Suitable in scale and location
- Should not be intrusive to the local residents either visually or in any other way
- In keeping with surroundings
- Excellent use of disused farm
- The old piggeries are in a derelict state
- May generate employment in the area
- Attention to detail in regard to landscaping is exceptional

### Object

- No issues with the building development but greatly concerned about the access to the site via Rosemary Lane which is a single narrow road with residential properties very close to the road, with a blind bend and no passing places until you reach Lindon farm.
- The road is already a problem area, drivers misjudge the bend are faced with oncoming traffic and have to back up fair distances
- Site traffic will cause problems with delivery as well as traffic as a result of the development
- Understand there will be a 15-20% uplift in traffic volume for Rosemary Lane
- There is no footpath on Rosemary Lane
- Any damage caused to resident's properties including hedges, fences, walls and driveways should be monitored and repaired
- Unacceptable to commence work at 06.00 on a Saturday morning
- Use of temporary lighting during construction should be sympathetic to current lighting levels
- During rain the top end of Rosemary Lane becomes a river due to the runoff from Lindon Farm therefore works to surface water runoff should be conducted prior to any improvement to the footpath

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## **PLANNING CONSIDERATIONS**

### **Introduction**

20. The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
21. In this case the statutory development plan for consideration of the application consists of the Waverley Borough Local Plan 2002. Waverley Borough Council is in the process of replacing the adopted 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Non-Strategic Policies and Site Allocations) will follow the adoption of Part 1. On 19<sup>th</sup> July 2016, the Council approved the publication of the draft Local Plan Part 1 for its Pre-submission consultation under Regulation 19 of the Town

and Country Planning (Local Planning) (England) Regulations 2012. The consultation period commenced in August. In accordance with paragraph 216 of the NPPF, weight can be given to the draft Plan, but the degree to which it can is determined by the stage the Plan has reached and the extent to which there are any unresolved objections to it. It is considered that significant weight can be given to the Pre-submission Plan following its publication on Friday 19 August, given its history of preparation thus far, the iterations of it and the extent of consultation and consideration on it to date.

22. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are: the principle of the development in this location and the impacts on the loss of agricultural land, the impact upon the Countryside Beyond the Green Belt, design and visual amenity considerations, impact on residential amenity, highways, transportation and rights of way considerations, impact on the setting of the conservation area, ecology, impact on ancient woodland, trees and landscaping, flood risk and SuDs, sustainable construction and archaeology.

## **PRINCIPLE OF THE DEVELOPMENT**

### **Waverley Borough Local Plan 2002**

Policy H7 – Special Needs Housing

### **Draft Local Plan Part 1: Strategic Policies and Sites 2016**

Policy RE1 – Countryside Beyond the Green Belt

Policy SP1 – Presumption in Favour of Sustainable Development

Policy SP2 – Spatial Strategy

Policy ALH1 – The Amount and Location of Housing

Policy AHN3 – Housing Types and Size

23. The site is located within the Countryside beyond the Green Belt outside any defined settlement area. The NPPF states that, as a core planning principle the intrinsic character and beauty of the countryside shall be recognised. In order to achieve this Policy C2 of the Local Plan provides that building in the countryside, away from existing settlements will be strictly controlled.
24. Policy RE1 of the Draft Local Plan Part 1 provides the intrinsic beauty of the countryside (Countryside beyond the Green Belt) will be recognised and safeguarded in accordance with the NPPF.
25. The latest housing land supply figures confirm that Waverley Borough Council can meet its objectively assessed housing need. Policy C2 of the Local Plan therefore now carries substantial weight; however, it should be noted that this is not full weight as Policy C2 does refer to protection for 'its own sake', whereas the NPPF places emphasis on protecting the intrinsic character and beauty of the Countryside.
26. Paragraph 5 of Policy SP2 Draft Local Plan Part 1 states that the spatial strategy of the Borough Council will be to allow modest growth in villages such as Alfold to meet local needs. Policy ALH1 of the Draft Local Plan Part 1 provides that Alfold is required to provide 100 residential units over the plan period. Policy H7 of the Local Plan 2002 states that the provision of supported housing for those with special needs will be encouraged, subject to the detailed assessment against other Plan policies.
27. Policy AHN3 of the Draft Local Plan Part 1 states that the Council will support the provision of new housing and related accommodation to meet the needs of specific groups that have been identified in the Strategic Housing Market Assessment (SHMA). Currently, this indicates specific needs for *inter alia*, people with disabilities.
28. The NPPF states that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of

poorer quality land in preference to that of a higher quality. Policy SP1 of the Draft Local Plan Part 1 states that the Council will apply a presumption in favour of sustainable development.

29. Subject to the detailed assessment of other relevant development plan policies, in particular policy C2 of the Local Plan and Policy RE1 of the Draft Local Plan Part 1, in principle, the delivery of special needs housing in close of proximity to Alfold Village Centre can be considered acceptable.

**LOSS OF AGRICULTURAL LAND**  
**Waverley Borough Local Plan 2002**  
 Policy RD9 – Agricultural Land

30. Policy RD9 of the Local Plan provides that developments will not be permitted which would result in the loss or alienation of the best and most versatile agricultural land unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is a strong case for development on a particular site which overrides the need to protect such land.
31. The National Planning Policy Framework provides that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
32. Natural England's Agricultural Land Classification map London and the South East (ALC007) classifies the site as being Grade 3 good to moderate, Grade 1 and 2 being of superior quality. As such, Officers conclude that the land is not of the best quality.
33. Moreover, the site is not a working farm and currently comprises a residential dwelling, two unused and fenced off piggeries and an open sided barn. Since changes to Permitted Development rights, there is now extant permission for the conversion of the existing piggeries to two residential properties with their own curtilages and whilst not implemented provide a material consideration of significant weight. Approximately half of the site is used as a meadow and is not used for any form of agricultural production. The meadow would be retained in its existing use as amenity land ancillary to the recreational use of the proposed development.
34. Officers consider that the proposal would not result in the loss or alienation of the best and most versatile agricultural land owing to the current use of the site, the poor quality of the soils, and the extant permission of the change of use of the piggeries to residential (if implemented). Officers conclude that the proposed development would be in accordance with the development plan with regards to the loss of agricultural land.

**HOUSING TYPE**  
**Waverley Borough Local Plan 2002**  
 Policy H7 – Special Needs Housing  
**Draft Local Plan Part 1: Strategic Policies and Sites 2016**  
 Policy AHN3 – Housing Types and Sizes

35. Local Plan Policy H7 states that proposals for the provision of supported housing for those with special needs will be encouraged, subject to other Plan policies. Policy AHN3 of the Draft Local Plan Part 1 directs that, amongst other things, the Council will support the provision of new housing and related accommodation to meet the needs of specific groups that have been identified in the SHMA. Currently, this indicates specific needs for, older people (aged 65 and over), families with children, and people with disabilities.

36. Paragraph 50 of the NPPF provides that planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).
37. The background text to Policy AHN3 of the Draft Local Plan Part 1 highlights that approximately 20.7% of the households in the West Surrey housing market area contain someone with a long term health problem or disability (LTHPD), with Waverley being slightly higher at 21.3% although this is still lower than the regional and national figures.
38. The applicant has put forward the need for this type of accommodation within Surrey as follows:

*Surrey County Council's Special Educational Needs and Disabilities (SEND) needs analysis shows a steep increase in the numbers of children with autism and the most complex needs. This analysis projects that the numbers will more than triple from 191 to 660 between 2013 and 2033, and these young people are expected to transfer to adult services once they reach 18. This increase reflects national trends and is due to increasing prevalence and better diagnosis. Adult Social Care supports approximately 3,200 people with a learning disability and/or autism (18-64 years).*

*In recent years the government's agenda has been to reduce the number of placements of young people in institutional settings, living away from their families and support networks. The government's Transforming Care programme sets the expectation that young people will stay close to their families throughout their lives and that support is provided locally. Lindon Farm will be part of the implementation of Surrey's Transforming Care plan. There is a shortage of accessible accommodation with care and support for young adults with autism and behaviour support needs in Surrey.*

*Despite the development of successful in-county specialist services, individuals with a particular profile of needs have continued to be hard to accommodate, and each year young people are placed out of county. This is largely because of the difficulty of finding accommodation with large indoor and outdoor space, in locations close enough to amenities and a support provider with the appropriate skills and experience.*

*There are currently 41 young people in transition to adulthood in Surrey who will need this type of accommodation with care and support within the next two to five years. At the moment there are very limited options within Surrey so many of those young people will remain in out of county placements.*

39. Officers accept that the provision of special needs housing in the manner proposed would meet a current need identified at both a County wide level and more locally within the Waverley Borough. As such Officers conclude that, the proposed development would be in accordance with policies in both the Local Plan 2002 and the Draft Local Plan Part 1, along with national policies contained within the NPPF in this regard.

## **COUNTRYSIDE BEYOND THE GREEN BELT**

### **Waverley Borough Local Plan 2002**

Policy C2 – Countryside Beyond the Green Belt

Policy SP2 - Spatial Strategy

### **Draft Local Plan Part 1: Strategic Policies and Sites 2016**

Policy RE1 – Countryside Beyond the Green Belt

40. Policy C2 of the Local Plan 2002 states that the Countryside beyond the Green Belt defined on the Proposals Map and outside rural settlements identified in the Local Plan, will be protected for its own sake and building in the open countryside away from existing settlements will be strictly controlled. However, this policy is in conflict with the NPPF in

as much as the NPPF allows for a less openly restrictive approach to development in the countryside. Paragraph 17 of the NPPF provides that as a core principle in decision taking the local planning authority should recognise the intrinsic character and beauty of the countryside whilst supporting thriving rural communities within it. Accordingly, the level of protection afforded to Countryside Beyond the Green Belt has been qualified in the Draft Local Plan Part 1, Policy RE1 and simply reflects the provisions of the NPPF.

41. Paragraph 54 of the NPPF states that in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs. Paragraph 55 of the NPPF directs that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Paragraph 55 continues by stating that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances
42. Paragraph 69 of the NPPF 2012 states, inter alia, that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It continues that local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.
43. Paragraph 70 of the NPPF 2012 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
  - plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; sustainability of communities and residential environments;
  - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
  - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
44. Policy SP2 of the Draft Local Plan Part 1 provides that the spatial strategy of the Borough Council will be to allow modest growth in villages such as Alfold to meet local needs. Policy ALH1 of the Draft Local Plan Part 1 provides that Alfold is required to provide 100 residential units over the plan period.
45. The site is located within the Countryside beyond the Green Belt outside any defined settlement area. The application site is located on the edge of the village boundary to the north of the village centre, approximately a 5 minute walk from the application site. The site is accessed off Rosemary Lane. There is extensive planning history on this site where previous applications for residential use have been refused. However, since changes to Permitted Development rights, there is now extant permission for the conversion of the existing piggeries to two residential properties with their own curtilages.

### **What is the impact of the development on the intrinsic character and beauty of the countryside?**

46. Whilst the proposed building would be larger than those they are replacing, they are contained within the envelope of the existing buildings to the north of the site whilst retaining the open meadow to the south. The proposal is of a higher design quality than the buildings being replaced and arguably would integrate better into the landscape.



## Sustainable Location?

47. Alfold is described in the Draft Local Plan Part 1 as a medium size village. The village is well located in terms of access to local employment in and around the village centre and further afield at Dunsfold Park. Alfold contains a village shop and a petrol station. The application site is also in reasonably close proximity to the neighbouring villages of Cranleigh and Rudgwick (Sussex). The applicant has demonstrated that there are over 40 mainstream activities within a 30-minute drive in which tenants can engage. For example, Cranleigh Leisure Centre, Southwater Country Park, Craggy Island Climbing Centre, Winkworth Arboretum, Wildwood Golf Club, local garden centres etc.
48. Waverley Borough Council advise that whilst the Council would be generally supportive of the need to provide supported accommodation such as that provided by this application, concern is expressed at the proposed location at the edge of a small village settlement, which is relatively unsustainable in terms of its location and the services and facilities that it can offer and is heavily car reliant. Whilst the village has a village shop, it is considered that the proposed dwellings would be isolated in that they would not be in close proximity to facilities required for sustainable living and therefore the proposal does not meet any of the sustainability criteria listed in paragraph 55 of the NPPF. Essentially, the proposed residents and potential employees would be likely to be reliant on the private car to access the services and facilities required to facilitate social interaction and create healthy, inclusive communities.
49. Officers do not agree with this view as set out in paragraph 47 above. However if the above view of Waverley Borough Council was endorsed and it was concluded that the site was isolated in terms of the NPPF, the overriding need for accommodation, as set out in paragraph 38 above, provides the special circumstances necessary to outweigh any harm which may manifest as a result of being isolated and therefore car reliant. The needs statement at para 38 draws attention to the needs of this client group for extensive indoor and outdoor space which is not achievable in urban locations. In any event, given the facilities and services available in and around Alfold, albeit limited, goes some way to minimise the harm.

## Conclusion

50. Officers conclude that whilst there may be limited facilities within the village of Alfold, development at the application site could support services in a village nearby and this would be in accordance with paragraph 55 of the NPPF. This position is strengthened with the publication of the Draft Local Plan Part 1 which envisages approximately 100 units to be delivered in and around the Village of Alfold and also the recent Waverley Borough Council decision to approve outline permission for the development for 55 dwellings at Sweeters Copse Ref WA/2015/2261.
51. Whilst the future occupants of the proposed development would be reliant on the private motor vehicle to meet their everyday needs, in terms of access to services and facilities, officers consider that the scale of the proposed development would not be excessive given that the proposal would be for ten residents. As such, Officers conclude that the principle of development in this location would be in accordance with the development plan.
52. Officers note that there is a potential conflict with Policy C2 of the Waverley Borough Local Plan 2002, however the NPPF as reflected by the Draft Local Plan Part 1 is a significant material consideration to be weighed in the balance. The applicant has demonstrated that there is a need for accommodation of this nature in a location such as Lindon Farm and officers consider that the need for the development outweighs the policy conflict in this instance such that an exception to policy can be made. The NPPF and Draft Local Plan states that developments should recognise the intrinsic character

and beauty of the countryside rather than being protected for its own sake and officers therefore consider that the proposal would not conflict with national and emerging local policy in this regard.

## **DESIGN AND VISUAL AMENITY**

### **Waverley Borough Local Plan 2002**

Policy D1 – Environmental Implications of Development

Policy D4 – Design and Layout

53. Local Plan Policy D1 resists development which is materially detrimental to the environment by reference to criteria which include harm to visual character and distinctiveness of a locality in respect of design and scale of development and relationship to its surroundings. Local Plan Policy D4 aims to ensure development is of a high quality of design integrating well with the site and surroundings. The development also needs to be appropriate in terms of scale and appearance, be of a design and in materials which will make a positive contribution to the appearance of the area and which will not significantly harm the amenities of neighbouring properties.
54. The proposal would comprise of:
- i) A block of 5 self contained flats, each providing a kitchen, lounge, bathroom and bedroom, together with overnight accommodation for one member of staff and a plant room. The building would be 52.2m in length, with a width of 13.2m and a height of 6.9m. It would be constructed with a standing seam zinc roof, with brick and timber clad elevations.
  - ii) A block containing a shared flat, providing 3 bedrooms and en-suites, three private lounges, a shared lounge, dining area and a kitchen. Overnight provision for one member of staff is also provided. The building would be 28.7m x 10m with a ridge height of 6.6m. The building would be constructed with a standing seam zinc roof and Horsham sandstone elevation.
  - iii) A block containing a shared flat, providing 2 bedrooms and en-suite, a quiet lounge, a shared lounge and a dining room and kitchen. A water and electric plant is also proposed within the building. The proposed building would be 18.7m x 10m with a ridge height of 6.6m. The building would be constructed with a standing seam zinc roof and Horsham sandstone elevation.
  - iv) An activity block would provide an activity room, sensory room, therapy room, kitchen store, office facilities and staff kitchen and breakout areas. The proposal also provides for a covered external area. The building would be 29.5m x 17.7m and would have a ridge height of 8.7m. The building would be constructed with a standing seam zinc roof with horizontal timber cladding stained ebony black.
55. The design and layout of the proposal has evolved and a number of options were considered in terms of a courtyard layout, a linear configuration and also a dispersed arrangement. The final design of a dispersed layout was decided upon by the applicant as it was considered to meet the needs of the proposed residents whilst reducing the impact on the existing landscape by virtue of its scale and location. It was also proposed to locate the buildings in a similar location to the existing buildings and therefore create a self imposed building line through the centre of the site to keep the southern part of the site free from buildings.
56. Each block is proposed to be designed differently with the use of a variety of materials on the elevations which are to be locally sourced. The same roof material is proposed which will provide consistency. The roof material was chosen to tie all the buildings in together whilst maintaining the farmstead character. The buildings will be single storey with the exception of the activity centre which will be two storey in scale.

