

**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 7 June 2023  
**Time:** 10.30 am  
**Place:** Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF

**Contact:** Joss Butler  
**Telephone:** 07929 745197  
**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 [11]**

Ernest Mallett MBE	West Molesey;
Jeffrey Gray	Caterham Valley;
Victor Lewanski	Reigate;
Scott Lewis	Woodham and New Haw;
Catherine Powell	Farnham North;
Jeremy Webster	Caterham Hill;
Edward Hawkins (Chairman)	Heatherside and Parkside;
Colin Cross	Horsleys;
Rachael I Lake	Walton;
John Robini	Haslemere;
Richard Tear (Vice-Chairman)	Bagshot, Windlesham and Chobham;

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

Saj Hussain	Chair of the Council	Knaphill and Goldsworth West;
Tim Oliver	Leader of the Council	Weybridge;
Tim Hall	Vice-Chairman of the Council	Leatherhead and Fetcham East;
Denise Turner-Stewart	Deputy Leader	Staines South and Ashford West;

**APPOINTED SUBSTITUTES [12]**

Stephen Cooksey	Dorking South and the Holmwoods;
Nick Darby	The Dittons;
Amanda Boote	The Byfleets;
David Harmer	Waverley Western Villages;
Trefor Hogg	Camberley East;
Riasat Khan	Woking North;
Mark Sugden	Hinchley Wood, Claygate and Oxshott;
Buddhi Weerasinghe	Lower Sunbury and Halliford;
Fiona White	Guildford West;
Keith Witham	Worplesdon;
Luke Bennett	Banstead, Woodmansterne & Chipstead;
Harry Boparai	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, e.g. large print or braille, or another language, please email Joss Butler on [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk).

This meeting will be held in public at the venue mentioned above and may be webcast live. Generally the public seating areas are not filmed. However, by entering the meeting room and using the public seating area or attending online, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If webcast, a recording will be available on the Council's website post-meeting. The live webcast and recording can be accessed via the Council's website:

<https://surreycc.public-i.tv/core/portal/home>

If you would like to attend and you have any special requirements, please email Joss Butler on [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk). Please note that public seating is limited and will be allocated on a first come first served basis.

## AGENDA

### 1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 41.

### 2 MINUTES OF THE LAST MEETING - 29 MARCH 2023

(Pages 1 - 8)

To confirm the minutes of the meeting held on (insert last meeting date).

### 3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 84 (please see note 5 below).

### 4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 85 (please see note 6 below).

### 5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 68.

### 6 DECLARATIONS OF INTERESTS

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

#### NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

### 7 SURREY COUNTY COUNCIL PROPOSAL RU.21/1521 - A320 ROAD GUILDFORD ROAD JUNCTION, CHERTSEY, SURREY

(Pages 9 - 76)

Highway improvements including a new roundabout, junction, access, pedestrian/cycle connections and crossings; including landscaping and associated infrastructure and engineering works.

- 8 SURREY COUNTY COUNCIL PROPOSAL WO/2022/0923 - LAND AT THE FORMER MANOR SCHOOL, MAGDALEN CRESCENT, BYFLEET, KT14 7SR** (Pages 77 - 112)
- Erection of an apartment block comprising 6 x 1 bed self-contained flats and two 5 bed townhouses for supported independent living, and associated bin stores, cycle stores and hard and soft landscaping.
- 9 SURREY COUNTY COUNCIL PROPOSAL EL/2022/2251 - COVEHAM HOSTEL, ANYARDS ROAD, COBHAM KT11 2LJ** (Pages 113 - 152)
- Erection of 2x two storey buildings comprising 6 x 1 bed self-contained flats (12x1 bed flats total) for supported independent living, new substation and associated bin stores, cycle stores and hard and soft landscaping.
- 10 WASTE APPLICATION REFERENCE WO/2020/0993 - ELM NURSERY, SUTTON GREEN ROAD, SUTTON GREEN, GUILDFORD, SURREY GU4 7QD** (Pages 153 - 228)
- The installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective)
- 11 MINERALS AND WASTE APPLICATION MO/2017/0953/SCC - AUCLAYE BRICKWORKS, HORSHAM ROAD, CAPEL, SURREY, RH5 5JH** (Pages 229 - 378)
- Review of planning permission ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995 so as to determine full modern working and restoration conditions.
- 12 DATE OF NEXT MEETING**
- The next meeting of the Planning & Regulatory Committee will be on 28 June 2023.

**Joanna Killian**  
**Chief Executive**  
 30 May 2023



## MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

### MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Members of the public and the press may use social media or mobile devices in silent mode during meetings. Public Wi-Fi is available; please ask the committee manager for details.

Anyone is permitted to film, record or take photographs at Council meetings. Please liaise with the committee manager prior to the start of the meeting so that the meeting can be made aware of any filming taking place.

The 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 any Council equipment or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

Thank you for your co-operation.

#### NOTES:

1. Members are requested to let the Democratic Services Officer have the wording of any motions and amendments not later than one hour before the start of the meeting.
2. Substitutions must be notified to the Democratic Services Officer by the absent Member or group representative at least half an hour in advance of the meeting.
3. 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. Members are strongly encouraged to contact the relevant case officer in advance of the meeting if you are looking to amend or add conditions or are likely to be proposing a reason for refusal. It is helpful if officers are aware of these matters in advance so that they can better advise Members both before and during the meeting.
4. 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 Democratic Services Officer no later than midday on the working day before the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.
5. 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 Democratic Services Officer for further advice.
6. 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 Democratic Services Officer for further advice.

7. 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)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

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 National Planning Policy Framework (NPPF) (revised July 2018 and updated February 2019) and subsequent 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, the district/borough council or neighbourhood forum in whose area the application site lies).

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

The [National Planning Policy Framework](#) (NPPF) was updated in February 2019. This revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018. It continues to provide 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 (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in 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 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 213 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).

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

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into 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.

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 29 March 2023 at Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

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

**Members Present:**

(\* = present)

- \*Tim Hall (Chairman)
- \*Ernest Mallett MBE
- \*Penny Rivers
- \*Jeffrey Gray
- \*Victor Lewanski
- \*Scott Lewis
- \*Catherine Powell
- \*Jeremy Webster
- \*Edward Hawkins
- \*Harry Boparai
- Jonathan Hulley
- \*Trefor Hogg (attended as substitute)

**18/23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Jonathan Hulley. Trefor Hogg acted as substitute for Jonathan Hulley.

**19/23 MINUTES OF THE LAST MEETING [Item 2]**

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

**20/23 PETITIONS [Item 3]**

There were none.