57. The proposed buildings have been carefully designed to integrate within the surroundings drawing upon local materials to provide cohesion within the locality. The scale of the buildings has been limited to predominantly single storey to limit the impact on the existing site and the surrounding area. The existing two storey house on the site is of no architectural merit and is prominent when viewed from Loxwood Road. The proposed development would be a more subordinate scale with materials that would be more sympathetic to the rural setting and surroundings. The flats have been designed to fully accommodate the needs of the residents and provide enough space to meet their specific requirements. The deliberate retention of the open field to the south of the buildings would also help to maintain the open rural feel of the site as well as provide a large open space for the residents to utilise.
58. Officers consider that the proposal is of a high quality design which has been carefully considered and developed. Officers consider that the proposal would integrate well within the existing site and the surroundings, including when viewed from the street scene and as such would accord with development plan policy in this regard.

### **IMPACT ON RESIDENTIAL AMENITY**

#### **Waverley Borough Local Plan 2002**

Policy D1 – Environmental Implications of Development

Policy D4 – Design and Layout

59. The criteria applicable to all development in Local Plan Policies D1 and D4 include a presumption against loss of general residential amenity including loss of natural light, privacy and disturbance through noise light or vibration. The specific criteria in Policies CF2 for development of Community Facilities and CF3 for development of Educational Facilities both require that there are no adverse effects on residential amenity resulting from noise, overlooking or traffic congestion.
60. There are residential properties to the south, east and west of the application site. To the east is Sandy Court. The rear boundary of this property would be located approximately 20m from the five unit block (at its nearest point). The boundary separating the development from this property consists of thick screening in the form of tree, hedging and vegetation therefore views of the development would be limited from this property causing no overbearance, loss of light or loss of privacy.
61. To the south of the site there are a number of properties which back onto the footpath which runs along the southern boundary of the application site. At the nearest point there would be a separation distance of over 60m from the proposed new built form and the rear boundaries of these properties. There is considerable screening to the rear of these properties in the form of trees, vegetation and fencing which protect the privacy of these properties from the public footpath and it is also proposed to plant a new hedge adjacent to the southern boundary. Given the above there would be no loss of light, loss of privacy or overbearance.
62. There would be an intensification of use at this site given that it is currently occupied by one residential property. The proposal for ten individual supported living flats would undoubtedly intensify the use. However the majority of the activity on the site would take place within the northern part of the site where the buildings and private gardens would be located with a proposed hedge, fencing and tree planting which would provide a distinct separation between the built form and the field. The field will be used for amenity purposes however given that each flat has its own private garden as well as the horticultural area to the north of the site, it is anticipated that the focus of activity will be to the north of the site. The distance of over 60m combined with the good screening and location of the buildings would ensure that the proposal would not cause undue disturbance to the properties to the south of the site.



63. The curtilage of 'Larkspur' is located at the end of this row of properties and immediately adjacent to the entrance of Lindon Farm. However, given that this property is well screened on the boundaries and set away from the entrance to the Lindon Farm site, officers consider that the proposal would not cause undue disturbance from traffic movements or the residents.
64. To the west of the site is 'Clover Cottage'. The boundary of this property runs along the western boundary of the application site with the dwelling located a further 70m away and they also have an access through Lindon Farm towards the north west corner of the site, however the main access to this property is via Rosemary Lane. The boundary separating this property from the application site is relatively open with a picket fence and vegetation scattered throughout. It is proposed to plant a new hedge along the majority of this boundary to improve the screening. The good separation distances combined with the proposed improved screening would ensure that the proposal would not result in an adverse impact upon these residential properties.
65. In terms of the impact on residents as a result of construction activities, this will be for a limited period and will be controlled by condition to ensure that construction work will be restricted to 07.30 – 18.30 Monday to Friday and 08.00 – 13.30 Saturday and at no point on Sundays, public / bank or national holidays
66. Given the above, officers consider that the proposal would not result in an adverse impact upon residential amenity and would accord with development plan policy in this regard.

## **HIGHWAYS, TRANSPORTATION AND RIGHTS OF WAY CONSIDERATIONS**

### **Waverley Borough Local Plan 2002**

Policy D1 – Environmental Implications of Development

Policy M1 - The Location of Development

Policy M2 – Movement Implications of Development

Policy M14 – Car Parking Standards

67. The criteria contained in Local Plan Policy D1 include one of resisting development which generates levels of traffic that are incompatible with the local highway network or cause significant environmental harm by virtue of noise and disturbance.
68. Policy M1: The Location of Development, the Council will seek to ensure that development is located so as to reduce the need to travel, especially by private car, and to encourage a higher proportion of travel by walking, cycling and public transport. In particular, the Council will seek to: (a) locate major trip generating developments in locations in Farnham, Godalming, Haslemere and Cranleigh which are highly accessible by public transport, cycling and walking; and (b) resist major trip generating developments in peripheral or rural locations where access would be predominantly by private car and where accessibility by other modes is poor.
69. Local Plan Policy M2 requires that all development proposals provide safe access for pedestrians and road users designed to a standard appropriate for the highway network and level of traffic likely to be generated. It requires major trip generating development to be supported by a transport assessment and in some circumstances by a Travel Plan. Policy M14 states that the level of car parking provision appropriate for individual development proposals will be assessed according to the location and type of development
70. The proposal is for a facility to meet an acknowledged need to provide supported living for up to 10 adults with autism at Lindon Farm. Rosemary Lane is a very lightly trafficked rural lane with a weekday total traffic of around 380 vehicles and an am and pm peak of 31 and 32 respectively. Rosemary Lane is narrow in places and the speeds are around 20mph both east and west bound. The width of the carriageway is such that only single

file traffic is possible in places. There is evidence of verge over-running which indicates the shortcomings of the lane. Lindon Farm is located on the edge of Alfold village which has limited amenities and limited accessibility by non-car modes. Given the nature of their conditions, it is unlikely that the residents will travel independently but it is anticipated that staff will be largely car dependent.

71. The farm is not currently in agricultural use. It has been calculated that when it was fully operational however, it would have generated around 20 movements per day, with 3 in the am peak and 2 in the pm peak. It has been calculated that the proposed use could generate up to 54 staff movements, 20 residents' movements and 2 deliveries/visitors movements per day. This would result in 76 movements per day - an increase of 56 movements over and above the permitted agricultural use. None of these movements would be during the network peaks however, with the peak movements for the development being between 11.00 and 12.00, with 12 movements. The development will be staffed 24 hours and the staff will work shifts - the peak movements are likely to be at staff changeover. In absolute terms however, the traffic generation of the proposal is low - a total of 38 vehicles per day, spread out throughout the day. Despite the nature and constraints of Rosemary Lane, this is considered acceptable.
72. The scheme includes the widening of the access road from 2.5m to 4.8m wide to accommodate two-way traffic, the provision of visibility splays at the access of 2.4m x 25m in the leading traffic direction and 2.4m x 43m in the trailing traffic direction, and the provision of 21 parking spaces with turning. This is all considered acceptable. There are two public footpaths that cross the site. Footpath 410 runs alongside the access and footpath 411 runs east from the access to Loxwood Road. The applicant is proposing to upgrade both of these footpaths within the site by resurfacing with a permeable surface. Footpath 411 will provide the main pedestrian access from the site into Alfold village as there are no footways on Rosemary Lane. It is important that it remains usable whatever the weather conditions. The Countryside Access Group do not raise objection to the proposal but have specific requirements in regard to the surface of the Footpaths which will be secured by condition.
73. The demolition of the existing Lindon Farm buildings and the construction of the supported living accommodation is likely to lead to intensive activity at the site, including demolition and construction vehicles and associated site staff. The constraints of Rosemary Lane are such that larger HGVs in excess of 8/9 metres will be unable to access the site without difficulty. It is therefore essential that the demolition and construction phases are planned and managed such that vehicles larger than 9 metres do not need to visit the site. Additionally, delivery and waste collection vehicles will be unable to pass on Rosemary Lane and therefore movements need to be carefully planned such that vehicles do not meet on this road. There may need to be some active traffic management on the narrowest section of Rosemary Lane during delivery times. The Framework Demolition and Construction Traffic Management Plan has been produced to accompany the planning application. The full plan will need to take into consideration these matters and be produced prior to the commencement of demolition at the site, and a condition is recommended to this effect.
74. Reference is made in the Transport Statement to maximising the available carriageway on Rosemary Lane through the removal of overhanging vegetation and dirt that has been tracked onto the edges, prior to the commencement of construction. In addition, the Highway Authority will require a 'before' and 'after' condition survey of the carriageway and verges of Rosemary Lane and will expect the applicant to make good any damage arising from the passage of vehicles associated with the demolition and construction of the site.
75. A Travel Statement for staff and visitors to the site has been produced which gives information about access to the site by non-car modes. The expectation is that the majority of trips to the site will be by car but if the information about alternatives is made

available, staff and visitors can make an informed choice about mode of travel and it will also facilitate travel to the site for those without access to a car.

76. Transport Development Planning consider that subject to the above suggested conditions, that the proposal would be acceptable and would not adversely impact upon the highway. The proposal would therefore accord with development plan policy in this regard.

## **ECOLOGY**

### **Waverley Borough Local Plan 2002**

Policy D1 – Environmental Implications of Development

Policy D5 - Nature Conservation

77. Policy D1 of the Local Plan states that development that results in loss or damage to important environmental assets, such as buildings of historical or architectural interest, local watercourses, important archaeological sites and monuments and areas of conservation, ecological or landscape value will be resisted. Policy D5 requires that all development take account of nature conservation issues and retain any significant features of nature conservation value; not materially harm a protected species of animal or plant, and encourage the enhancement of existing areas or features of nature conservation value and the creation and management of new wildlife habitats.

### **Bats**

78. The application was supported with a Bat Activity Survey and a Great Crested Newt Habitat Assessment. The bat survey concluded that five species of bat were recorded on the site: Common pipistrelle, soprano pipistrelle, brown long-eared, Myotis and noctule. As such the suggested recommendations advise that any trees works must be conducted by an Arboriculturist with a knowledge of roosting bats and appropriate working method to limit any potential harm. It was suggested that the open sided barn should be retained or replaced. Following consultations with the County Ecologist and Surrey Wildlife Trust, it is proposed to retain a third of the barn and amended plans have been submitted to that effect. This approach was agreed by the Ecologist and Surrey Wildlife Trust. The report also recommended that for each tree felled, a native tree should be planted, bat friendly lighting throughout, installation of bat boxes and general habitat enhancements. Subject to the above, the County Ecologist is satisfied that there would be no adverse impact upon bats.

### **Great Crested Newts**

79. Five ponds within a 500m radius of Lindon Farm were assessed as having potential to support Great Crested Newts. However, to date landowners have only granted permission to survey at one, Pond 1 at Broadacres Farm to the immediate north of the site. As a result the County Ecologist in consultation with Surrey Wildlife Trust advised that an e-DNA survey is undertaken in mid April to as many of the ponds as is allowed, in order to determine the presence/likely absence. A condition is recommended to secure this and identify appropriate mitigation as a result of the findings. It has been concluded by the Ecologist and Surrey Wildlife Trust that all areas of the site that are made ground and are flat, such as the access tracks and the associated buildings, rubble pile by the open barn and also the flat grassland area located between the electricity pole and the piggery buildings are less suitable for great crested newts as sheltering or hibernating habitat and therefore can be worked on with only a low risk of encountering great crested newts.
80. The bund along the access track to the house should not be removed until the great crested newt survey at Broadacres Farm has been carried out and the results analysed, as there is potential for crevices, such as rabbit holes being used by great crested newts (if present terrestrially) using these features for shelter. No ponds will be lost through the

development and the main feature that may be support great crested newts is the bund. The potential pond at Broadacres Farm is separated from the development by a stream which forms a barrier to great crested newt movement. For this reason the recommendation from the Surrey Wildlife Trust is that the development can proceed as long as the measures above are undertaken. The County Ecologist agrees that this is a proportionate response to the possibility that a European protected species is affected. This is in line with Natural England Policy 4 set out below;

*Natural England will be expected to ensure that licensing decisions are properly supported by survey information, taking into account industry standards and guidelines. It may, however, accept a lower than standard survey effort where: the costs or delays associated with carrying out standard survey requirements would be disproportionate to the additional certainty that it would bring; the ecological impacts of development can be predicted with sufficient certainty; and mitigation or compensation will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of any European Protected Species.*

81. It was also recommend that if the piggery buildings are not fully demolished then the roof is removed to discourage nesting birds prior to end of February. Again these buildings are unlikely to provide shelter or hibernation features for great crested newts should they be present on site in terrestrial phase.

#### **Ancient Woodland**

82. As mentioned previously there is an area of Ancient Woodland on the northern boundary of the site. As such, a 15m buffer zone has been imposed around the Ancient Woodland to ensure no new development within this zone. The proposal will involve the removal of the existing tarmac track and part of the piggery which are located within this 15m buffer zone. Plans have been submitted detailing the proposed methods in order to remove these elements without damaging the trees or tree roots. It is not proposed to construct any new buildings or hard surfaced areas within the 15m buffer zone and the construction area will be fenced off to ensure the buffer is retained throughout the construction of the development. Conditions are recommended to secure this. The Forestry Commission and Natural England's Standing Advice has been applied and given the information submitted combined with the suggested conditions, officers conclude that the proposal would not adversely impact upon the Ancient Woodland.

#### **Bunds and Solitary Bees and Wasps**

83. There is a grassy bank which borders access track to the north of the site. As recommended in the preliminary ecological appraisal of May 2016 careful removal of the key areas of bare ground in this bank should be undertaken carefully under ecological watching brief after nesting has taken place and prior to further egg-laying i.e. between the months of June and July. This bank can be relocated if possible to another suitable area of the site providing it is facing south.

#### **Reptiles**

84. The tussocky grass along the sides of the main access track and also either side of the track leading to the house is potential habitat for widespread reptile species, such as slow worms. The County Ecologist recommends that two stages of cutting are undertaken under ecological watching brief during the active season for reptiles i.e. March – September and when temperatures are above 10°C, and it is dry and sunny and not raining. The cutting should be directional i.e. heading from the house towards the adjoining field with the bracken, so that reptiles have a chance to move away from the clearance area and into suitable sheltering habitat off site. Once the final cut to ground

level is achieved it is recommended that this height of sward is maintained in order to discourage reptiles from recolonising the area.

**Nesting Birds**

- 85. The County Ecologist recommends that if the piggery buildings are not demolished outside the bird nesting season, 1st March -31 July, that the roof is removed as part of the asbestos works to discourage nesting birds prior to end of February.

**Badgers**

- 86. A precautionary check should be carried out around the development area prior to works commencing to see if any new setts have been dug.

**Conclusion**

- 87. The County Ecologist and Surrey Wildlife Trust do not raise any ecological objections to the proposal subject to conditions in terms of the submission of an ecological mitigation plan and Landscape and Ecology Management Plan. As such officers consider that the proposal would accord with development plan policy in this regard.