**21/23 PUBLIC QUESTION TIME [Item 4]**

There were none.

**22/23 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**23/23 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**24/23 SURREY COUNTY COUNCIL PROPOSAL MO/2022/1248 - INSTITUTE OF FURTHER EDUCATION, DENE STREET, DORKING, SURREY RH4 3EB [Item 7]**

**Officers:**

Stephanie King, Planning Officer  
Chris Reynolds, Listed Buildings Officer

**Key points raised during the discussion:**

1. The Chairman introduced the item and noted that an update sheet was published within a supplementary agenda on 28 March 2023. It was also noted that some Members of the Committee had visited the site on 24 March 2023. The Planning Officer provided Members with a brief overview of the proposal which was for the conversion of the former Adult Education Centre building and the erection of a new building to provide residential accommodation falling within Class C2 (residential institutions) and Class C3 (dwellinghouses) with associated parking, access and landscaping. Full details of the proposal, including photographs and plans presented to Members, could be found from page 33 of the agenda.
1. A Member stated that he felt that the objections to the application received were not material and that he believed that the proposal would be an excellent use of the building. Another Member of the Committee stated that they agreed that the proposal was an excellent use of the building and said that they endorsed the proposal.
2. A Member said that, as a Member of the Corporate Parenting Board, the proposed facility was absolutely necessary and would fulfil a need identified by the service.
3. The Chairman moved a vote on the officer recommendation which was unanimously agreed by the committee.

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

None.

**Resolved:**

The Committee unanimously agreed that that, pursuant to Regulation 3 of the Town and County Planning General Regulations 1992, planning application ref: MO/2022/1248 be permitted subject to conditions.

**25/23 MINERALS/WASTE TA/2022/1155 - LAND AT MERCERS SOUTH QUARRY, BLETCHINGLEY ROAD, NUTFIELD, REDHILL, SURREY RH1 4EU [Item 8]**

The Chairman agreed that the committee would consider Item 8 and Item 9 together as the proposals were within the same site.

**Officers:**

Katie Rayner, Principal Planning Officer  
Samantha Murphy, Planning Development Team Leader

**Speakers:**

None.

**Key points raised during the discussion:**



1. The Chairman introduced Item 8 and Item 9 and noted that update sheets had been published on 28 March 2023.
2. The Principal Planning Officer further introduced Item 8 and provided Members with a brief overview of the proposal which was for the use of land for the importation of Construction, Demolition and Excavation (C, D & E) Waste and the siting and use of a mobile screener and a crusher to enable the recovery of soils to assist with on-site restoration and the production of recycled aggregates for sale and export. Full details of the proposal, including photographs and plans presented to Members, could be found from page 123 of the agenda. Further to this, the Principal Planning Officer introduced Item 9 and provided Members with a brief overview of the proposal which was for the extraction and screening of sand from Mercers South Quarry with progressive restoration to agriculture using inert waste materials, together with associated infrastructure, on a site of 52.2ha and the temporary diversion of public footpath 173 for the duration of the operations without compliance with Conditions 1, 9 and 24 of planning permission Ref: TA/2019/2147 dated 10 September 2020 to allow for the revision to Phase 1 of the phased restoration of the site and the relocation of the wheel wash facility. Full details of the proposal, including photographs and plans presented to Members, could be found from page 207 of the agenda.
3. A Member of the Committee thanked officers for their detailed report and said that they were relieved to note that Condition 7 addressed the percentage of material that could be transferred from the site. The Member further asked whether officers had considered the creation of a Community Liaison Group (CLG) to address some of the issues raised by local residents including how to improve biodiversity associated with restoration, communication on the timelines on restoration, and issues related to Heavy Goods Vehicles (HGVs). A Member of the Committee added that the creation of a CLG could aid discussions to address issues related to biodiversity. In response, the Principal Planning Officer informed Members that the applicant had made clear that a CLG was not needed for the site as they had a good relationship with the local community which included the circulation of regular newsletter updates and having an 'open door' policy for residents to ask questions.
4. A Member said that they considered the site to be one of the cleanest and most efficient sites they had ever visited. Another Member added that they were also impressed with the site and were particularly impressed that water from the site was being diverted into local brook waterways.
5. Officers highlighted that the application was not making changes to the Final Restoration Scheme. Further to this, measures were in place, as part of the progressive restoration of the site, to ensure the site continued to deliver biodiversity benefits throughout the progression of the restoration.
6. The Chairman moved a vote on the officer recommendation for Item 8 which was unanimously agreed by the committee.
7. The Chairman moved a vote on the officer recommendation for Item 9 which was unanimously agreed by the committee.

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

None.

**Resolved:**

The Committee agreed to PERMIT application TA/2022/1155 subject to the conditions.

**26/23 MINERALS/WASTE TA/2022/1220 - MERCERS SOUTH QUARRY, BLETCHINGLEY ROAD, NUTFIELD, REDHILL, SURREY RH1 4EU [Item 9]**

**Officers:**

Katie Rayner (Principal Planning Officer)  
Samantha Murphy (Planning Development Team Leader)

**Speakers:**

None.

**Key points raised during the discussion:**

1. The Chairman agreed that the committee would consider Item 8 and Item 9 together as the proposals were within the same site. The minutes of the discussion are included within minute 25/23.

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

None.

**Resolved:**

The Committee agreed to PERMIT application TA/2022/1220 subject to the conditions.

**27/23 WASTE APPLICATION REFERENCE: WO/2020/0993 - ELM NURSERY, SUTTON GREEN ROAD, SUTTON GREEN, GUILDFORD, SURREY GU4 7QD [Item 10]**

**Officers:**

Jessica Darvill, Planning Officer

**Speakers:**

The Local Member, Will Forster, joined the meeting virtually and made the following comments:

1. Noted that there had been one local objection to the proposal and so it was not very controversial within his division.
2. Highlighted that the committee previously gave permission for the site due to very special circumstances as the site was within the Green Belt.
3. The Member said that the proposal was for a relatively small-scale wood chipping plant however Member should consider the inclusion of a condition to include parameters to prevent the site from becoming unacceptable in the area.

4. Stated that the proposal included various aspects and asked that Members carefully consider whether they were appropriate within the Green Belt.