**LANDSCAPING**

**Waverley Borough Local Plan 2002**

Policy D4 – Design and Layout

Policy C7 – Trees, Woodlands and Hedgerows

- 88. Policy D4 of the Local Plan seeks to ensure that development is of a high quality design which integrates well and complements its surroundings. In particular it states that development should pay regard to existing features of the site such as landform, trees, hedges, ponds, water courses and buffer zones, walls or buildings.
- 89. Policy C7 states that the Council will seek to ensure that the extent of tree cover in the Borough is maintained and in particular will resist the loss or seek the replacement of trees woodlands and hedgerows in areas which:
  - (a) contain features that are characteristic or make a significant contribution to the appearance of the landscape or of the streetscape;
  - (b) are of wildlife interest;
  - (c) are of historic significance; and
  - (d) are of significance for recreation.
 (e)Where there are hedgerows on a development site, opportunities for improving the hedgerows through landscape management will be sought.
- 90. The site is located approximately 4.2km to the south and 4.3km to the east of the Surrey Hills AONB. The site is located 0.4km to the east of the AGLV. There is a woodland block on the northern boundary of the site which is designated as Ancient Woodland. Alfold Conservation Area is located to the immediate south of the site. The site is currently an open pasture containing dispersed farm buildings in the northern part of the site. The site is located within the 'Woodland Low Weald' County landscape character area.
- 91. The north of the site is bound by Ancient Woodland with open access from the farm site into the woodland, the eastern boundary is characterised by scattered broad-leaved trees, set with dense scrub vegetation, beyond this boundary is an open field. The southern boundary is formed by the boundaries of private gardens and to west is the access track to the farm, with timber post and rail fencing with some scattered broad-leaved trees followed by an open field



92. The development would result in a change to the character of part of the site from agricultural to a more residential style. However, retention of the existing open paddock to the south of the site, maintaining a clear open space between the proposed buildings and the clearly defined, compact settlement of Alfold to the south will assist in reducing the impact on landscape character. The site is considered to be of poor quality due to the low importance or rarity within this landscape type.

### **Landscape Appraisal**

93. A Landscape and Visual Appraisal was submitted with the application which concluded that the overall sensitivity of the landscape character as a receptor is medium; acknowledging that the local area has distinctive character, with a general consistency, notwithstanding the presence of some detracting features. This includes the existing residential dwelling, which has distinct white weatherboard cladding and is built upon a raised platform, neither of which are in keeping with the local vernacular of buildings. The location of the house on the higher level of the site results in the building being a prominent feature in the landscape. The piggery buildings, whilst low set, are also poor in terms of architectural quality when compared to other barn and farm buildings in the locality. The presence of these intrusive features allow within the assessment site some capacity of the landscape to accept change. The proposed development includes for additional built footprint compared to existing, with increased width of access road and the inclusion of formal car parking.
94. The landscape effect on character was concluded to be moderate, entailing some change to the existing landscape but would not constitute an adverse effect or significant environmental effect.
95. The principal vegetation features are to the site boundaries, including the Ancient Woodland to the north and hedgerows and scattered trees to the remaining boundaries. The vegetation to the site boundaries is considered to be high in terms of overall sensitivity as the Ancient woodland to the north contributes to the setting of Alfold in the wider context, and the hedgerows with scattered trees also contribute to local character. The vegetation within the site is considered medium overall sensitivity as the vegetation is in a moderate condition with some aesthetic attraction but could be further enhanced, managed and improved. The development proposals include for the retention and enhancement of boundary vegetation, and therefore the magnitude of effect on the overall development in relation to vegetation is considered to be moderate entailing some change to the existing landscape but would not constitute an adverse landscape effect or significant environmental effect. The loss of any existing vegetation to proposed building footprint, access road and car parking will be locally confined.
96. The Landscape Appraisal concluded that the change to the landscape would be within the immediate area and would not change the fundamental character of the landscape setting and would not change the overall character of the wider area and would not result in an unacceptable impact in terms of landscape character, landscape features or landscape heritage. The Landscape Appraisal also concluded that the proposal would not constitute a significant visual or environmental effect.

### **Proposed Landscaping Scheme**

97. To facilitate the development, two trees will need to be removed. The main impact in terms of the trees will be as a result of incursion into the root protection areas as a result of the demolition of some of the existing buildings and removal of the tarmac track. However plans have been submitted detailing the working methods to ensure that no roots are damaged as a result of the works. A full Arboricultural Method Statement is also required as a pre-commencement condition to ensure the protection of the existing trees on the site.

98. It is proposed to introduce approximately 60 native trees on the north western and north eastern boundaries of the site and an area on the eastern boundary and to the far south. It is proposed to provide orchard style planting in the form of approximately 30 apple and pear trees located to the rear of the individual blocks and on part of the eastern boundary. Ornamental trees are proposed to be located centrally within the site and further hedge planting is proposed on the east, south and western boundaries.
99. There will be three zones with access from all of the homes these include; therapy gardens located within the central courtyard which connects directly with all of the homes, this will be sensory rich including ornamental trees and shrubs, grass and perennial planting, herb garden, a range of surface materials and shallow water features; there will be a horticulture area located centrally within the therapy garden this will include a glass house, fruit cages, raised planting beds and growing plots; the final area will be the sloping lawn and trees towards the south of the site. All homes will have their own garden spaces including lawn, stone area and planting bed immediately outside their living rooms.
100. The Landscape Architect was consulted on the application and advises that the landscape strategy and landscape detail is comprehensive and is in agreement with the majority of its conclusions. Concern was raised over the species of hedge HE2 along footpath FP411 as the footpath is quite narrow and will then be wedged between 2 lines of vegetation. The applicant amended the species to hornbeam which would be easier to manage and set the hedge back by 1m which was also a requirement of the Countryside Access Management Group.
101. It was proposed to plant Ash trees however due to Ash dieback, new Ash trees are not recommended to be planted in Surrey at this time. This was amended to Field maple which the Landscape Architect advises would be a suitable alternative. The Management Plan is broadly acceptable and a compartment plan has been submitted, showing the exact extent of each habitat or buffer areas post development which the landscape Architect considers is acceptable.
102. There are some standard trees within the new planting which will require ongoing watering and general hedge management including operations, timings and frequencies in the management plan. Also more detail is required in terms of the establishment of the therapy gardens and structural landscape which will be secured by condition.
103. Subject to conditions, officers are satisfied that a comprehensive landscaping scheme has been submitted which would enhance the surrounding area. Therefore officers consider that the proposal would accord with development plan policy in this regard.

## **SETTING OF THE CONSERVATION AREA**

### **Waverley Borough Local Plan 2002**

#### **Policy HE8 – Conservation Areas**

104. Policy HE8 states that the Council will seek to preserve or enhance the character of conservation areas by:
- (a) the retention of those buildings and other features, including trees, which make a significant contribution to the character of the conservation area;
  - (b) requiring a high standard for any new development within or adjoining conservation areas, to ensure that the design is in harmony with the characteristic form of the area and surrounding buildings, in terms of scale, height, layout, design, building style and materials;
  - (c) in exceptional circumstances, allowing the relaxation of planning policies and building regulations to secure the retention of a significant unlisted building;
  - (d) protecting open spaces and views important to the character and setting of the area;
  - (e) carrying out conservation area appraisals;

(f) requiring a high standard and sympathetic design for advertisements. Internally illuminated signs will not be permitted;

(h) encouraging the Highway Authority to have regard to environmental and conservation considerations in implementing works associated with its statutory duties, including the maintenance, repair and improvement of public highways and the provision of yellow lines, street direction signs and street lighting.

105. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving, or enhancing the character and appearance of the area.
106. The National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. The NPPF then goes on to say where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
107. Alfold is a nucleated settlement sited on a historic route between Guildford and Petworth. The age of the settlement is illustrated in the survival of individually significant buildings dating from the medieval period through to the late nineteenth century. Alfold is a small rural settlement with a cluster of dwellings to the east of the church and the junction of Rosemary Lane and Loxwood Road. The development on the western and northern side of Loxwood Road is more characteristically smaller semi-detached cottages and terraces fronting onto the road with the more spacious and dispersed detached development lying to the south of the road.
108. The application site is currently occupied by a 20<sup>th</sup> century farmhouse, piggeries and an open-sided barn which are of no intrinsic historic or architectural interest. The County Historic Buildings Officer concurs with this view and agrees that the demolition of the buildings does not raise any heritage issues in its own right.
109. The County Historic Buildings Officer advises that the heritage statement and the design and access statement draw heavily upon the published character appraisal of the conservation area. Neither picks up on the importance of the open field to the north of the chapel which is immediately east of the application site. It is his view that this is important because its open nature serves to reinforce the hard boundary of the village/conservation area. It is significant that the last building in the built-up area is the chapel which was perhaps the last addition to historic village illustrating how nonconformist worship only left a physical legacy fairly late on in the development of the settlement. While this field is outside of the application site it is important that views from the public road into the site retain a rural character.
110. The County Historic Buildings Officer stated that providing the east boundary to the site retains the hedge as is suggested in the paperwork, he is of the view that the new buildings will be no more dominant than the existing and therefore the contribution made to the special character of the conservation area by the views over this open space and into the site will be preserved. The same hard boundary to the conservation area occurs on the southern side of the application site. Since the location of the new buildings is substantially the same as the existing he is also of the view that the proposal will have no greater effect on the setting of the conservation area than the current buildings have. The planting of a hedge on this southern boundary is to be welcomed.
111. The Historic Buildings Officer advises that it appears that most of the heritage conservation concerns have been addressed in the design that has been chosen. One



thing that is not explained is the choice of zinc with upstanding seams the roof of the development since this is not a local vernacular building material. He does advise that the material will be comparatively dark, and therefore recessive, and on this basis does not consider the use of the material to be inappropriate in this instance.

112. The Historic Buildings Officer has assessed the proposal in accordance with policies 129 and 132 of the National Planning Policy Framework and finds that there will be no material impact on the setting of the conservation area or any of the nearby listed buildings.
113. Waverley Borough Council take a different view and advise that the proposed development would have an impact on the setting of the Conservation Area. The significantly increased built form will be visible from Loxwood Road and together with the increased vehicular activity on the site will dilute the contrast between the historic village and the surrounding countryside. As a result it is considered that the proposal would result in less than substantial harm to the significance of the designated heritage asset. The strong contrast between the settlement and the surrounding countryside is a significant contributor to the character of the Conservation area. In view of this conclusion, Waverley Borough Council advise that it would be for the County to consider, in accordance with paragraph 134 of the NPPF whether this less than substantial harm is outweighed by the public benefits of the proposal.
114. Officers consider that the proposal would not result in any harm to the conservation area and this view is endorsed by the County Historic Buildings Officer. However, if the view was taken that there is less than substantial harm, officers consider that the need to provide supported living accommodation for adults with autism and high support needs within the County of Surrey to serve a demonstrated need for a proportion of the residents of Surrey would outweigh that harm in this instance.

## **FLOOD RISK AND SUSTAINABLE DRAINAGE (SuDs)**

### **Waverley Borough Local Plan 2002**

#### **Policy D1 - Environmental Implications of Development**

115. Policy D1 of the Local Plan requires that flood risk assessment will be required to be submitted with planning applications to determine the potential risk of flooding and secure mitigation where necessary to limit the environmental impacts of any development. The applicants have submitted a Flood Risk Assessment with the application which recognises that the site lies within Flood Zone 1 and will not flood from either fluvial or tidal sources but has a high risk of surface water flooding and a medium risk for groundwater flooding.
116. The application site is located entirely within Flood Zone 1 which has less than 1:1,000 probability of flooding. The topographical survey identified that existing foul drainage exists at the site. An existing 150mm diameter foul sewer diagonally crosses the site from northeast to southwest. The existing house connects into this sewer. There is no surface water drainage identified and the roof drainage from the existing piggeries and barn discharge directly over the ground. Southern Water advised that the existing foul sewer would not have adequate capacity to accommodate the foul flows from the development therefore it is proposed to install a Bioficient package treatment plant designed to accommodate all foul flows from the site. Southern Water advise that the applicant will need to enter into a formal agreement with them to provide any necessary sewerage infrastructure required to service this development. This will be added as an informative. The Environment Agency will also need to be consulted under a separate regime to planning which will also be secured by an informative.
117. A Sustainable Drainage Systems (SuDs) has been designed to manage the surface water run-off from the proposed development at source. The use of at source SuDS in the form of soakaways are considered not viable for this site as this type of ground conditions (Wealden Clay Formation, usually comprising mudstone and clayey soils),

however, this will be reviewed following future site investigations works which will include percolations tests. An existing stream exists to the north of the site and therefore the surface water run-off from the proposed development has been designed to outfall to this source in accordance with the discharge hierarchy.

118. In order to manage the surface water run-off from the site and meet current discharge criteria, the surface water runoff from the development will be attenuated and by underground geocellular storage with flows controlled by a hydro-brake or other suitable flow control device. Other techniques can be used to help reduce the volume of run-off and enhance water quality; these include SuDS devices such as: rainwater harvesting; green/brown roofs; permeable paving, filter drains, filter strips and swales. Rainwater harvesting is proposed for the site and will collect clean rainwater runoff from roof areas. This will be stored onsite and used externally for irrigation. Rainwater harvesting would retain run-off reducing volume and flows further. Permeable paving will be used for the parking bays. One of the highest risks of pollution in developments is from vehicles, particularly stationary ones. The use of permeable paving for parking bays is therefore very effective in dealing with any localised incidents and removing pollutants at source. Pollutants are filtered through the permeable paving construction and provide treatment to the surface water, using the natural process of sedimentation, filtration, absorption and biological degradation.
119. The Environment Agency were consulted on the application and advised that they were unable to make a detailed assessment. They have checked the environmental constraints and commented in regard to pollution prevention and directed the applicant to a number of guidance notes on pollution prevention. The EA commented in regard to the foul drainage and advised that new development should be connected to the public mains where possible and the proliferation of individual treatment plants can cause deterioration in local water quality. However, they have not raised objection to this approach in regard to this application.
120. The Lead Local Flood Authority (LLFA) were consulted on the proposal who are satisfied that the proposed drainage scheme meets the requirements as set out within the NPPF and NPPG. They recommend that planning permission can be granted subject to conditions requiring the submission of further details of the design of a surface water drainage scheme to ensure that the design meets the technical standards for SuDs and that the final drainage design does not increase flood risk in or off site. Subject to the above, the proposal would accord with development plan policy in this regard.

## **ARCHAEOLOGY**

### **Waverley Borough Local Plan 2002**

Policy HE14 - Sites and Areas of High Archaeological Potential

Policy HE15 - Unidentified Archaeological Sites

121. Policy HE15 of the Local Plan states that where proposals are made for large scale developments (over 0.4 hectares) not in an area already defined as of High Archaeological Potential, the Council will require that an archaeological assessment is provided as part of the planning application, and the same provisions as in Policy HE 14 (b) (c) and (d) will apply, those provisions requiring possible further investigative work.
122. The application site area is 2.27 hectares and is therefore supported by a heritage statement which has examined all relevant and currently available sources to determine the archaeological potential of the site and the impact of the proposals on any heritage assets in the vicinity. The report concludes that the proposals will not impact upon any known heritage assets and there appears to be a generally low archaeological potential on the site, but acknowledges that due to the relative lack of any previous archaeological investigations in the area the possibility that significant remains from any period maybe present on the site cannot be discounted.

123. In order to identify any archaeological deposits and to enable appropriate mitigation measures to be devised the assessment recommends that a programme of trial trench evaluation would be appropriate. The County Archaeologist agrees with this conclusion and confirms that the specification for a trial trench evaluation that is appended to the heritage statement offers an acceptable and proportionate response to allow the identification of any buried remains that may be present and allow suitable mitigation measures to be devised if necessary.
124. The County Archaeologist raises no objection to the proposal subject to conditions securing the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation. Given this, officers are satisfied that the proposal would not adversely impact upon archaeology, subject to conditions and would therefore accord with development plan policy in this regard.