**Key points raised during the discussion:**

1. The Chairman introduced the item. The Planning Officer provided Members with a brief overview of the proposal which was for the installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective). Full details of the proposal, including photographs and plans presented to Members, could be found from page 335 of the agenda.
2. In regards to Figure 6 of the photographs presented to the committee, a Member raised concern with the layout of the bricks and stated that she believed that it would be in breach of Condition 11 and 13 of the report. The Member further stated that they were concerned that a retrospective planning application which included the storage of fuels on site was showing evidence of fuel being stored in an inappropriate way. Furthermore, the Member requested that Condition 13 of the report was strengthened to match Condition 15 of the previous report considered. In response, officers stated that she believed the fuel tank storage area had been built in accordance with the Environmental Agency's requirements and that the Environmental Agency had raised no objection to the proposal. The Member stated that they did not believe the storage area had been installed as designed and suggested that consideration of the application be deferred to allow members to visit the site. Officers stated that they did not have access to the material provided by the Environmental Agency related to design of the fuel storage area.
3. A Member and the legal representation at the meeting acknowledged that an application being retrospective could not be a reason for refusal. Further to this, the Member noted a response to a concern on page 282 of the report regarding whether there were very special circumstances within the green belt and stated that Members should consider whether very special circumstances were observed. Officers responded that the location of the welfare facilities and fuel tanks needed to be included on site to prevent additional movement of vehicles and personnel.
4. In regard to the requested hours of operation, officers explained Condition 4 of the planning permission allowed for entry 30 minutes before and 30 minutes after the permitted hours of operation and that it was being requested that this be increased to one hour.
5. In response to a Member's comment on the flooding shown in the photographs taken on site, officers explained that the photographs were taken in January which was during a time of surface water drainage issues due to recent heavy rainfall. The Environmental Agency had stated that it was a high risk area and that Woking Flood Authority and the Surrey Sustainable Drainage Systems (SuDS) team had raised no objections to the proposal. Members noted that soak away scheme was also being brought forward as part of the current application.
6. In regard to the proposal to defer the application to allow a site visit to be scheduled, a Member stated that they supported the proposal.

7. A Member stated that they had no objections to the application and that any potential breaches of conditions could be dealt with at a later date.
8. A Member stated that they felt a site visit was necessary to further consider whether there were very special circumstances to build the additional welfare facilities within the green belt location.
9. The Chairman proposed that the application be deferred to allow members to visit the site prior to making a decision which received six votes for, five against and zero abstentions.

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

None.

**Resolved:**

The Committee agreed to the defer the application to allow a Member site visit to be undertaken.

**28/23 MINERALS/WASTE GU21/CON/00038 - ALBURY PARK WELLSITE, ALBURY PARK, EAST OF NEW ROAD, ALBURY, SURREY [Item 11]**

**Officers:**

Janine Wright, Principal Planning Officer

**Speakers:**

The Local Member, Bob Hughes, joined the meeting virtually and made the following comments:

1. Thanked officers for the report.
2. Stated that Members would have received an email from a resident from Albury and stated that the resident spoke for the community.
3. Stated that every kilogram of hydrogen that was produced as blue hydrogen produced 9.3 kilograms of carbon.
4. Stated that although he hoped the committee would refuse the application, if Members were minded to approve then carbon capture should be a requirement. If refused, the local Member asked that one of the reasons be due to the absence of carbon capture.
5. That the proposal would adversely impact Albury Park which was within the Surrey Area of Outstanding Natural Beauty (AONB). The Member added that the local ancient woodland and sports field would also be impacted.
6. Stated that iGas claimed that the hydrogen would be transported in 28 – 35 Heavy Good Vehicles (HGVs) a week which conflicted with a claim to produce 1000 kilograms of hydrogen a day which would only require 9 – 14 HGVs.
7. Stated that the application contradicted Government policy, AONB policy, Surrey County Council green policies, and ignored the Guildford Local Plan.

**Key points raised during the discussion:**

1. The Chairman introduced the item. The Planning Officer provided Members with a brief overview of the proposal which was for the

installation of a Steam Methane Reformation (SMR) unit for the production of hydrogen from methane extracted from Albury wellsite including: compressor unit, surge tank, nitrogen supply tank and electrical module and a tanker loading area on some 0.5 hectares, and use of the access track for export of the hydrogen for a temporary period with restoration to commercial forestry. Full details of the proposal, including photographs and plans presented to Members, could be found within the report. Members also noted the reasons for the officer recommendation to refuse the planning application which were outlined in the report.

2. A Member thanked the case officer for the detailed report and stated that they agreed with the officer recommendation to refuse the application due to the potential carbon impact. The Member added that the potential to have carbon capture on such a small site in the location was virtually zero. Another Member also said that they supported the officer recommendation.
3. In regard to the local Member's comment related to an email circulated by a resident, the Chairman and a Member of the committee said that they do not believe it was received.
4. A Member of the Committee stated that they were happy with the reasons for refusal but noted they did not include reference to carbon capture. Officers explained that there were no policies within the Guildford Local Plan or Surrey Minerals Plan that referred specially to carbon capture emissions.
5. The Chairman moved the officer recommendation which received unanimous support.

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

None.

**Resolved:**

The Committee refused planning application GU21/CON/00038 for the reasons outlined within the officer report.

**29/23 DATE OF NEXT MEETING [Item 12]**

The date of the next meeting was noted.

Meeting closed at 12.00 pm

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**Chairman**

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**To:** Planning & Regulatory Committee

**Date:** 7 June 2022

**By:** Planning Development Manager

**District(s)** Runnymede Borough Council

**Electoral Division(s):**  
**Foxhills, Thorpe and Virginia Water**  
**Mr Hulley**  
**Chertsey**  
**Mr Nuti**

**Case Officer:**  
**Janine Wright**

**Purpose:** For Decision

**Grid Ref:** 503048 165679

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**Title: Surrey County Council Proposal RU.21/1521**

### **Summary Report**

**A320 Road Guildford Road junction, Chertsey, Surrey**

**Highway improvements including a new roundabout, junction, access, pedestrian/cycle connections and crossings; including landscaping and associated infrastructure and engineering works.**

The planning application seeks approval for highway improvement works to include a new roundabout, junction, access, pedestrian/cycle connections and crossings at the junction of Guildford Road / Green Lane / Holloway Hill (junction 6) adjacent to Salesian School.

The proposal forms part of the wider A320 corridor project to increase the capacity of the local highway network and enhance the sustainable transport infrastructure, to enable the delivery of growth in the Runnymede Borough. The proposal will be funded by Homes England's Housing Infrastructure Fund (HIF). The proposal will ensure there is extra capacity on the road network between Chertsey and Ottershaw to allow for the delivery of housing, employment and retail sites, which have been allocated within Runnymede Borough's recently adopted Local Plan. The proposal would link the road network and improve pedestrian access, traffic flow and cycle paths with the wider area.

The A320 road improvement scheme is a partnership between Runnymede Borough Council (RBC), Surrey County Council (SCC) and Homes England (HE). The project is funded through the Housing Infrastructure Fund (HIF) and aims to increase the road capacity and improve sustainable transport infrastructure to support the delivery of the Runnymede Local Plan 20230.

Junction 6 of the A320 provides a strategic link to Chertsey, Addlestone and junction 11 of the M25. The wider road network serves Runnymede's most sustainable locations for growth, east of the borough, which will benefit from the greatest concentration of services and facilities including strategic employment sites and housing.

The application has been publicised by posting site notices and an advert has been placed in the local newspaper. A total of 60 owner/occupiers of neighbouring properties were directly notified by letter and a total of eight letters of objection have been received. Multiple letters of representation have been received from local residents. These letters of objection mainly refer to the design of the scheme, flooding and the loss of trees and landscape.

The proposal is considered to accord with the relevant policies of the adopted Runnymede 2030 Local Plan and is recommended for approval, subject to planning conditions.

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## **Application details**

### **Applicant**

SCC Road and Transport

### **Date application valid**

25 August 2021

### **Period for Determination**

24 November 2021 (extension of time agreed – 30 June 2023)

### **Amending Documents**

- Revised FRA and flood modelling submitted on 10 December 2021.
- Email dated 10/11/21 from applicant with additional information on flood modelling as requested by the EA in their objection. Revised FRA
- Flood Model information received from the applicant, Flood Risk Assessment Revision 2 dated December 2021.
- Drainage / Suds Strategy submitted by Paul Miller on 15 November ref: 10041683-ARC-HAC-PKB\_JC6-RP-ZZ-00009 dated Nov 21.
- Email received from applicant on 21.6.22 regarding habitat land.
- Email received from applicant dated 21.6.22 regarding Air Quality
- Email received from applicant dated 28.6.22 regarding Noise comments
- Email received from applicant on 20.6.22 regarding EA information
- Email received from applicant dated 26.7.22 providing a revised plan for the habitat land titled Drawing 1 Proposed Habitat Creation Plan Junction 6 plan ref: 10041683-ARC-EGN-ZZ-DR-ZZ-00002 Rev 03 dated 26.07.22
- Email received from applicant dated 22.8.22 providing a response to consultee comments ref: 10041683-ARC-GEN-PKB\_JC6-CO-CE-00006
- Further details on the Hydraulic model review (Jacobs no-real time) received from the application June 2022.
- Email received from applicant dated 20.6.22 attaching FEH descriptors and correspondence ref: 10041683-ARC-HAC-PKB\_JC6-RP-ZZ-00015\_P03 attached to email dated 23.6.22
- Email received from applicant dated 14.10.22 attaching Flood Model 7, Result 7 and Simple\_model\_Log
- Email received from applicant dated 23.3.23 providing a response to SUSTRAN's consultation comments.



- Email received from applicant dated 23.05.23 regarding safety checks which are to be carried out.
- Email received from applicant dated 30.05.23 attaching the Sequential test and exceptions test document ref: 10053900-ARC-EWE-J06-TN-ZZ-00001 dated May 2023.

**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>
Principle of Development & Need	Yes	61 – 88
Design	Yes	89-99
Landscape Character and Visual Impact	Yes	100-126
Ecology, Trees and Biodiversity	Yes	127-174
Flooding and Surface Water Drainage	Yes	175-200
Heritage & Archaeology	Yes	201-227
Residential Amenity, Noise, Air Quality and Dust	Yes	228-269
Highway Capacity & Safety, Pedestrian and Cycle Access	Yes	270-292
Green Belt	Yes	293-323

**Illustrative material**

Site Plan

Plan 1 – Aerial view of Site

Plan 2 – Aerial view of Site

Plan 3 - Site Location Plan

Plan 3 – General Arrangement of Site

Photographs

Photographs of the application site and surrounding area

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## Background

### Site Description

1. The A320 (Guildford Road) corridor project comprises of proposed road improvements to the A320 between Chertsey and Ottershaw to increase the capacity of the local highway network and to enhance the sustainable transport infrastructure. The wider project includes improvement works to junctions and links within the A320 corridor.
2. The application's northern extreme lies just to the north of Salesian School and extends southwards to include the junction with Green Lane and Holloway Hill. The southern extreme is the junction with Little Green Lane and its western extreme extends past Hardwick Lane and Holloway Hill.
3. The application site is approximately 2.1 hectares (ha) and includes an area of land immediately to the west of the junction with Green Lane (north of Holloway Hill). This area of land is currently in agricultural use and is separated from the highway boundary by a row of trees.
4. St Peter's hospital is located to the south of the application site and the M25 is located to the north. The application site is within the Metropolitan Green Belt and forms part of a Site of Nature Conservation Importance (SNCI). An area of high archaeological potential lies to the west and is associated with Harwich Court Farm.

### Planning History

5. There are no relevant county planning permissions relating to the application site. However, the following planning history relates to applications which have been considered by the Local Planning Authority, Runnymede Borough Council.

RU.18/1279	Formation of sport pitches, associated earthworks and pavilion with associated access, car parking and landscaping – Granted
RU.19/1274	Notice of preliminary meeting for an application by ESSO Petroleum Company Limited for an Order Granting Development Consent (DCO) for the Southampton to London Pipeline Project.
RU.21/0272	Hybrid application for the land north of Green Lane, Chertsey Bittams: Full planning application for residential development comprising of 149 dwellings; informal and formal open space, footpaths, cycleways and internal road. Outline permission for provision of community centre hub and/or use of land for open space or infrastructure associated with the residential development. Outline permission for the use of the land for 5 gypsy and traveller pitches or the development of such land for approximately 11 dwellings and associated works – Awaiting decision

## The proposal

6. *The application, subject to this report, relates to land at the junction of Guildford Road / Green Lane / Holloway Hill (junction 6) and adjacent to Salesian School on the A320. The proposed development is seeking to provide highway improvements including the construction of a new roundabout, junctions, access, pedestrian and cycle connections and crossings. The proposal also includes landscape works and associated infrastructure and engineering works.*
  
7. The highway improvements will include a new junction configuration and a new large elongated roundabout to replace the two existing smaller roundabouts. The proposal comprises of the following measures:
  - Two-lane southbound approach on Guildford Road north, Guildford Road south and Holloway Hill.
  - The two-lane southbound exist on Guildford Road includes diverge taper generated within the southeast of the roundabout. Two westbound approaches at the junction, flaring from existing single lane on Green Lane. There is a one lane exist from Guildford Road north, Green Lane and Holloway Hill.
  - A four metre wide shared use footway/cycleway around the east side of the junction has been created with uncontrolled pedestrian/cycle crossings at all desire lines and approaches to the roundabout with a proposed toucan crossing south of the junction and north of Little Green Lane.
  - There would be direct access off Guildford Road north to Salesian School and the residential property at the Lodge.