**SUSTAINABLE CONSTRUCTION**  
**Waverley Borough Local Plan 2002**  
 Policy D3 – Resources

125. Local Plan Policy D3 encourages development which is acceptable in principle and utilises environmentally innovative means of conserving energy and water and minimise use of non-renewable resources.
126. The application was accompanied by a sustainability report and a sustainable design and construction method statement. These documents advise that it is proposed to re-use the existing materials on site where possible and also use sustainably sourced materials.
127. Part of the proposal includes the installation of a ground source heat pump. Ground source heating involves extracting heat from the ground to heat the building by circulating water through buried pipes. It is proposed to install a horizontal pipe system underneath the field to the south of the proposed buildings covering an area of over 5000sqm. The field will be restored back to grass once the ground source heat pump has been installed.
128. It is proposed to install solar thermal panels on the southern roof slope of the 5 unit block. Solar thermal relies on direct energy from the sun, with the solar energy being passed directly to water as heat. It is proposed to install photovoltaic panels on the southern roof slopes of the activity centre and three unit block.
129. In total the ground source heat pump is predicted to reduce CO2 emissions by 16%, the solar thermal panels by 3.9% and the solar photovoltaic panels 7.2%. In addition, the buildings are orientated along the east-west axis, with extensive south facades maximising daylight and sunlight ingress during winter, reducing the energy demand for both heating and lighting. In summer, the combination of overhangs, low g-value glazing and blinds limit undesired heat gains and reduce cooling requirements. Rooflights further increase daylight amenities while reducing the cooling demand by facilitating air flow and maximising the potential of cross-ventilation.
130. Officers are satisfied that the proposal would support the provision of energy efficiency and promote sustainable development and would therefore accord with development plan policy in this regard.

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**HUMAN RIGHTS IMPLICATIONS**

131. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph

132. In this case, the Officer's view is that while the possibility of slight impacts on amenity caused by the change of use are acknowledged, the scale of such impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. Their impact can be mitigated by conditions. As such, this proposal is not considered to interfere with any Convention right.

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## CONCLUSION

133. Officers consider that the principle of the development is acceptable and that the proposal would not result in the loss of the most versatile agricultural land. Officers consider that the provision of supported living accommodation would meet a current need identified at both County and local level and that whilst the proposal would be located on the edge of Alfold Village, it would not be isolated and there are a number of facilities and activities within easy reach of the application site. Its location on the edge of Alfold village with adequate space for the residents is appropriate to the particular needs of the future residents.

134. The proposed development has been designed so that it would integrate with the surrounding area. The impact on the surrounding area has been reduced as much as possible by locating the buildings within the same location as the existing buildings and limited to the scale to predominantly single storey. Officers consider that subject to conditions the proposal would not result in adverse impacts in terms of residential amenity. The highways implications are considered to be acceptable subject to conditions. The proposal would not adversely impact upon the existing trees or the Ancient Woodland and considerable additional planting is proposed. The landscaping implications of the development are considered acceptable and further requirements will be secured by condition. Officers consider that the proposal would not result in any material harm to the Conservation Area. There are not considered to be any adverse ecological impacts as a result of the development subject to conditions. The proposed drainage strategy is considered acceptable and further details are required by condition. The preservation of archaeological remains can also be secured via condition.

135. Notwithstanding the lack of harm noted above, the proposal is contrary to the approved development Plan with regard to the protection of the Countryside Beyond the Green Belt. However the proposal must also be considered in terms of the NPPF and emerging Draft Local Plan Part 1 and officers consider that the less restrictive controls in these, in combination with the need for the facility amount to material considerations which justify the grant of planning permission subject to the imposition of relevant planning conditions.

## RECOMMENDATION

That, pursuant to Regulation 3 of the Town and County Planning General Regulations 1992, application no. **WA/2016/1793** be permitted subject to the following conditions:

Conditions:

**IMPORTANT - CONDITION NO(S) [4,11,17,20] MUST BE DISCHARGED PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT.**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

DWG No: 1091 1000 PL1, OS Location Plan dated 21/07/2016  
DWG No: 1091 1002 PL1, Existing Site Plan dated 21/07/2016  
DWG No: 1091 1003 PL1, Existing Building Plan dated 21/07/2016  
DWG No: 1091 1004 PL1, Existing Context Site Plan dated 21/07/2016  
DWG No: 1091 1005 PL3, Proposed Context Site Plan dated 21/07/2016  
DWG No: 1091 1006 PL3, Proposed Site Plan - ground floor dated 21/07/2016  
DWG No: 1091 1007 PL3, Proposed Site Plan - roof dated 21/07/2016  
DWG No: 1091 1008 PL1, GA Ground Floor Plan - Activity Centre (Block A) dated 21/07/2016  
DWG No: 1091 1009 PL3, GA Ground Floor Plan - Individual Flats dated 21/07/2016  
DWG No: 1091 1010 PL1, GA Ground Floor Plan - Shared Flats (Block C & D) dated 21/07/2016  
DWG No: 1091 1011 PL1, GA Roof Plan - Activity Centre dated 21/07/2016  
DWG No: 1091 1012 PL3, GA Roof Plan - Individual Flats dated 21/07/2016  
DWG No: 1091 1013 PL1, GA Roof Plan - Shared Flats dated 21/07/2016  
DWG No: 1091 2001 PL1, Existing Building Elevations & Sections dated 21/07/2016  
DWG No: 1091 2002 PL1, Proposed Elevations - Activity Centre dated 21/07/2016  
DWG No: 1091 2003 PL2, Proposed Elevations - Individual Flats dated 23/06/2016  
DWG No: 1091 2004 PL1, Proposed Elevations - Shared Flats dated 21/07/2016  
DWG No: 1091 2005 PL1, Proposed Sections - Activity Centre dated 21/07/2016  
DWG No: 1091 2006 PL2, Proposed Elevations - Individual Flats dated 21/07/2016  
DWG No: 1091 2007 PL1, Proposed Sections - Shared Flats dated 21/07/2016  
DWG No: 795\_P\_001, Existing Site Context Alford dated August 2016  
DWG No: 795\_P\_002, Existing Site dated August 2016  
DWG No: 795\_P\_005 Rev B, Enabling Works Ancient Woodland Protection dated August 2016  
DWG No: 795\_P\_006 Rev B, Tree Removals / Protection Construction dated August 2016  
DWG No: 795\_P\_007, Open Barn Enabling Works Part Retention dated November 2016  
DWG No: 795\_P\_010 Rev A, Landscape Proposals and Site Context dated August 2016  
DWG No: 795\_P\_011 Rev A, Landscape Proposals dated August 2016  
DWG No: 795\_P\_012, Landscape Proposals Planting dated August 2016  
DWG No: 795\_P\_013 Rev B, Landscape Area 1 Hard Landscape dated August 2016  
DWG No: 795\_P\_014 Rev A, Landscape Area 2 Hard Landscape dated August 2016  
DWG No: 795\_P\_015 Rev B, Landscape Area 1 Planting dated August 2016  
DWG No: 795\_P\_016 Rev A, Landscape Area 2 Planting dated August 2016  
DWG No: 795\_P\_030 Rev A, Sections A-A, B-B, C-C dated August 2016  
DWG No: 795\_P\_031 Rev A, Sections D-D, E-E, F-F dated August 2016  
DWG No: 795\_P\_032 Rev A, Sections G-G, H-H, J-J dated August 2016  
DWG No: 795\_P\_033 Rev A, Sections K-K, L-L, M-M dated August 2016  
DWG No: 795\_P\_035 Rev A, Boundary Section PRPW FP410 + FP411 dated August 2016  
DWG No: 795\_P\_056: Tree Planting Pits 1 dated December 2016  
DWG No: 795\_P\_057: Tree Planting Pits 2 dated December 2016  
DWG No: 795\_P\_058: Tree Planting Pits 3 dated December 2016  
DWG No: 795\_4\_067: 01 Apple Orchard dated December 2016  
DWG No: 795\_4\_068: 02 Pear Orchard dated December 2016  
DWG No: 795\_4\_069: 03 Apple and Plum Orchard dated December 2016  
DWG No: 795\_P\_090, T47 Activity Centre Section dated December 2016  
DWG No: 2016/3143/002 Rev A, Vehicle Swept Path Assessment dated July 2016  
DWG No: 1091 SK001-D, Drainage Strategy dated 11.08.2016  
DWG No: 13929/TM/1, Existing Site & Services Layout dated March 2016  
DWG No: 13929/TM/1 Preliminary / 2, Existing Site & Services Layout dated March 2016



3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be used only for uses falling within use class C3(b) of the Town and Country Planning (Use Classes Order) 1987( as amended), and for no other use including any other use falling within Use Class C3 of that Order.

#### Highways

4. Prior to the commencement of the development hereby permitted, including the demolition of the existing farm buildings, an updated Framework Demolition and Construction Traffic Management Plan shall be submitted to County Planning Authority for approval in writing, this shall include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway
  - (i) before and after construction condition surveys of the carriageway and verges of Rosemary Lane and a commitment to fund the repair of any damage caused
  - (j) measures to ensure that HGVs do not exceed 9m in length
  - (k) on-site turning for construction vehicles
- Only the approved details shall be implemented.
5. Prior to the commencement of the development hereby permitted, the proposed modified access to Rosemary Lane shall be constructed and provided with visibility zones in accordance with drawing 2016/3143/001 contained in the Transport Statement dated August 2016 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
6. Prior to the occupation of the development hereby permitted, space shall be laid out within the site in accordance with the approved plans for bicycles and vehicles to park and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes and for the duration of the development.
7. The Travel Statement shall be updated upon occupation of the site and shall be thereafter be implemented and developed to the satisfaction of the Local Planning Authority.
8. In carrying out the development hereby permitted, no construction activities shall take place except between the hours of 07.30 and 18.00 between Mondays and Fridays and between 8.00 and 13.30 on Saturdays. There shall be no working on Sundays or bank and public national holidays.

#### Rights of Way

9. Prior to the occupation of the development permitted, the proposed works to footpath numbers FP410 and FP411 shall be carried out in accordance with the following methodology:

-Any muddy surface shall be scraped down to a firm base 1.5m wide

- All low surface shall be filled with Type 1 material and compacted with a minimum of 4 passes of a twin drum vibrating roller to a finished depth of 150mm.
- The surface shall be level and compact limestone grit to a compacted depth of 15mm, this material will be heavily compacted with a vibrating plate to leave finished surface with camber to shed water from path.
- The level of finished surface must not fall below existing surrounding ground level.

10. There shall be no obstructions on the public right of way at any time, including any caused by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.

#### Flooding and Drainage

11. Prior to the commencement of the development, details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the County Planning Authority. Those details shall include:
- a) A design that satisfies the SuDS Hierarchy and includes the results from the infiltration testing
  - b) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS
  - c) In the event that testing shows infiltration is feasible for the site then Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+Climate change allowance) for storm events, during all stages of the development (Pre, Post and during) and will not discharge offsite at a rate greater than the 5l/s Greenfield runoff rate as detailed in Lindon Farm, Autism Supported Living, Alfold, Surrey , Flood Risk Assessment, 1092, August 2016 version 4 4
  - d) Details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite,
  - e) Details of how the Sustainable Drainage System will be protected and maintained during the construction of the development
  - f) Finalised drawings ready for construction to include: a finalised drainage layout detailing the location of SUDs elements, pipe diameters and their respective levels and long and cross sections of each SuDS Element including details of flow restrictions
  - g) Details of management and maintenance plan that details maintenance regimes and responsibilities
- The approved details shall be implemented and maintained throughout the lifetime of the development.
12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.
13. The disposal of foul and surface water sewerage shall not be directed to the mains foul sewerage network unless first agreed in writing by the County Planning Authority in consultation with Southern Water.

#### Archaeology

14. The proposed development shall be carried out in accordance with the Written Scheme of Investigation submitted with the application and any further requirements of the County Archaeologist as a result of the above works.

#### Landscaping and Ecology

15. Prior to the occupation of the development hereby permitted, a Landscape and Ecology Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. The content of the LEMP shall include the following:
- a) Description and evaluation of all features to be managed including a compartment plan showing all landscape areas and cross sections
  - b) Ecological trends and constraints on site that might influence management
  - c) Aims and objectives of management and working method statement
  - d) Appropriate management options to achieve aims and objectives
  - e) Prescriptions for management actions
  - f) Preparation of work and/or maintenance schedule for all landscape areas both new and existing (including an annual work plan capable of being rolled forward on a five-year period)
  - g) Details of the body or organisation responsible for implementation of the plan
  - h) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results of monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Only the approved details shall be implemented.

16. The proposed landscaping scheme shall be implemented no later than the first available planting season following occupation of the development hereby permitted. Within 5 years, should the planted tree be removed, uprooted, destroyed or die or become in the opinion of the County Planning Authority, seriously damaged, replacements shall be planted of the same species and size and in the same location as that originally planted.
17. Prior to the commencement of the development hereby permitted, an Ecological Mitigation Plan shall be submitted to the County Planning Authority for approval in writing, details shall include:
- an ecological watching brief to ensure the protection of solitary bees and wasps. The removal of the bare ground in the bank to the north of the site shall take place after nesting (between the months of June and July)
  - an ecological watching brief to ensure the protection of reptiles along the access track. This shall set out two stages of cutting during the active season (March - September)
  - a precautionary check prior to the commencement of development to ensure no new badger setts have been dug
- in the unlikely event that any other protected species are found during the course of the site works, works should cease and Natural England and the County Planning Authority should be notified. Only the approved details shall be implemented.
18. The vegetated bund running along the south side of the former piggery buildings shall not be removed unless the following steps have been taken:
- a) permission has been sought from the owners of the ponds identified in the Great Crested Newt HSI report submitted with the application to carry out surveys for great crested newts at those ponds
  - b) for all ponds where consent to survey has been given, an e-DNA survey has been carried out during the month of April to determine the likely presence or absence of great crested newts;



- c) for all ponds for which that survey indicates great crested newts to be present, two further torch and bottle trapping surveys have been carried out to obtain a population estimate and
- d) the survey results and details of a method of working to remove the bund without impacting great crested newts has been submitted to and approved in writing by the County Planning Authority
- e) the bunds are removed in full accordance with the method approved under d. above.

19. The proposed development shall be carried out fully in accordance with the recommendations within section 4 of the Bat Activity Survey submitted with the application.

#### Tree Protection

20. Prior to the commencement of the development hereby permitted, a full Arboricultural Method Statement shall be submitted to the County Planning Authority for approval in writing, details shall include all components of the development requiring arboricultural input as set out within sections 6.1.2 - 6.1.3 of the governing BS 5837:2012, Trees In Relation to Design, Demolition and Construction - Recommendations.
21. The proposed development shall be carried out in strict accordance with sections 6, 7, 8 and 9 of the Arboricultural Impact Assessment Report and Outline Method Statement submitted with the application.
22. Before any equipment, machinery or materials are brought onto the site for the purposes of carrying out the development hereby permitted, the tree protective fencing shall be erected in accordance with details contained within Appendix 7 of the Arboricultural Impact Assessment Report and Outline Method Statement and DWG No: 795\_P\_005 Rev B, Enabling Works Ancient Woodland Protection dated August 2016, DWG No: 795\_P\_006 Rev B, Tree Removals / Protection Construction dated August 2016, DWG No: 795\_P\_007, Open Barn Enabling Works Part Retention dated November 2016 submitted with the application. The tree protective fencing shall remain in situ for the duration of the construction of the development hereby permitted. For the duration of works on the site no materials, plant or equipment shall be placed or stored within the protected area.