The proposed development is shown on plan ref: 10041683-ARC-GEN-PKB\_JC6-DR-HE-0001 P03.

8. A new 4 metre wide shared pedestrian / cycle crossing will be constructed along the eastern side of the junction and a toucan crossing will be installed south of the junction and north of Little Green Lane.
  
9. Within the elongated roundabout a storage and treatment pond would be provided to intercept the flows along the watercourse located on the west side of Guildford Road. The pond, a long with raising the levels of the roundabout, should reduce the likelihood of flooding affecting the neighbouring properties and help improve water quality in the watercourse.
  
10. The proposal would result in the removal of some protected trees and vegetation, however, additional tree planting and landscaping has been proposed within the scheme. In addition, an area of off-site habitat land is proposed to compensate for the loss of the trees and habitats.

## Consultations and publicity

### District Council

- |                               |  |
|-------------------------------|--|
| 11. Runnymede Borough Council | No objection, subject to consideration of letters of representation, in particular the potential impact on access arrangements for occupiers of properties on Little Green Lane. |
| 12. Environmental Health      | No views received.   |

## Consultees (Statutory and Non-Statutory)

- 7
13. County Councillor – Chertsey No views received
  14. Thames Water No objection, advice provided
  15. Environment Agency  
Risk Assessment does not adequately assess the flood risk posed by the development.  
6/10/22 – Objection raised, the Flood Risk Assessment does not adequately assess the flood risk posed by the development.  
14/3/22 – Objection raised, further information has been requested on the hydrology review spreadsheet.  
13/2/23 – Withdrawal of Objection, the fluvial flood modelling shows the proposed scheme reduces flow down Green Lane, flood risk is managed and with no increase in flood risk elsewhere. The submitted information satisfactorily addresses our concerns.
  16. Surrey Wildlife Trust  
planning conditions  
8/9/2021 – No objection, subject to  
08/07/2022 – the compensation for the ecological impacts (permanent habitat loss) and post-development biodiversity enhancements proposed appears appropriate to the existing ecological characteristics of the site and area. More thought should be given to the use of propagation potential from the remaining SNCI, rather than importing foreign seeding material. The Hardwick Fields SNCI will have significant botanical enhancement potential in terms of habitat and/or condition that ought to be realised as an aim and outcome of this proposal.
  17. County Ecologist  
for a Construction and Environmental Management Plan and Landscape and Ecology Management Plan. No objection, subject to conditions
  18. County Archaeological Officer No objection, subject to conditions
  19. County Arboriculturalist No objection, subject to conditions
  20. Rights of Way No views received
  21. Natural England No comments, advice provided
  22. Environmental Assessment No views received
  23. Highways Agency No comments, advice provided
  24. County Historic Listed Buildings Officer  
material impact on the special interest of the listed buildings. No objection, there will be no
  25. SuDS & Consenting Team No objection, subject to conditions
  26. SCC Emergency Planning No views received
  27. County Noise Consultant No objection, subject to conditions
  28. County Air Quality Consultant No objection, subject to conditions
  29. Esso Petroleum Company Ltd No views received

- |                                    |   |
|------------------------------------|---|
| 30. The Crown Estate Commissioners | No views received   |
| 31. County Landscape Architect     | No objection, subject to conditions   |
| 32. Transport Development Planning | No highway requirements, the project will need to apply the same processes and procedures as those carried out by a private developer in relation to the detailed design and ensuring the safety of the scheme. |
| 33. Sustran                        | No objection, advice provided   |
| 34. Cycle UK                       | No views received   |
| 35. Ottershaw Village Hall         | No views received   |
| 36. Hillswood Business Park        | No views received   |
| 37. Chertsey Driving Test          | No views received   |
| 38. Meath Green Infant School      | No views received   |
| 39. Ottershaw Junior School        | No views received   |
| 40. Ottershaw Infant School        | No views received   |
| 41. Meath Green Junior School      | No views received   |

#### Amenity Groups

- |   |  |
|---|--|
| 42. Ottershaw and West Addlestone Residents | No views received  |
| 43. Ottershaw Neighbourhood Forum           | No views received  |
| 44. Surrey Chambers of Commerce             | No views received  |
| 45. East Surrey Rural Transport Partnership | No views received  |
| 46. Christ Church Ottershaw                 | No views received  |
| 47. Ottershaw Society                       | No views received  |
| 48. The Chertsey Society                    | Objection, opportunities have not been taken to address dangerous turning at Little Green Lane / Guildford Road, despite requests by local residents. Traffic backs-up onto the roundabout from stationary traffic in Chilsey Green Road preventing access to Thorpe Road. |
| 49. Surrey Access Forum                     | No views received  |
| 50. Foxhills Club and resort                | No views received  |

#### Summary of publicity undertaken and key issues raised by public

- |   |
|---|
| 51. The application was publicised by the posting of 6 site notices and an advertisement was placed in the local newspaper. |
|---|

52. A total of 60 owner/occupiers of neighbouring properties were directly notified by letter. Eight letters of objection have been received.
53. The following concerns have been raised within the letters of objection:-
- Loss of Trees and open space
  - Noise
  - Traffic
  - Water course implications
  - Congestion and traffic flow
  - Flooding
  - Pedestrian safety and school crossing
  - Design of scheme
  - Environmental pollution

Officer's comments are as follows:

Flooding:

A revised Flood Model and Flood Risk Assessment (FRA) has been submitted and reviewed by the Environment Agency (EA). The EA are satisfied with the additional information provided and have removed their objection to the proposal.

Design of scheme:

Safety audits will be undertaken to ensure that the HIF scheme meets road safety standards.

54. Officers have reviewed all the representations which have been submitted.
- 

## Planning considerations

### Introduction

55. The guidance on the determination of planning applications, found at the end of this report, is incorporated into this report and must be read in conjunction with the following paragraphs.
56. In this case the statutory development plan for consideration of the application consists of the Runnymede Borough Council 2030 Local Plan which was adopted in July 2020 (RBLP), Runnymede Infrastructure Delivery and Prioritisation SPD and National Planning Policy Framework (NPPF).
57. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. 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: Principle of Development, Need, Highway capacity and safety, Design, Heritage, Visual Impact and Landscape, Flood Risk, Ecology and biodiversity, Residential Amenity, noise and vibrations, Air Quality and Green Belt.

## ENVIRONMENTAL IMPACT ASSESSMENT

58. An Environmental Impact Assessment (EIA) screening request was submitted to the County Planning Authority on 1<sup>st</sup> April 2021 on behalf of the applicant.
59. The proposal has been screened under Regulation 6 of the EIA Regulations Schedule 2 (paragraph 10(f) (Construction of roads (unless included in Schedule 1)) and 13(b) (Changes or extensions to Schedule 2 development)). Based on the information provided, the EIA Officer has concluded there are unlikely to be significant effects on the environment of a type or scale that would warrant classification of the scheme as a whole or of any individual element of the scheme as an “EIA Development”. The proposal therefore does not require an Environmental Statement to accompany it.

## **SOUTHAMPTON TO LONDON PIPELINE - NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP)**

60. The Southampton to London aviation Pipeline is located north of the application site, outside the application boundary. The County is bound by agreement not to approve any developments that may compromise or hinder the agreed pipeline and access routes. Fisher German, on behalf of Esso Petroleum, were consulted on the application and confirmed that the proposal would not have an impact on the proposed NSIP.

### **PRINCIPLE OF DEVELOPMENT AND NEED**

#### **Runnymede Borough Council Local Plan 2030 (adopted July 2020)**

##### **Policy SD1: Spatial Development Strategy**

##### **Policy SD2: Site Allocations**

##### **Policy SD3: Active and Sustainable Travel**

##### **Policy SD4: Highway Design Considerations**

##### **Policy SD5: Infrastructure Provision and Timing**

#### **Surrey County Council Local Transport Plan (LTP4): Major Projects**

#### **Supplementary Planning Document – Infrastructure Delivery and Prioritisation (Nov 2020)**

#### **National Planning Policy Framework 2021**

#### **Paragraphs 11, 20(b), 22 and 106(b)**

61. The A320 scheme is a partnership between Runnymede Borough Council (RBC), Surrey County Council (SCC) and Homes England (HE). The project is funded through the Housing Infrastructure Fund (HIF) and aims to increase the road capacity and improve sustainable transport infrastructure to support the delivery of the Runnymede 2030 Local Plan.
62. Junction 6 of the A320 provides a strategic link between Chertsey and junction 11 of the M25. The A320 road network serves Runnymede’s most sustainable locations for growth in the Borough, which will benefit from the greatest concentration of services and facilities including housing and employment.
63. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means approving development proposals which accord with an up-to-date development plan without delay. The Runnymede 2030 Local Plan was adopted in July 2020 and is thus considered to be an up-to-date development plan. The housing needs identified within the plan along with the proposed highway improvement works at junction 6 of the A320, and the wider A320 corridor, are considered to deliver the development plan needs for the area.
64. A previous planning application for road improvement works to junction 10 (Ottershaw Roundabout) was approved in July 2022. The application reference number is GU.21/2018.

65. Paragraphs 20(b) and 22 of the NPPF state that strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for infrastructure for transport. Strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
66. Paragraph 106(b) of the NPPF further states that planning policies should be prepared with the active involvement of local highway authorities, other transport infrastructure providers and operators so that strategies and investments for supporting sustainable transport and development patterns are aligned.
67. The proposed highway improvement works to the junction and link roads are considered to be essential to delivery of approximately 3,500 new homes across 10 sites in and around the Chertsey and Ottershaw areas. New supporting infrastructure is therefore required in order to meet the housing needs in the borough and deliver the Runnymede 2030 Local Plan
68. The Runnymede Infrastructure Delivery and Prioritisation Supplementary Planning Document (RIDP SPD) sets out the Runnymede Borough Council's approach to infrastructure delivery and funding. The SPD categorises the infrastructure into different prioritisation levels including critical, essential, high priority and desirable infrastructure. Critical infrastructure is required in order to enable identified growth. Without critical infrastructure the development process cannot proceed, and the Runnymede Borough Local Plan (RBLP) cannot be delivered. The proposed highway improvement works to junction 6 of the A320 and the wider A320 corridor have been identified within the SPD as being critical.
69. Paragraph 2.4 and table 2-2 of the RIDP SPD states that the A320 road improvement scheme (including the A320 corridor) and M25 junction 11 improvements are 'critical' infrastructure. The paragraph further sets out that the *"improvement scheme is required to enable a number of development sites allocated in the Local Plan which are dependent upon the improvements proposed, to come forward."* The delivery of the A320 road scheme has been secured through a Housing Infrastructure Fund (HIF) grant from Homes England. Thus enabling early delivery of the A320 road work improvements.
70. Paragraph 3.43 of the RIDP SPD states that the Borough Council have prepared evidence specific to the A320 corridor which shows that without the mitigation the A320 will suffer 'severe' impacts as a result of growth set out in the Local Plan.
71. The adopted RBLP seeks to achieve a balance between protecting the borough's heritage, natural environment and built environment whilst allowing for new housing and creation of job opportunities and economic development.
72. Several rounds of public consultations were carried out during the development of the Local Plan and more than 6000 representations were received from local residents, businesses and other organisations. The plan was publicly examined and endorsed by an independent government-appointed inspector, subject to a number of modifications being made, all of which were accepted by local district councillors.
73. Policy SD1 of the RBLP refers to identified housing and economic provisions over the Local Plan period and states that development will be largely directed towards the most sustainable, larger settlements in the Runnymede Borough and towards the garden village at Longcross. These locations have been identified as being the best locations for delivering supportive infrastructure as well as active and sustainable travel choices.
74. Policy SD2 of the RBLP lists the allocated sites outlined for development within the Borough. Out of the 24 sites allocated for development within the Borough, 11 are dependent on the delivery of necessary mitigation on the A320 road network. RBC consider that the allocated sites, set out within



the policy, are the most suitable site for development when considered against the alternatives appraised through a robust site selection process and sustainability appraisal. The allocated sites are considered to offer the best opportunities to achieve sustainable development as well as the delivery of the spatial development strategy.

75. The proposed residential development, set out within policy SD2, would result in an increase in travel demand in future years, intensifying existing congestion problems and increasing travel demand along the A320 corridor. Paragraph 5.42 of the RBLP recognises that there are a number of existing transport and infrastructure concerns within the Borough, including congestion on key transport routes including the A320, infrequent bus services and limited connectivity by walking/cycling routes in some areas. Paragraphs 5.49 and 5.50 further recognise that growth will lead to impacts on the road network and that a number of locations along the A320 will require some form of intervention to ensure that congestion is managed and that site allocations, within the plan, can be delivered sustainably.
76. Policy DS3 of the RBLP states that working with stakeholders, the Council will support schemes and development proposals which enhance the accessibility and connectivity between people and places by active and sustainable forms of travel. This can be achieved by:
- Supporting and implementing the objectives and strategies of the Surrey Local Transport Plan, strategies and projects prepared by Transport for the South East or agreed under the Duty to Cooperate, and schemes which help to alleviate existing transport and highway problems in Runnymede or the wider area as identified through further partnership working;
  - Refusing planning permission for any development which would compromise the delivery of the mitigation works required to the A320 and/or M25 junction 11.