#### Reasons:

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development meets the need for supported living for adults with high support needs pursuant to Policy H7 of the Waverley Borough Local Plan 2002.
4. To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies D1 and M1 of the Waverley Borough Local Plan 2002. These requirements relate to the way the development is to be constructed therefore the details must be submitted and approved before the development commences.
5. To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies D1 and M1 of the Waverley Borough Local Plan 2002.

6. To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies D1, M1 and M14 of the Waverley Borough Local Plan 2002.
7. To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies D1 and M1 of the Waverley Borough Local Plan 2002.
8. In the interests of residential amenity in accordance with Policy D1 and D4 of the Waverley Borough Local Plan 2002.
9. To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies D1 and M1 of the Waverley Borough Local Plan 2002.
10. To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies D1 and M1 of the Waverley Borough Local Plan 2002.
11. To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy D1 of the Waverley Borough Local Plan 2002. These requirements relate to the way the development is to be constructed therefore the details must be submitted and approved before the development commences.
12. To ensure the Sustainable Drainage System is designed to the technical standards in accordance with Policy D1 of the Waverley Borough Local Plan 2002.
13. To ensure that the development does not involve disposal to the public foul sewer in accordance with policy D1 of the Waverley Borough Local Plan 2002.
14. To ensure that any archaeological remains are preserved in accordance with Policy HE14 and HE15 of the Waverley Borough Local Plan 2002.
15. To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and biodiversity and contribute to the character of the local area in accordance with Policy D1, D5, D4 and C7 of the Waverley Borough Local Plan 2002.
16. To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and biodiversity and contribute to the character of the local area in accordance with Policy D1, D5, D4 and C7 of the Waverley Borough Local Plan 2002.
17. In the interest of biodiversity in accordance with Policy D1, D5, D4 and C7 of the Waverley Borough Local Plan 2002. These requirements relate to working methods which need to be established and details approved before the development commences.
18. In the interest of biodiversity in accordance with Policy D1, D5, D4 and C7 of the Waverley Borough Local Plan 2002.
19. In the interests of biodiversity in accordance with Policy D1 and D5 of the Waverley Borough Local Plan 2002.
20. To ensure protection of the trees in accordance with Policy D4 and C7 of the Waverley Borough Local Plan 2002. These requirements relate to the way the buildings are to be demolished therefore the details must be submitted and approved before the development commences.

21. To ensure protection of the trees in accordance with Policy D4 and C7 of the Waverley Borough Local Plan 2002.
22. To ensure protection of the trees in accordance with Policy D4 and C7 of the Waverley Borough Local Plan 2002.

Informatives:

1. Any adjacent hedges should be planted 1m back from the path to allow for growth without obstructing the path.
2. Any down pipes or soakaways associated with the development should either discharge into a drainage system or away from the surface of the right of way.
3. Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Countryside Access Group. Please give at least 3 weeks' notice.
4. Access along a public right of way by contractors vehicles, plant or deliveries can only be done if the applicant can prove that they have a vehicular right. Surrey County Councils' Countryside Access Group will look to the applicant to make good any damage caused to the surface of the right of way connected to the development.
5. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.
6. The applicant's attention is drawn to the requirement of Southern Water that there shall be no development or new tree planting within 3 metres either side of the centreline of the foul sewer crossing the site.
7. The applicant's attention is drawn to the requirement of Southern Water that no new soakaways be constructed within 5m of the foul sewer crossing the site and all existing infrastructure should be protected during the course of the construction works.
8. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated main rivers. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
9. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
10. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and has shown it is absolutely certain that nesting birds are not present

12. All trees works must be carried out by a qualified Arboriculturist

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### **CONTACT**

Alex Sanders

#### **TEL. NO.**

020 8541 9462

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### **BACKGROUND PAPERS**

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

#### **Government Guidance [insert details/delete if not relevant]**

[National Planning Policy Framework 2012](#)

[Planning Practice Guidance](#)

#### **The Development Plan**

The Waverley Borough Local Plan 2002

#### **Other Documents**

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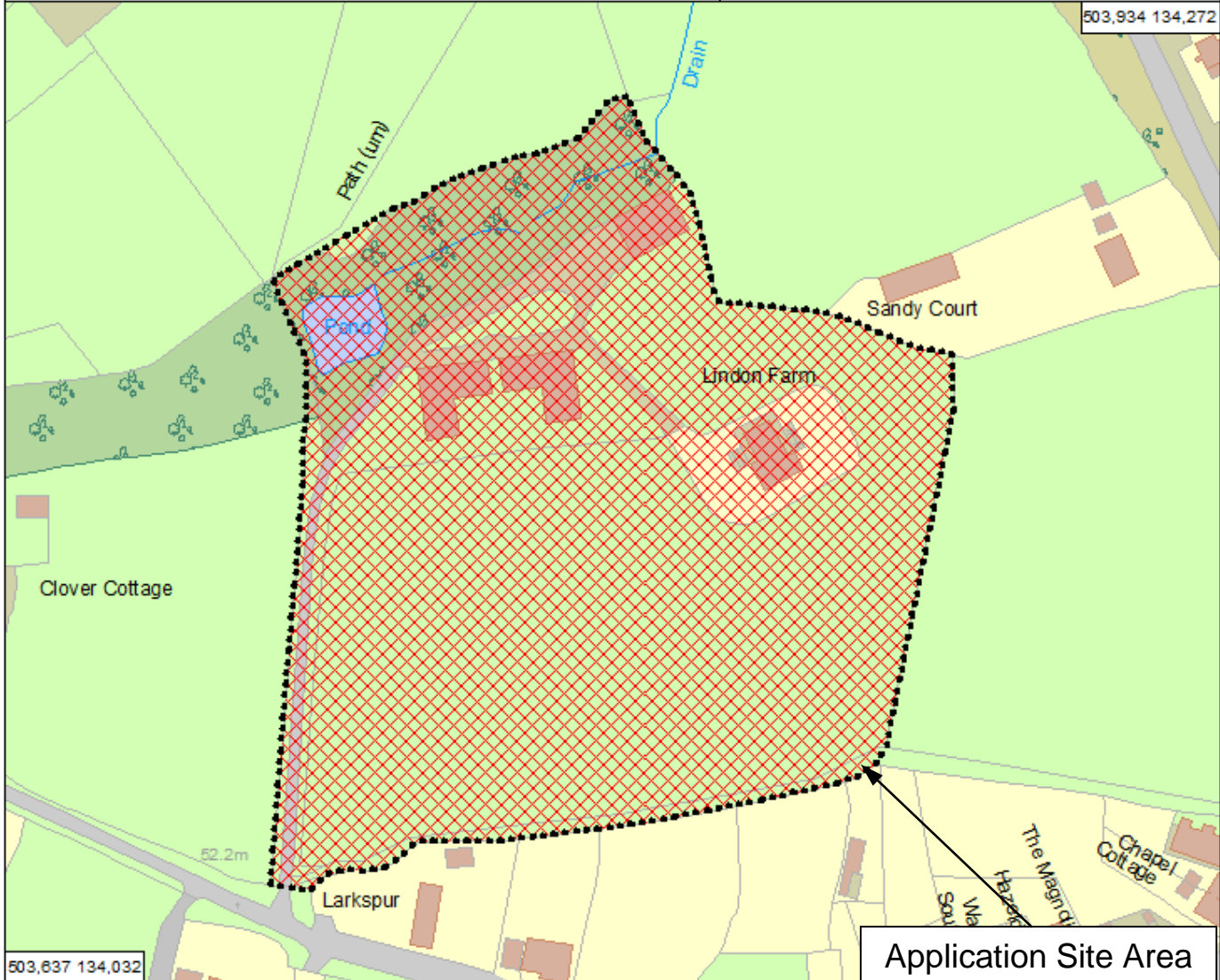
- The Draft Local Plan Part 1: Strategic policies and Sites 2016
  - Biodiversity and Geological Conservation: Circular 06/2005
  - West Surrey Strategic Housing Market Assessment December 2015
  - Waverley Borough Council Five Year Housing Supply July 2016
  - Ancient Woodland and Veteran Trees: Assessment Guide to potential impacts in relation to planning decisions
  - Natural England: Agricultural Land Classification map London and the South East (ALC007)]
  - Alfold Conservation Area Appraisal
-



<p align="center"><b>Site Location</b></p>	<p><b>Lindon Farm, Rosemary Lane, Alfold, Surrey GU6 8EU</b></p>
<p>Scale 1:20,683</p>	<p>Construction of supported living accommodation for adults with autism and high support needs within Use Class C3(b) comprising; a block of 5 self-contained units with overnight staff accommodation, a 3 unit shared accommodation block with overnight staff accommodation, a 2 unit shared accommodation block, activity centre including ancillary office and staff facilities, car parking, exercise areas and associated landscaping, following demolition of existing dwelling, piggeries and open sided barn.</p> <p>Application No(s): WA/2016/1793</p> <p>Electoral Division(s): Waverley Eastern Villages</p>

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This plan is for indicative purposes only

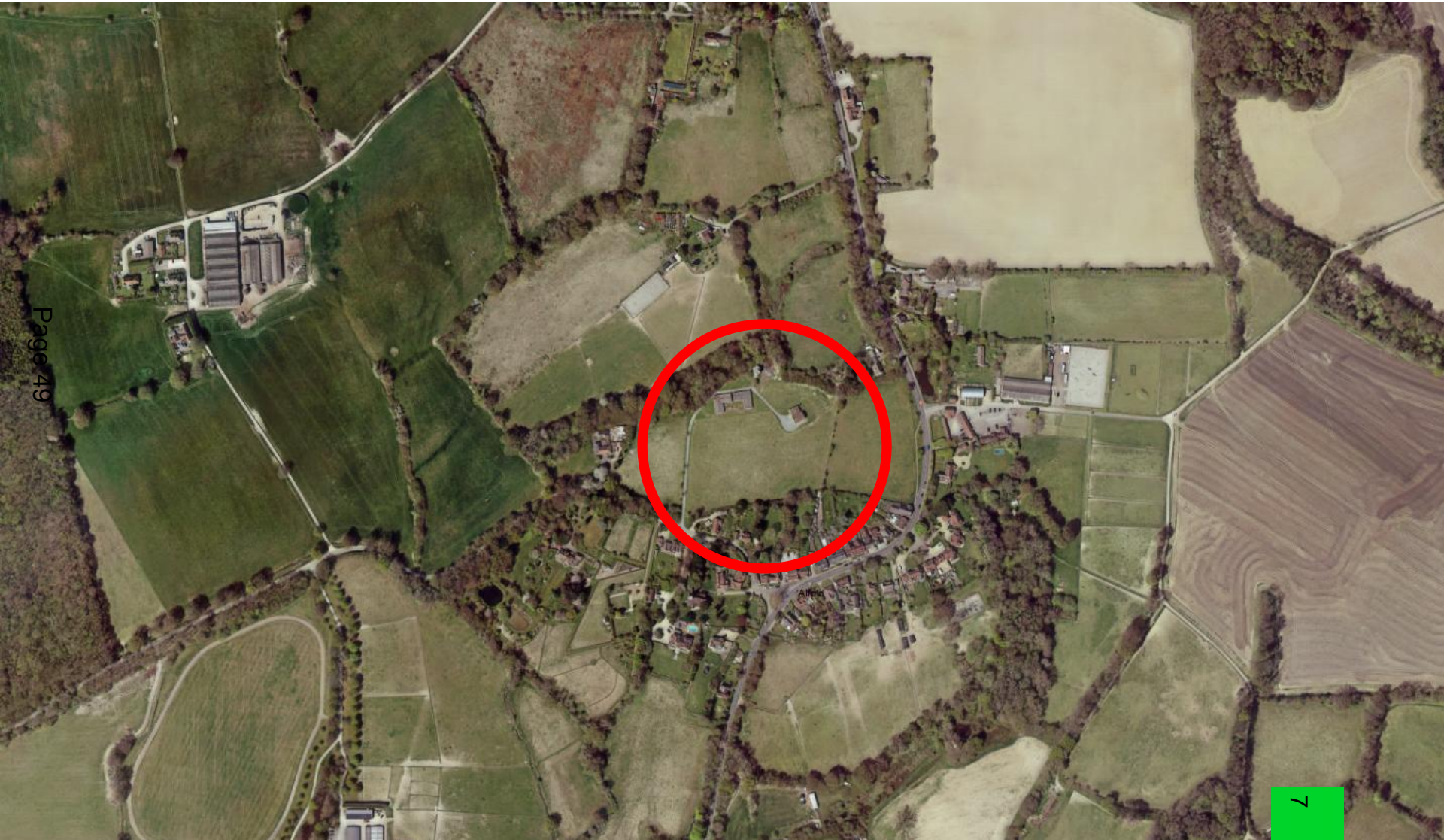


<p>GRID NORTH</p>	<p>Ref No: SCC REF 2016/0163</p> <p>Date printed: 16/12/2016</p>	<p>0 5 10 20 30 40 50 60 70 Metres</p>	<p>Scale</p> <p>1:1,550</p>
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# Aerial 1 : Lindon Farm, Alford





# Aerial 2 : Lindon Farm, Alford

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# Photo 1 : Entrance to Lindon Farm facing North



## Photo 2 : Entrance to Lindon Farm facing North





# Photo 3 : Entrance to Lindon Farm facing South

onto Rosemary Lane



Photo 4 : Existing farm house facing north east,  
with the public footpath to the south



# Photo 5 : View of existing piggeries and house facing north east





Photo 6 : View of southern boundary facing south,  
showing footpath on the boundary



# Photo 7 : View of piggeries facing north east



## Photo 8 : View of eastern part of the site







# Photo 9 : View of Ancient Woodland facing North



Photo 10 :  
View of open sided barn facing north east





Photo 11 : View of piggeries facing south west



## Photo 12 : View of house facing south east



# Photo 13 : View of site facing north east



# Photo 14 : View of site facing west





# Photo 15: View of piggeries and ancient woodland facing west



# Photo 16: View of Lindon Farm from Loxwood Road (B2133) facing west



**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 11 January 2017  
**BY:** COUNTRYSIDE ACCESS TEAM MANAGER  
**DISTRICT(S)** GUILDFORD BOROUGH **ELECTORAL DIVISION(S):**  
COUNCIL AND WAVERLEY SHERE  
BOROUGH COUNCIL – KEITH TAYLOR  
  
WAVERLEY EAST VILLAGES  
– VICTORIA YOUNG  
**PURPOSE:** FOR DECISION **GRID REF:** 505893 145345

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**TITLE:** **PROPOSED TRAFFIC REGULATION ORDER ALONG PUBLIC BYWAYS OPEN TO ALL TRAFFIC (BOAT) NOS 507, 508 AND 509 (ALBURY) AND 507 AND 517 (WONERSH)**

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#### **KEY ISSUE**

This report seeks approval to publish a Notice of Intention to make a Traffic Regulation Order (TRO) for Byways Open to All Traffic Nos. 507 (parts of) & 509 (Albury) and 507 & 517 (Wonersh). The BOATs are also classified as 'D' roads 223 and 215. It would be usual to take rights of way cases to the Local Area Committee, however, because it would involve two committees the proposal is brought to this committee in accordance with the Surrey Code of Best Practice in Rights of Way Procedures.

#### **SUMMARY**

A request was received to consider whether a Traffic Regulation Order (TRO) for Byways Open to All Traffic (BOATs) 507, 508 & 509 (Albury) and 507 & 517 (Wonersh) should become subject to Traffic Regulation Orders to control motorised vehicles.

The BOAT (No. 507) Ride Lane is narrow, rutted, gullied and prone to wash out large volumes of sand into its lower northern reaches, which fills ditches leading to problems with flooding to adjacent properties and interference with highways. It is also considered that the narrow, sunken nature of the route constitutes a danger to users as there are few opportunities for users to pass each other. The BOAT is currently assessed as condition 3 in the countywide assessment. Condition 3 is the highest level for which the criterion states: - "in need of significant repair - whole route or substantial sections of route in poor condition e.g. deep/founderous mud and/ or significant rutting/erosion." The other BOATs (No. 508- Mayorhouse Lane and Nos. 517 and 509- Pithouse Lane) leading into Ride Lane would become cul-de-sacs if Ride Lane alone were to be closed. Therefore these were also considered for closure.