Sub-paragraph 5.57 of the RBLP, refers to a number of congestion 'hot spots' and highway issues within Runnymede, with reference made to the A320. The paragraph further states that "it is therefore considered necessary to include a policy which reiterates the Council's intention to continue to work with its partners to achieve modal shift and to set out measures which support and achieve active and sustainable travel choices and require developers to explore these opportunities through travel plans".

77. The Surrey County Council Local Transport Plan (LTP4) seeks to improve and make routes safer for walking and cycling. The LTP4 includes a number of proposals to deliver wider ranging improvements for cleaner, healthier and safer transport in Surrey.
78. The proposal would allow for improved connectivity for current and future road users and would result in improved traffic flow, highway safety measures and pedestrian and cycle connectivity, delivering the objectives of the LTP4.
79. The highway improvement works along junction 6 and the wider A320 corridor have been identified as being critical to the delivery of housing and economic development within Runnymede. The proposal would enable infrastructure improvements to alleviate existing transport and highway problems within the Borough as well as support economic and housing development.
80. Policy SD3 of the RBLP states that the Council will support schemes and development proposals which enhance the accessibility and connectivity between people and places by active and sustainable forms of travel. The policy further states that planning permission should be refused for any development which would compromise the delivery of the mitigation works required to the A320 and/or M25 Junction 11. The policy has recognised the need for mitigation works to be carried out along the A320 corridor and further states that planning permission should be refused for any development which compromises the delivery of these mitigation works.

81. Policy SD4 of the RBLP states that development proposals which maintain or enhance the efficient and safe operation of the highway network will be supported. The needs of all highway users for safe access, egress and servicing arrangements will be supported.
82. The proposed development has been designed to a high standard to ensure efficient and safe operation of the highway network. The proposal would increase capacity on the local highway network and enhance sustainable transport infrastructure, to enable the delivery of growth. It would also promote improved pedestrian and cycle connections for all road users.
83. Policy SD5 of the RBLP states that working with infrastructure providers, developers and other key stakeholders, Runnymede Borough Council will support infrastructure projects which deliver the spatial development strategy and allocated development sites as identified within the Local Plan. The proposal would enable economic and housing opportunities within the Borough, delivering improvements to the local infrastructure network which are critical to the successful delivery of the spatial development strategy.

*Conclusion of principle of development and need*

84. The principle of the highway improvement works and creation of a new roundabout and junctions for local residents and road users within the immediate and wider area of Runnymede are supported by policies SD1, SD2, SD3, SD4 and SD5 of the adopted RBLP and the infrastructure delivery and prioritisation supplementary planning document (SPD). The RBLP recognises that for the allocated sites and housing development proposals to be delivered, highway improvement measures to the A320 corridor (including the application site) are necessary.
85. The final design alignment is compliant with the Design Manual for Roads and Bridges (DMRB)<sup>1</sup> for vehicle types and radii of curves and junctions.
86. The proposal is likely to bring benefits such as improved highway safety, a reduction in congestion, the delivery of sustainable transport infrastructure and residential and economic growth within the Borough. Given that the proposal is located within an urban area and the road network is largely existing, the principle of development has already been accepted and must be given the necessary weight in the assessment.
87. On balance the proposal would accord with policies SD2, SD3, SD4 and SD5 of the Runnymede 2030 Local Plan and paragraph 20(b), 22 and 106(b) of the NPPF.
88. Notwithstanding the above, it is acknowledged that the proposal is within a sensitive location which is close to existing residential development, local flood zones, heritage assets, ecological and landscape impacts as well as the designated Metropolitan Green Belt. All these impacts will be considered in more detail within the report.

**DESIGN**

**Runnymede Borough Local Plan 2030**

**Policy SD4 – Highway Design Considerations**

**Policy EE1 – Townscape and Landscape Quality**

**National Planning Policy Framework 2021 – paragraph 132**

89. The application is accompanied by a Planning Statement (PS) and Transport Assessment (TA) which provides details of the design associated with the project.

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<sup>1</sup> Standards For Highways – Design Manual for Roads and Bridges (DMRB)

90. The PS states that in formulating the scheme the following design principles were taken into account:-
- A design that reflects the location and aims to improve traffic capacity and journey times;
  - Delivery of development growth to meet current and future demands of the area (including housing and economic benefits to the Borough);
  - Keeping vehicle speeds at a reduced level, reducing the severity of road traffic collisions and providing more free-flowing arrangements to reduce queuing impacts;
  - Ensuring that the scheme design takes account of the needs of all road users, including pedestrian and cyclists;
  - Minimising the impacts on nearby residential properties and heritage assets and providing improved surface water drainage provisions.
91. The size and layout of the new junctions and roundabout have been designed in accordance with the DMRB as well as the functional and practical requirements of all road users.
92. The PS further states that the design process associated with the project sought to provide essential capacity upgrades in support of the wider A320 HIF scheme (North of Woking packages of work, in support of National, Regional and Local policies for the benefit of all road users). Consideration has been given to:-
- Minimal impacts on the Green Belt utilising as much of the existing highway as possible
  - Vehicle movements
  - Providing appropriate facilities for pedestrians and cyclists
  - Noise and other environmental impacts
  - Landscaping
  - Sustainable Drainage
  - Street Lighting
93. Policy EE1 of the RBLP states that all development proposals will be expected to achieve high quality and inclusive design which responds to the local context including the built, natural and historical character of the area, while making efficient use of the land.
94. Policy SD4 of the RBLP states that development proposals which maintain or enhance the efficient and safe operation of the highway network and which take account of the needs of all highway users for safe access, egress and servicing arrangements will be supported.
95. The location of the new junction has sought to include existing carriageways and where possible incorporating new and existing landscaping within the roundabout and adjacent areas. It has been designed in a sensitive manner seeking to avoid impacts on heritage assets, residential properties, existing vegetation and the openness of the Green Belt.
96. Paragraph 132 of the NPPF states design quality should be considered through-out the evolution and assessment of an individual proposal. Early discussions between applicants, local planning authority and local community about the design and style of emerging scheme is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications which can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
97. The applicant has engaged in early discussions and public consultations with local residents, businesses and the planning authority. The proposal was submitted following a number of public consultation which commenced in February 2021. The applicant has

given consideration to all the comments received and is continuing to engage in discussions with residents and public representatives as well as updating the web platform<sup>2</sup>.