A traffic regulation order was consulted upon to close the ways to motorised vehicles wider than 1500mm – 4ft 11ins which would prevent further damage to the road. Manually operated barriers with a 1500mm (4ft 11ins) width gap would be placed at

points A, D, F and G (see ANNEX 1) to allow walkers, cyclists, horse riders, quad bikes, most horse drawn carriages and motorcycle access as shown on plan 3/1/52/H31 (Annex 1).

Following consultation the scheme has been modified to take into account the needs and requirements of local residents. The modified proposal would now close only Byways Open to All Traffic Nos. 507 (part of) & 509 (Albury) and 507 & 517 (Wonersh) and provide barriers with a 1500mm (4ft 11ins) width gap at points A1, B1, B2, C1 and F1. Both the proposed closure and the location of structures are shown on plan 3/1/52/H31a at Annex 2.

## OFFICER RECOMMENDATIONS

### **The Planning & Regulatory Committee is asked to agree that:**

The grounds for making a TRO as outlined are met across parts of the routes consulted upon, and a Notice of Intention to make an Order should be published only for Byways Open to All Traffic Nos. 507 (part of) & 509 (Albury) and 507 & 517 (Wonersh) to prevent damage to the road and to avoid danger to persons or other traffic using the routes as shown in red on Drawing Number 3/1/52/H31a (Annex 2).

- Where significant (and relevant) objections are received to an advertised proposal to make an Order it will be decided in consultation with the divisional member, and the Planning and Regulatory Committee Chairman/Vice Chairman whether the Traffic Regulation Order may be made.
- If so the Officer with delegated authority in consultation with the Divisional member and the Planning and Regulatory Committee Chairman/Vice Chairman may decide whether to accede to any unresolved objections and decide whether the TRO may be made either with or without modifications, with due regard to the provisions of the Local Authorities' Traffic Orders (Procedure) Regulations 1996<sup>1</sup>.
- Where substantial (and relevant) objections are received, or significant modifications proposed, the Officer with delegated authority in consultation with the Divisional member and the Planning and Regulatory Committee Chairman/Vice Chairman, may refer the decision on whether the TRO be made back to the Planning and Regulatory Committee.

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<sup>1</sup> See Annex 2

## 1 INTRODUCTION AND BACKGROUND

1.1 Byways Open to All Traffic (BOATs) Nos. 507, 508 & 509 (Albury) and 507 & 517 (Wonersh) are situated south of Farley Green and extend:

1. Along Ride Lane from Shophouse Lane at Farley Green in a southerly direction for approximately 1.45 miles to Winterfold Heath Road (BOATS 507 Albury and Wonersh). Also known as D223.
2. Along Mayorhouse Lane from BOAT 507 (Albury) west of Robinswood in a generally westerly direction for 0.3 miles to a point east of Mayor House (BOAT 508 Albury). Also known as D223.
3. Along Pithouse Lane from BOAT 507 (Albury) north of Keepers Cottage in a generally westerly direction for 0.8 miles to Madgehole Lane (BOAT 509 Albury and 517 Wonersh). Also known as D215.

1.2 Members are asked to consider the Council's duty under Section 122 of the Road Traffic Regulation Act 1984, to conduct an adequate balancing exercise to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

1.3 The County Council as the Traffic Authority has the power to make a Traffic Regulation Order, (subject to Parts I to III of schedule 9 of the Road Traffic Regulation Act 1984) where it considers it expedient: -

- a) 'for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- b) for preventing damage to the road or to any building on or near the road, or
- c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- f) for preserving or improving the amenities of the area through which the road runs'
- g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality)

1.4 The Council's policy as agreed by the Executive on 6 January 2009 states:

(a) That Traffic Regulation Orders be used proactively where a countywide assessment indicates a Byway Open to All Traffic is in poor condition, in need of significant repair and it is considered necessary to restrict traffic, coupled with programmes of repair as resources permit.

(b) That where a countywide assessment indicates a Byway Open to All Traffic is in reasonable condition a Traffic Regulation Order be only made on grounds of significant danger to users of the route, or to prevent significant damage to the route

(c) That the revised Priority Statement and Targets for Public Rights of Way be adopted.



1.5 The Priority Statement and Targets for Public Rights of Way states that the County will process TROs in accordance with County policy as the need arises. Processing TROs is number 4 of 8 in the Priority Statement.

1.6 Level of physical condition in the annual byway assessment:

(1) Good- predominantly good throughout length of route.

(2) In need of some repair- e.g. short section of mud or limited rutting/erosion.

(3) In need of significant repair- whole route or substantial sections of route in poor condition e.g. deep/founderous mud and/or significant rutting/erosion.

1.7 The Council must also consider s. 3 (1) of the Road Traffic Regulation Act 1984 which states:

(1) .... a traffic regulation order shall not be made with respect to any road which would have the effect—

(a)of preventing at any time access for pedestrians, or

(b)of preventing for more than 8 hours in any period of 24 hours access for vehicles of any class, to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians, or (as the case may be) for vehicles of that class, from, and only from, the road.

1.8 This requires that we cannot interfere with vehicular access to properties, which can only be exercised along the road in question. The Act does however continue in s. 3 (2) to state:

(2)Subsection (1) above, so far as it relates to vehicles, shall not have effect in so far as the authority making the order are satisfied, and it is stated in the order that they are satisfied, that—

(a)for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or

(b)for preventing the likelihood of any such danger arising, or

(c)for preventing damage to the road or buildings on or near it, or

(d)for facilitating the passage of vehicular traffic on the road, or

(e)for preserving or improving the amenities of an area by prohibiting or restricting the use on a road or roads in that area of heavy commercial vehicles, it is requisite that subsection (1) above should not apply to the order.

## 2 ANALYSIS

### **Condition:**

2.1 The five byways above were considered for closure in the first round of consultations. Not all of these are in the same condition.

2.2 The north-south BOAT known as Ride Lane (507 Albury and Wonersh) is the most heavily used and the most damaged. Much of it is narrow, rutted, gullied and prone to-wash-out large volumes of sand into its lower northern reaches which fills ditches leading to problems with flooding to adjacent properties and interference with highways. It is also considered that the narrow, sunken nature of the route constitutes



a danger to users as there are few opportunities for users to pass each other. The soft sand upon which the route sits means that it is unusually vulnerable to erosion and would be difficult to undertake preventative works to prevent future erosion. Similarly the deep sunken nature of the way means that it would be difficult to provide additional passing places along the length of the way.



The sunken nature of the track and the rapid erosion of the sand are clearly shown here by this 'hanging gate' on Ride Lane

2.3 A visual assessment of this route indicates that much of this erosion has been caused by 4x4 use rather than by motorbike or equestrian use. This is made clear by the deep parallel ruts and tyre markings along much of Ride Lane. This is then exacerbated by the large volumes of water which run down from the southern end of the lane to the northern end. This BOAT is currently assessed as condition 3 in the most recent countywide assessment. Condition 3 is the highest level for which the criterion states: - "in need of significant repair - whole route or substantial sections of route in poor condition e.g. deep/founderous mud and/ or significant rutting/erosion." It should be confirmed however that the northern-most section A-A1 is in largely good condition as this section is well used by a small number of local properties.



A photograph of the typical, narrow, sunken appearance of Ride Lane (between B and A1) is shown opposite. It shows clearly that 4 wheeled vehicles barely fit along it.

2.4 During inspections Mayorhouse Lane, BOAT 508 (Albury) was found to be in good condition and currently is rated condition 1 in our annual byway assessment. Despite

this it was anticipated that this would also need to be closed to prevent access onto Ride Lane from other sources and not to increase the number of vehicular cul-de-sacs in the network.

- 2.5 Pithouse Lane or BOAT 509 (Albury) and BOAT 517 (Wonersh) is not in such poor repair as Ride Lane and is rated condition 2 in our survey. Like Ride Lane it is rutted and muddy in places and is also very narrow, making it difficult for various users to pass each other. If this were not closed and Ride Lane was, then this would become a cul-de-sac, requiring any 4x4 users entering from Madgehole Lane to turn around at its eastern end (or earlier) where there is very limited space to do so and where some of the most serious damage to the byway has already taken place.



A photograph of the typical appearance of Pithouse Lane (between C and F1) is shown opposite

- 2.6 Permanent TROs would prevent further damage to the surface of the above ways although it is clear that not all of them are in the same state nor have the potential to deteriorate further. It is therefore essential to consider whether to apply any order to all or only part of them and also how the requirements of any local persons having reasonable need of use of them can be accommodated.

### 3 CONSULTATIONS

- 3.1 In addition to the usual consultation correspondence a meeting was also arranged on-site on 8 December 2016 to which all frontagers and other interested parties were invited. The responses to consultations (including those arising as a result of the meeting) on the proposed Traffic Regulation Order are shown below:

Consultation replies	Officers Comments
<p><b>Supporters:</b></p> <p><b>Mr A. Wreford, Mardons, Shophouse Lane:</b> Ride Lane is badly damaged by 4x4 and motorbikes doing circuits. Noise (and full beam lights) disturbs the environment, often early in the morning or late at night and frightens horses. Many locals who rode or walked Ride Lane now find it too dangerous and there is no escape when vehicles</p>	<p>It is proposed that motorbikes continue to have access to these byways for the time being. Despite some disturbance to the peace of the local area, bikes do not appear to significantly contribute to erosion and if care is taken there is mostly sufficient room for them to pass other users.</p>

<p>approach at speed. He supports the initiative and hopes we consider extending the TRO to motorbikes.</p>	
<p><b>Paul Adrian Smith, Woodhill Manor, Woodhill Lane:</b> Has land to north of Madgehole Lane, but cannot use due to condition of the lane caused by recreational vehicles. Would hope it would be repaired for pedestrian and agricultural use albeit with key or code for any locks.</p>	<p>Those who require keys will be provided with them. Further consultation will also be taken on whether the standard 10' gate will be sufficient in this case.</p>
<p><b>Executors on behalf of Dorothy Barrett and Alan Barrett, Mayor House, Farley Green:</b> The executors sadly note that the above owners had recently passed away but agreed in principle subject to any private rights continuing. Any bollards should be of the type which could be removable for lawful users. They wished to know how this would be policed and that access for emergency vehicles would not affect insurance.</p>	<p>Access to Mayorhouse Lane will not now be restricted. It would not be possible for emergency vehicles to physically access much of Ride Lane.</p>
<p><b>Brian Cohen (local user) :</b> Mayorhouse has no issues and is in good condition. Ride and Madgehole (Pithouse?) Lanes are often in bad condition and often tricky for horses and carriages, sometimes due to fallen trees. Only here can a case be made for closure. Most damage in Ride Lane is by 4x4 and drainage from adjacent land. Much damage on Madgehole is due to access by vehicles for logging, other farming and the shoot. This land also drains into the lane and contributes to its poor surface</p>	<p>The Council is satisfied that the proposal is reasonable under the terms of s. 3 of the 1984 Act outlined in paras. 1.7-1.8 and 4.8.</p>
<p><b>Sandra Smith (British Horse Society BHS):</b> Believed the idea was good but had concerns that there was no immediate plan to repair the routes. She also noted that any gaps next to gates would need to have a clear and straight approach from both directions to be used by carriage drivers and must be cleared to 10'</p>	<p>Gaps will be of 4'11". They will be placed to maximise both access by legal users and to minimise that by illegal users.</p>
<p><b>Colin Sandford (Open Spaces Society OSS and BHS):</b> No objections</p>	<p>None</p>
<p><b>Andrew Bowden (Ramblers- Guildford Rep):</b> Keen to see the condition safeguarded and welcome the action</p>	<p>None</p>
<p><b>Clive Smith - Area of Outstanding Natural Beauty:</b> The proposal is supported</p>	<p>None</p>
<p><b>Steve Sharp (Trail Riders Fellowship):</b> No objection to the proposal</p>	<p>None</p>
<p><b>Comments (neither supporting nor objecting)</b></p>	
<p><b>Susan Darling, Mayor House, Farm Cottage, Mayorhouse Lane:</b> She welcomed the closure of Ride Lane to cars and the width restriction but had concerns about her own access. She wanted to know exactly where any gaps would go and that her access from Row Lane to the</p>	<p>The extent of the proposed TRO and the location of proposed structures has been modified in line with comments such as these (see table at para. 4.5). Ms Darling confirmed at the site meeting of 8 December 2016 that she</p>



<p>east would not be stopped as the only other access was from Farley Heath Road for which she pays the Albury Estate for a wayleave. She stated that Pithouse Lane has little traffic and no property</p>	<p>was happy with the amended proposals recommended in this report.</p>
<p><b>Roger Harold Stone and Karen Jane Stone, Mayor House Farm, Farley Heath:</b> They require permanent access via Robinswood and along Mayorhouse Lane for which their title has a benefit. Their only other access is with licence of the Albury Estate which requires payment of a fee and could be cancelled at any time. Their farm operates a livery yard with 10 staff and regular deliveries.</p>	<p>See above</p>
<p><b>Graham Cannon, Surrey Police:</b> Had no objection but noted that Surrey Police had no resources to enforce the restriction. The success of it would therefore be down to the type of physical measures in place. He noted that if there was a great deal of non-compliance then the situation would have to be reviewed and other measures considered.</p>	<p>None</p>
<b>Objectors</b>	
<p><b>Colin and Susan Noon, Pentland, Mayorhouse Lane:</b> They use Ride Lane in a land rover and by horse drawn carriage. It is the only guaranteed means of access to their property. The road was repaired in the past but is not any more. Most local access is from Farley Heath Road with licence from the Albury Estate, therefore Ride Lane access is vital. They do not have a right of way across Tony Catts's land at Robinswood, so no alternative. He hoped we will not proceed and will repair.</p>	<p>As the only outright objector, Mr Noon is the only person who claims to use Ride Lane regularly in a motorised vehicle. In order to preserve his access Officers agreed he could be provided with the code to any combination padlocks which secured the barriers. Mr Noon confirmed at the site meeting of 8 December 2016 that he was happy with the amended proposals recommended in this report so long as he had the code for the combination locks to bypass any gates or bollards.</p>

3.2 No objections were received from any of the Utilities companies consulted. Thames Water confirm that they have plant along most of the ways proposed for closure and indicated that so long as they will continue to have access to this they will not object. BT Openreach appear to have 'built' overhead cables crossing Ride Lane near point B and also across Pithouse Lane near point F. If and where necessary, Utility companies could obtain the code for any combination locks from the Council. Notices at each barrier would provide information about how the Council could be contacted regarding access.

#### **Private rights and wayleaves**

3.3 In addition to considerations of repair it is also essential that a full awareness of private rights is obtained. The Council cannot restrict such private rights or the wayleaves of those organisations requiring utilities access. In order to clarify what rights needed to be preserved a site meeting was held on 8 December 2016.

3.4 Mayorhouse Lane is commonly used by the residents of Mayorhouse Lane and their visitors, customers and other guests, who in some cases have no alternative access by right. Several businesses are based here including a livery yard employing 10




staff. Concerns were raised that the only other possible access was from the west from Farley Heath Road and whilst some had a licence to use this from Albury Estate they were very concerned that said licence could be withdrawn at any time. It appears that residents paid for the pleasure of exercising this licence. Day to day access for some was therefore often from Row Lane to the east past Robinswood rather than along Ride Lane although one resident noted that he did not have a right to drive across this access. Examination of the Title deeds show that all residents of Mayorhouse Lane have a recorded private right of access from the east past Robinswood except for Mr and Mrs Noon.

- 3.5 One resident of Mayorhouse Lane claimed that rather than driving from Row Lane he sometimes accessed his property by driving up Ride Lane from Farley Green, sometimes in a Land Rover and sometimes in the past by a horse drawn carriage. This was his only access by right due to the alternative access from the west being by licence from Albury Estate.

#### 4 CONCLUSIONS

- 4.1 As a result of careful inspections of the above byways on the ground and the information acquired from Consultations and the site meeting, it is clear that a blanket TRO across the entirety of the five byways in question is neither feasible nor desirable. There was general support for the closure of Ride Lane and Pithouse Lane subject to existing private rights being maintained or continuing public access for those properties that had no alternative access. In such circumstances codes to the combination locks could be provided for those small numbers of residents or frontagers who had need of them. This has been done successfully elsewhere in the County.
- 4.2 Given the regular access required to the properties along Mayorhouse Lane (B-G) and the good condition of the way it is proposed that this should not be subject to a TRO.
- 4.3 Pithouse Lane would benefit from the closure from both a maintenance and safety point of view. Only one frontager has claimed that they require access. This could be achieved by providing the code to the combination locks and they have agreed they are amenable to this.
- 4.4 Ride Lane is the longest route here and has a large number of junctions with other rights of way; it also provides direct access to a number of properties. It is proposed that most of this route is made subject to a TRO except for short stretches at each end between A-A1, D-E and a small cross-over section to access Mayorhouse Lane between B1-B2 as shown on plan 3/1/52/H31a.
- 4.5 In order to accommodate the above private access requirements it is proposed that the following manually operated structures should be installed as enforcement measures, should a TRO be made:



Point and description	Photograph
A1: Field gate, gap (of 1500mm/4'11") and stumps	 A photograph showing a dirt path that curves through a green field. In the background, there is a large, multi-story building with a stone or brick facade. The sky is overcast.
B1: 2 Lockable bollards, leaving a gap (of 1500mm/4'11")	 A photograph of a narrow dirt path winding through a dense wooded area. The path is covered with fallen leaves and branches. The trees are lush green.
B2: 2 Lockable bollards leaving a gap (of 1500mm/4'11") and stumps	 A photograph of a dirt path through a wooded area, similar to the one in B1. The path is narrow and covered with leaves. The surrounding vegetation is dense and green.

<p>C1: Field gate, gap (of 1500mm/4'11") and stumps</p>	
<p>F1: Field gate, gap (of 1500mm/4'11") and stumps</p>	

4.6 The standard width of a field gate would be 10' except where greater width might be required for access by larger agricultural vehicles. Each gate or set of bollards would be secured by a combination lock and codes provided to allow access where required.

4.7 In order to prevent illegal and informal access onto the controlled sections it is also anticipated that non-removable stumps may need to be inserted may also be required at or around E, D, F1 and C1.

4.8 The Council is satisfied that our duty to public safety, to prevent damage and to preserve or improve the amenities of the area is sufficient for us to 'prevent' public access. Our duties and powers regarding this are outlined in paras. 1.7-1.8 above. In this case, those parties who require vehicular access under s. 3(1) would be provided with the code to the combination lock(s) to allow them to bypass any structures.

**5 OPTIONS**

5.1 Option 1: It is the Officer's recommendation that a Notice of Intention to make a TRO prohibiting all vehicles over 1500mm (4ft 11ins) width be published. A width restriction of 1500mm (4ft 11ins) will effectively exclude all motor vehicles, except quad- and motorbikes, whilst permitting use by many horse drawn carriages. We recommend that this TRO should apply to the following sections shown on plan 3/1/52/H31a:

A1-B1	BOAT 507(Albury)	Ride Lane
B2-C-C1-D	BOATs 507 (Albury and Wonersh)	Ride Lane
C-F1-F	BOATs 509 (Albury) and	Pithouse Lane

	517 (Wonersh	
--	--------------	--

Structures would be installed as outlined in para. 4.5-4.7.

- 5.2 Option 2: The committee could decide that the Traffic Regulation Order apply to a greater or lesser extent of the ways consulted upon or that different structures are installed. If so, committee's reasoning should be a matter of record.
- 5.3 Option 3: To do nothing. The condition of the route is likely to further deteriorate and the problems caused by it at Farley Green at likely to continue. In addition the matter of safety along Ride Lane in particular will not have been addressed.

## 6 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 6.1 If a Notice of Intention to make a TRO is published this would incur administrative and advertising costs of approximately £3,000. In addition, barriers, traffic signs and installation costs in the region of £3,770 permitting use by vehicles narrower than 1500mm (4'11") would need to be met.
- 6.2 Due to current financial restrictions the Countryside Access team would be unable to pursue this matter to and beyond this decision without securing this funding from some other source. It is understood that both the Local Committee and Albury Parish Council will contribute to fund the remainder of the work.

- 6.3 S. 54(7) of the Wildlife and Countryside Act 1981 does not:

*"...oblige a highway authority to provide, on a way shown in a definitive map and statement as a BOAT, a metalled carriage-way or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles".*

- 6.4 A BOAT is defined by s. 66(1) of the above Act as a "*highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used*".
- 6.5 At the current time the Countryside Access team maintains BOATs only to a standard suitable for a bridleway and no monies are available to undertake substantial repairs along these routes. It is clear that even if extensive maintenance were undertaken, this would not solve the issues of safety to the public and that this would not be in itself an acceptable or long term solution.

## 7 EQUALITIES AND DIVERSITY IMPLICATIONS

- 7.1 The TRO will prevent further damage to the surface and make it safer for all other users.
- 7.2 Motorised vehicles and some horse drawn carriages over 1500mm (4ft 11ins) wide will be restricted.
- 7.3 Keys will be provided to those residents and other persons who have reasonable need of access to the closed sections.

## 8 CRIME AND DISORDER IMPLICATIONS



8.1 Surrey police have no objection to the proposed TRO.

## 9 REASONS FOR RECOMMENDATIONS

9.1 Officers do not have delegated powers to make or advertise TROs. Officers support the decision to make a TRO because it would meet Surrey County Council Policy and would protect the durability of the byway by preventing damage to the road and prevent danger to users.

## 10 WHAT HAPPENS NEXT

10.1 Should Members decide to proceed with the TRO, a Notice of Intention to make a Traffic Regulation Order will be published in a local newspaper and on site and all interested parties and user groups will be notified in accordance with the Local Authorities' Traffic Orders (Procedure) Regulations 1996<sup>2</sup>.

10.2 Where significant (and relevant) objections are received to an advertised proposal to make an Order it will be decided in consultation with the divisional member, and the Planning and Regulatory Committee Chairman/Vice Chairman whether the Traffic Regulation Order may be made.

10.3 The Officer with delegated authority in consultation with the Divisional member and the Planning and Regulatory Committee Chairman/Vice Chairman may decide whether to accede to any unresolved objections and decide whether the TRO may be made either with or without modifications, with due regard to the provisions of the 1996 Regulations referred to above.

10.4 Where substantial (and relevant) objections are received, or significant modifications proposed, the Officer with delegated authority in consultation with the Divisional member and the Planning and Regulatory Committee Chairman/Vice Chairman, may refer the decision on whether the TRO be made back to the Planning and Regulatory Committee. Alternatively they could decide that a public inquiry be held by an independent inspector to decide the matter. The costs of this would be in the region of £2-3000. Guidance regarding how such an inquiry would be held can be found in the 1996 regulations already referred to.

<b>LEAD and CONTACT OFFICER:</b>	Daniel Williams, Countryside Access Officer
<b>TELEPHONE NUMBER:</b>	020 85419245
<b>E-MAIL:</b>	Daniel.williams@surreycc.gov.uk
<b>BACKGROUND PAPERS:</b>	Available to view at Countryside Access offices, Mellow Depot, Guildford by appointment

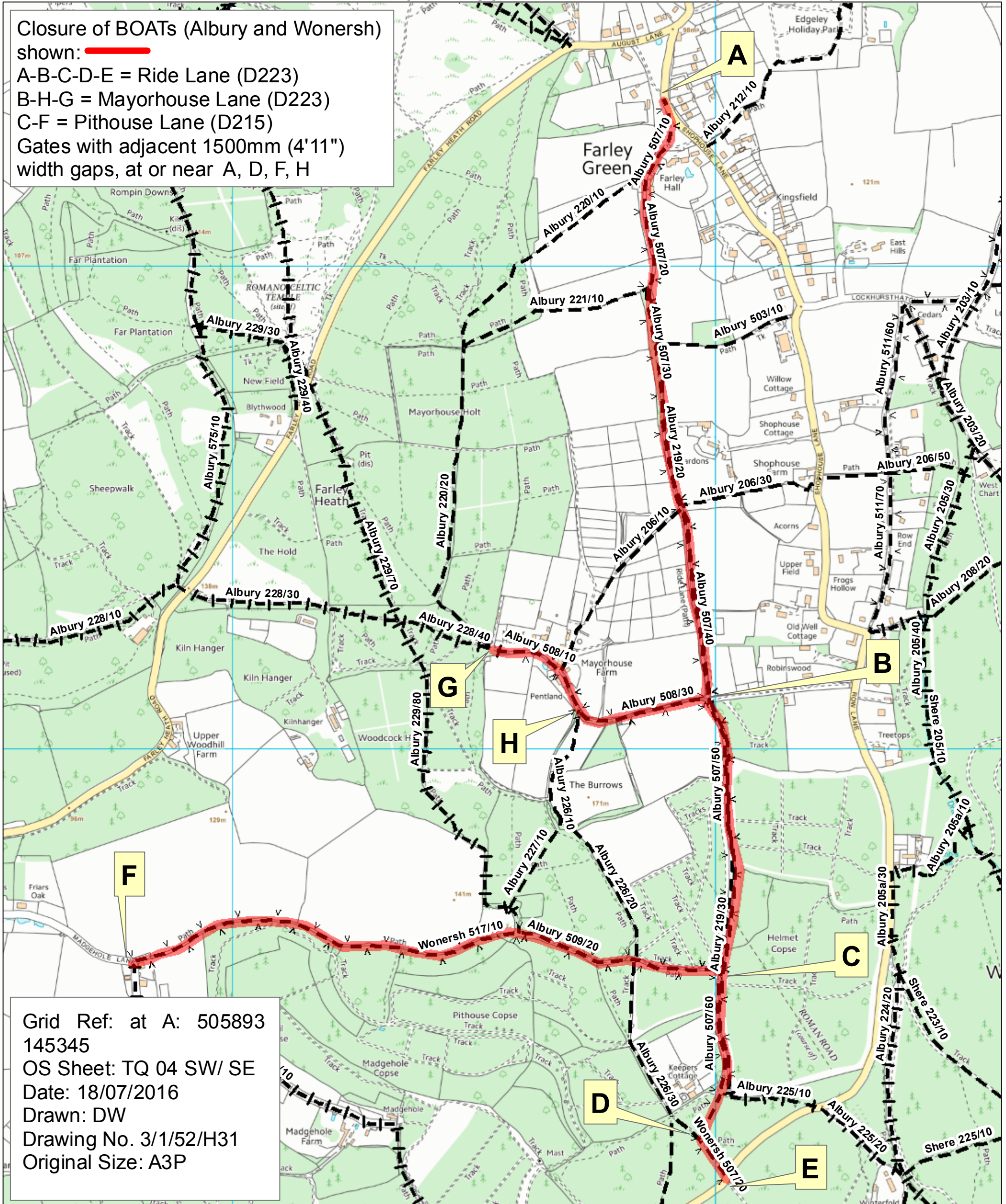
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<sup>2</sup> The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.  
Web address - <http://www.legislation.gov.uk/ukxi/1996/2489/contents/made>

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Closure of BOATs (Albury and Wonersh) shown: **—**  
 A-B-C-D-E = Ride Lane (D223)  
 B-H-G = Mayorhouse Lane (D223)  
 C-F = Pithouse Lane (D215)  
 Gates with adjacent 1500mm (4'11") width gaps, at or near A, D, F, H



Grid Ref: at A: 505893  
 145345  
 OS Sheet: TQ 04 SW/ SE  
 Date: 18/07/2016  
 Drawn: DW  
 Drawing No. 3/1/52/H31  
 Original Size: A3P



**1:7,500**

Parishes of Albury and Wonersh  
 Boroughs of Guildford and Waverley  
 Road Traffic Regulation Act 1984

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RIGHTS OF WAY STATUS	
---	Footpath
- - -	Bridleway
-v v-	Rest. Byway
-v v-	BOAT

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# Proposed Traffic Regulation Order Public Byways Open to All Traffic (BOAT) Nos. 507, 508 and 509 (Albury) and 507 and 517 (Wonersh)

Closure of BOATs (Albury and Wonersh)  
shown: ———

A-B-C-D = Ride Lane (D223)

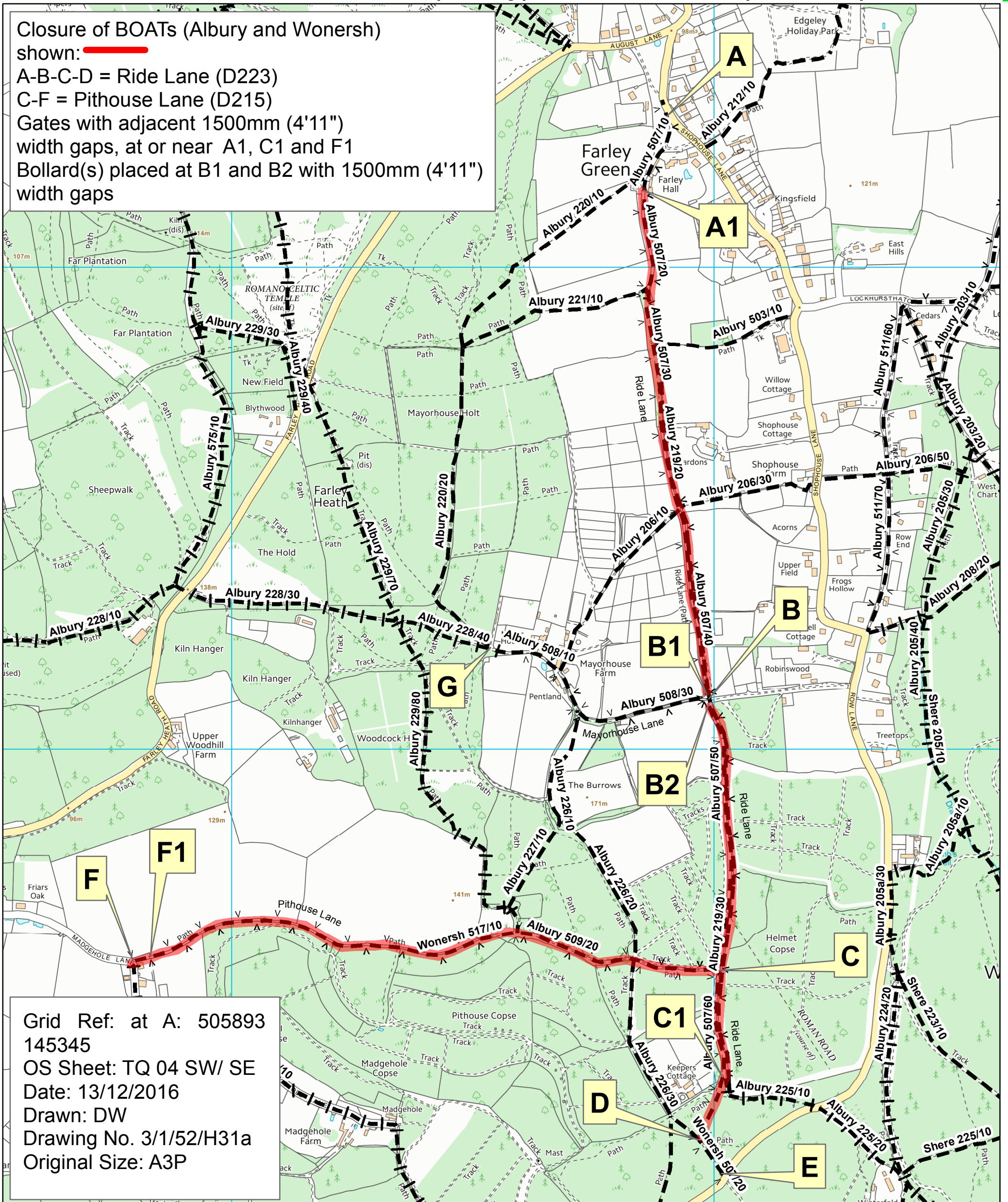
C-F = Pithouse Lane (D215)

Gates with adjacent 1500mm (4'11")

width gaps, at or near A1, C1 and F1

Bollard(s) placed at B1 and B2 with 1500mm (4'11")

width gaps



Grid Ref: at A: 505893  
145345  
OS Sheet: TQ 04 SW/ SE  
Date: 13/12/2016  
Drawn: DW  
Drawing No. 3/1/52/H31a  
Original Size: A3P



**1:7,500**

Parishes of Albury and Wonersh  
Boroughs of Guildford and Waverley  
Road Traffic Regulation Act 1984

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RIGHTS OF WAY STATUS	
---	Footpath
- - -	Bridleway
-v v-	Rest. Byway
-v v-	BOAT

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No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI20	Highways and Transportation	To instruct the invitation and acceptance of tenders in respect of modifications and maintenance to existing traffic control systems, pelican and toucan crossing installations.	Assistant Director, Highways & Transport Network & Asset Management Group Manager Traffic and Streetworks Manager Traffic Operations Team Leader
EAI21	Highways and Transportation	To exercise all the functions and duties of the Council under Part 7 (a) S. 115A to 115K of the Highways Act 1980.	Assistant Director, Highways & Transport Local Highway Services Group Manager Area Highways Manager
EAI22	Highways and Transportation	To make  (1) Temporary Traffic Regulation Orders under s14 (1), 15(2) and 15(8) of the Road Traffic Regulation Act 1984, including temporary orders for waiting/ parking restriction which would attract penalty charge notices for contraventions and  (2) 'special events' orders under s16(a), (b) or (c) of the Road Traffic Act 1984  subject to informing the Chairman of the Local Committee (local Members also informed).	Assistant Director, Highways & Transport Assistant Director, Environment Network & Asset Management Group Manager Traffic and Streetworks Manager Streetworks Team Manager Traffic Operations Team Leader Local Highway Services Group Manager Area Highways Manager Parking Strategy & Implementation Team Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Legal Definition
EAI23	Highways and Transportation	Where significant objections are received to an advertised Traffic Regulation Order to decide, in consultation with the divisional member, appropriate <sup>2</sup> borough councillor on the joint committee where the local committee is a joint committee and the Local Committee Chairman/ Vice Chairman, whether the Traffic Regulation Order may be made.  The Parking Strategy and Implementation Team Manager or Area Team Manager, in consultation with	Assistant Director, Highways & Transport Local Highway Services Group Manager Area Highways Manager Parking Strategy and Implementation Team Manager Countryside Access Team Manager

<sup>2</sup> Each Borough Councillor on the Joint Committee will be aligned to a County Council Electoral Division for this purpose.



No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		<p>the Divisional Member, appropriate borough councillor on the joint committee where the local committee is a joint committee and the relevant Local Committee Chairman or Vice-Chairman, will decide whether or not to accede to any unresolved objections received in relation to an advertised TRO, and whether the TRO may be made, either with or without modifications, with due regard to the provisions of regulation 14 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.</p> <p>Where a TRO has been advertised and a substantial number of objections have been received or significant modifications are proposed to be made, the Parking Strategy and Implementation Team Manager or Area Team Manager, in consultation with the Divisional Member, appropriate borough councillor on the joint committee where the local committee is a joint committee and the relevant Local Committee Chairman or Vice-Chairman, may refer the decision on whether the TRO may be made to the Local Committee.</p> <p>1 Each Borough Councillor on the Joint Committee will be aligned to a County Council Electoral Division for this purpose.</p>	

TO: PLANNING &amp; REGULATORY COMMITTEE

DATE: 11<sup>th</sup> January 2017

BY: PLANNING DEVELOPMENT CONTROL TEAM MANAGER

DISTRICT(S): ALL

ELECTORAL DIVISION (S):

PURPOSE: FOR INFORMATION

GRID REF:

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**TITLE: ENFORCEMENT & MONITORING UPDATE REPORT**


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**SUMMARY**

This report covers the period from 15<sup>th</sup> June to 30<sup>th</sup> November 2016

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**MONITORING OF AUTHORISED MINERAL & WASTE SITES**

- 1.1 Site monitoring of consented sites remains on target with 100% of scheduled visits undertaken, with Officers maintaining a proactive and helpful approach in advising operators of their options as and when planning breaches are identified.
- 1.2 The chargeable visits to mineral sites bring positive benefits in identifying breaches and encouraging retrospective applications as appropriate. Whilst a similar approach is used with waste site operators, there is no requirement to supply copies of site visit reports and communications with those operators, whilst varying widely across the spectrum of those we deal with is generally less productive as a result.

**ACTION AT AUTHORISED SITES**

- 2.1 **Moorhouse Sandpits, Westerham Road, Westerham** – A Certificate of Lawful or Proposed Use of Development (CLOPUD) and a Certificate of Lawful Established Use or Development (CLEUD) for a new mortar plant was refused by SCC in February 2014. While the mortar plant has been removed, an Enforcement Notice (EN) was issued on 30<sup>th</sup> September 2014 that required the removal of a concrete surface, fencing, storage bays and other infrastructure formerly associated with a mortar plant. Appeals were lodged by the landowners against the EN, and the refusals of both the CLEUD and CLOPUD, and the cases were heard at a Public Inquiry at County Hall in November 2015, but both appeals were dismissed in February 2016.
- 2.2 Appeals to the High Court were submitted in March and April and are still under consideration. See below for the background to this site.
- 2.3 **Alton Road Sandpit, Alton Road, Alton** – Planning permission WA/2014/0005 for sand and clay extraction and for landfill with household and inert waste contained a number of pre-commencement conditions. These addressed groundwater protection, drainage scheme, contamination, gas monitoring, protected species, maintaining highway cleanliness and footpath improvement. Whilst all of the pre-commencement schemes have been submitted, some are yet to be determined, but development has

commenced. Officers have considered these technical breaches and currently none of them are considered to be causing significant harm and as such enforcement action would be unreasonable at this stage. The situation is being kept under review and closely monitored.

- 2.4 **First Place Skips, Epsom Chalk Pit, College Road, Epsom** - A retrospective application for a Materials Recycling Facility (MRF) has now been submitted to retrospectively address a material change of use on the area of lawful use (from waste transfer to materials recycling facility), including an extension of the site.
- 2.5 **Stanwell Quarry, Southern Perimeter Road, Stanwell** – The submission of a retrospective application is awaited, which will seek to regularise extension to the permitted MRF.

### **ACTION AT UNAUTHORISED SITES**

- 3.1 Complaints and the investigation of unauthorised waste development and breaches of planning control are given priority and continue to be dealt with in accordance with the Division's performance targets.
- 3.2 **Land east of Swift Lane, Bagshot** – This land was subject to a County Court Injunction in 2007 which was not complied with as the Mr Tommy Lee Snr. became bankrupt and the injunction is no longer enforceable. Mr Lee has now purchased the land and is also using without permission land belonging to Surrey Heath Borough Council that lies between two plots of land that he does own.
- 3.3 Mr Lee is in the process of levelling the land by respreading some of the previously deposited 27,000m<sup>3</sup> of inert waste and surfacing it with waste fines before making a large area of hardstand on which he is siting mobile homes. There is also a skip business being operated on the land, with some waste being disposed of by burning.
- 3.4 Planning, Estates, Environmental Health and Tree Officers from SH BC, Environmental Crime Officers from the EA, Surrey Police Officers and Planning, Estates and Legal Officers from SCC have visited site, had meetings and considered the possible courses of action available bearing in mind the mixed uses on site.
- 3.5 As a result SH BC have engaged the services of Ivy Legal Ltd. a consultancy dealing in planning enforcement, as they only have the benefit of a single officer. Ivy Legal intend to address a number of unauthorised uses, initially through the issue of a Temporary Stop Notice, which will be followed up by an Enforcement Notice and Stop Notice, and quite possibly a County Court Injunction in the future. SCC have agreed to assist SH BC when required in preparing any notices when they cover any waste uses.
- 3.6 **Land adjacent at Stubpond Land Fisheries, off Stubpond Lane, Newchapel** – The unauthorised and illegal import, deposit, storage, crushing and export of waste concrete on land where such is precluded by an extant EN issued in 1989 was found to be taking place in 2008 and more recently in 2014. A CLEUD was submitted to TA DC, seeking to demonstrate that the concrete crushing activities had a lawful use, but whilst TA DC agreed with the CPA that the use was not lawful, a decision was not issued. As a result, the landowner's solicitors have advised us that an appeal against non-determination was to be made in January, but this was eventually made in June 2016 and awaits determination.

- 3.7 The CPA will submit representations in support of TA DC that the use is illegal as it falls under the extant EN issued by the CPA in 1989. If PINS do not determine in the landowner's favour then a planning application to the CPA is possible in due course.
- 3.8 **Ellerton, Peeks Brook Lane, Horley** – A CLEUD was issued by TA DC in 1997 which allows the storage of waste and other non-waste uses, but the CLEUD does not cover the processing of waste. Further to extensive site discussions with the landowner and operator at the site, to address the unauthorised processing of waste soils and erection of site infrastructure, a PCN was issued in October 2015. The issue of an EN in 2016 is likely, as the CPA do not agree with the landowner's planning consultant that the processing is ancillary to the uses that are covered by the CLEUD.
- 3.9 The Environment Agency have now issued a Permit for the site, that allows waste processing. Whilst separate from the planning issues, the Permit complicates matters for the CPA in dealing with planning matters, especially since the operator has installed unauthorised infrastructure to mitigate the impact of noise and dust, which although welcome in terms of reducing the impact of the unauthorised development only adds to the planning breaches.

#### UPDATES ON SITES WHERE ENFORCEMENT ACTION WAS PREVIOUSLY TAKEN

- 4.1 **Land at Stoney Castle Ranges, Grange Road, Pirbright** – An EN was issued on 1<sup>st</sup> April 2015 requiring the cessation of waste import, deposit, storage and disposal by spreading or burning of inert and non-inert waste respectively and the removal of all imported waste from the land. The landowner lives in the Philippines, and despite his adult son whom Officers have met at site being asked many times he has failed to supply an address for him, and as a result only the son was served with a copy of the EN.
- 4.2 An appeal was submitted by the landowner's son who had confirmed his interest in the land to both Officers of the CPA & EA, but further to his submission of an additional letter, PINS subsequently deemed he did not have an interest in the land and the appeal was therefore rejected.
- 4.3 In the absence of an appeal, compliance with the extant EN was required by 9<sup>th</sup> January 2016, but compliance was not forthcoming. Despite difficulties faced with the registered landowner living abroad, it remains the CPA's intention to pursue a prosecution of those we believe as being responsible and an application to the Magistrates Court has recently been made for a hearing.
- 4.4 **Garth Farm, Newchapel Road, Lingfield** – An Enforcement Notice was issued on 1<sup>st</sup> April 2015 requiring the unauthorised use of the land for the import, deposit and disposal of mixed waste disposal and green waste disposal cease, with all imported waste to be removed. An appeal was lodged and a Local Inquiry was anticipated, but PINS advised that a Public Inquiry was to be arranged for July 2016 due to the need for evidence on oath by the principal appellant.
- 4.5 The appellant failed to turn up for the Public Inquiry in July 2016, with the subsequent excuse being that she had to attend hospital, but had failed to advise PINS and the CPA. In her absence, the Inspector decided that there were inconsistencies within the EN and accompanying plan that she could not correct and as such the CPA have unfortunately had to withdraw the EN and re-issue the documents.



- 4.6 **Land at New Pond Farm at the junction of Furze Lane & New Pond Road, Compton** – An extant County Court Injunction which was secured on 16<sup>th</sup> April 2014 against the longstanding tenant (who claims to be the landowner) and uncle to one of the trustees, has been breached through the continued importation of waste, and has not been complied with through the removal of all imported waste from the land.
- 4.7 The continuing actions of the tenant have left the CPA with little choice but to seek a prosecution for both contempt of Court and non-compliance with the requirements of the injunction, which if successful could result in a short penal sentence.
- 4.8 On 22nd October 2015, Mr Percy Podger of Pond Farm, Furze Lane, Compton, Surrey was given a 6-month suspended prison sentence at the Royal Courts of Justice made after Her Honour Judge May found Mr Podger guilty of being in contempt of injunctions prohibiting importation of waste onto Green Belt land. Judge May advised Mr Podger that unauthorised waste disposal activity must cease and the waste materials must be removed by 31<sup>st</sup> January 2016 to a licensed waste facility and the defendant must also pay the CPA's application costs.
- 4.9 Officers checked the site on 1<sup>st</sup> February 2016 and sought a prosecution at the Royal Courts of Justice as full compliance with the extant EN had not been achieved, demonstrating Mr Percy Podger's continuing contempt of the injunctions.
- 4.10 A hearing for committal of Mr Percy Podger for breaching the High Court Injunction on 1<sup>st</sup> April 2016 was unable to be heard as a result of cases over running. Both parties agreed that a further period of time would be given for Mr Podger to discuss the case with his legal representative who had only been appointed shortly before the hearing. As such, the case was set to be heard in late August 2016 at the High Court.
- 4.11 Mr Percy Podger failed to attend the High Court hearing, on claims of ill health. The Judge requested the CPA to initiate a social services check on Mr Podger, required Mr Podger's solicitors to provide copy of their quotes for waste clearance to achieve compliance and it was agreed that a rescheduling of the hearing would be set for mid-November, but at Guildford County Court to make it easier for Mr Podger to attend.
- 4.12 At Guildford County Court on 17<sup>th</sup> November 2016, Judge Raeside considered the evidence with Mr Percy Podger in attendance. Mr Podger's counsel conceded that he had breached the Court order on more than one occasion, but no penal sentence was imposed. Following slight amendments to the Court Order, a date for full compliance was set as 1<sup>st</sup> July 2017 and the Judge stated that any further proven breaches would result in imprisonment for Mr Podger.
- 4.13 **Ridgeways Farm, Lonesome Lane, Reigate** – Following the issue of a PCN in December 2008 regarding unauthorised import, deposit, storage, processing and disposal of waste materials, a Certificate of Lawful Existing Use Development (CLEUD) application was subsequently submitted in October 2010, but refused in May 2011.
- 4.14 An Enforcement Notice was to be issued in February 2013, however the question of unauthorised 'mixed uses' arose which undermined the CPA's ability to enforce. Reigate & Banstead Borough Council invited a retrospective planning application in for the infill of the pond that was located adjacent to the land. Following a meeting between Legal and Enforcement Officers from both SCC and R&B BC, it was agreed that R&B BC would address the unauthorised development involving mixed uses taking place at the site. Unbeknown to the CPA, R&B BC had received an application

to regularise the unauthorised development that triggered the mixed use issue, and as a result it was intended that the CPA were to issue an EN in Spring 2016.

- 4.15 The landowner had moved abroad and indicated he was having the land cleared of the unauthorised waste development, which continued to be monitored as clearance was anticipated by mid September 2016. However, clearance was not completed and the landowner appears to have returned to the UK and allowed an operator occupancy of the yard and was undertaking waste recycling on the site. The landowner has now been advised by our solicitors that unless all waste operations cease and the waste removed from site by 19<sup>th</sup> December 2016, an EN will be issued after consultation with R&B BC due to other non-waste related breaches.

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**CONTACT: Ian Gray or Alan Stones**

**TEL. NO: 020 8541 9423 or 020 8541 9426**

**BACKGROUND PAPERS:**

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