#### Conclusion of design

98. The proposal has been designed to a high quality incorporating an inclusive design which responds to the local context within the built and natural environment. The design of the roundabout and junction is considered to meet the requirements of all road users and is an inclusive design which responds positively to the surrounding area.
99. The proposal is therefore considered to be in accordance with policy EE1 of the RBLP and paragraph 132 of the NPPF.

#### **LANDSCAPE CHARACTER AND VISUAL IMPACT**

##### **Runnymede Local Plan 2030**

##### **Policy EE1 – Townscape and Landscape Quality**

##### **National Planning Policy Framework 2021, paragraph 174 and 180**

100. Policy EE1 of the RBLP states that development proposals will be expected to achieve high quality and inclusive design which responds to the local context including the built, and natural characters of the area while making good use of the land. Development proposals will be supported where they contribute to and enhance the quality of the public realm and/or landscape setting through high quality and inclusive hard and soft landscaping schemes. Implemented through an appropriate landscaping strategy which takes account of existing and proposed landscape character and features.
101. The application site lies partly within the Trumps Green to New Haw Settled and Wooded Sandy Farmland Landscape Character Area (LCA). The eastern part of the site is not within a landscape character area as it forms the edge of a built-up area (Chertsey South).
102. The key landscape features surrounding the site include the mature roadside oak trees lining the A320. The oak trees are subject to a Tree Preservation Order (TPO) and they visually enclose the road and contribute positively to the visual amenity and overall landscape character. Immediately to the west of the A320 (junction 6) is Hardwick Court Fields SNCI which is valued for its semi-improved mesotrophic grassland.
103. The proposed development is seeking to increase the vehicular capacity along the A320 Guildford Road and wider A320 corridor. The proposal involves the construction of a new junction configuration including a larger roundabout to replace the existing two smaller roundabouts.
104. The applicant has submitted a Landscape Assessment (LA) in support of the application. The LA has identified the significance of the changes, resulting from the proposed scheme, on the landscape features, including trees and visual amenity.

#### *Landscape Character*

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<sup>2</sup>Community Forum – A320 North Of Woking Improvements – Commonplace  
<https://a320.commonplace.is/>

105. The key direct effects of the proposed development on the landscape character include the removal of trees (subject to tree preservation orders), sections of hedgerow and grassland.
106. The proposed expansion would occur to the west of Guildford Road and would result in the loss of vegetation. The design of the junction has taken into account the need to incorporate the new road layout into the surrounding landscape, through sensitive design, retention of trees and hedgerows where possible. It is however noted that trees subject to a tree preservation order (ref:TPO433) will be removed as part of the proposed works along with the loss of an area of grassland within the Hardwick Court Fields SNCI.
107. The proposed roundabout, is to be located west of the existing roundabout, resulting in the loss of 1 tree subject to a TPO (Category A); 12 individual trees and part of one group of trees (Category B); 20 individual trees (Category C); partial removal of hedgerow (Category C) and grassland. Proposed mitigation measures include the retention of mature oak trees within the new roundabout, together with extensive new tree and shrub planting within and alongside the roundabout.
108. The new junction has a larger footprint than the existing roundabout. The proposed design would result in the partial removal of the existing tree belt, along the western boundary. The interface with the housing along the eastern boundary would be generally unchanged although there are some localised changes proposed.
109. The applicant is proposing a planting scheme which would ensure that the adverse impacts of the tree removal would be mitigated in the medium to long term. Where possible the applicant has sought to retain existing trees and hedgerows. A detailed landscaping plan will be submitted to the County Planning Authority for consideration and this is to be secured via a planning condition. The landscaping proposal would ensure that the appropriate landscaping is put in place and suitably maintained to compensate for the loss of existing vegetation and habitats. All mitigatory planting and landscaping works would be protected for a period of 5 years after the construction works.
110. The applicant has also submitted an outline Landscape and Ecological Management Plan (OLEMP) as part of the application. The OLEMP provides an overview of how the new planting scheme, including the retention of existing vegetation, will be managed once the junction is operational. Off-site planting will also be provided on a separate parcel of land, outside of the application redline boundary, and will include the plantation of a native broadleaved woodland and native wildflower grasslands. The submission of the LEMP would be secured by planning condition.
111. The proposed planting within the application site includes:
- Salesian School – new planting of hedgerow to match existing along the frontage
  - Green Lane Junction – planting of new shrubs and trees
  - Rear of Brentlands Road – retain and improve on existing vegetation
  - South of junction (White Lodge Centre) – to increase vegetation to provide additional screening
  - New Roundabout – retain and replant new trees, planting of rich grassland to maximise biodiversity
  - North side of Holloway Hill – retain and manage vegetation
  - West side of junction – new replacement planting
  - West side of A320 – retain trees and reinforce existing scrub with new shrub planting.
112. Officers recognise that the proposed development would cause harm to the landscape character within the short to medium term. The adverse impacts would be as a result of the loss of trees and roadside vegetation as well as the construction phase and the initial operational years, whilst the replacement landscape planting matures. Whilst there would be a loss of trees and vegetation and an increase in the urban features, as a result

of the built form, over the long-term these features would be softened by the landscaping.

113. On balance, the landscape character would be re-established once the new planting has matured and the construction works have been completed. Where possible new tree planting will include native species and a maintenance plan will ensure that the planting is appropriately maintained. Over the long-term the roadside character would be reinstated reducing the impact on the landscape character of the area, encouraging biodiversity opportunities.
114. The County Landscape Architect (CLA) has been consulted on the proposal and has raised no objections. The officer has noted that over the long term the proposed new planting would help re-establish the roadside character and the off-site planting would be compensatory for the loss of the grassland at Hardwick Court Fields SNCI.
115. The CLA is in agreement that the loss of mature trees would have a localised slight adverse effect on the landscape character, however, this would not significantly alter the wider local landscape character which remains heavily wooded and enclosed.
116. Whilst the proposal would result in the loss of vegetation the applicant has sought to minimise the impact by retaining trees, hedgerow and shrubs, through the design and positioning of the new junction. Furthermore, the proposed landscaping (hard and soft) would be of a high quality, providing enhancements to pedestrians and road users over the medium to long term, once the planting has established.

#### *Visual Amenity*

117. The application site is surrounded by built form, including Salesian School and residential properties along the eastern and southern boundary and Salesian's school sports pitches to the north-west. An open area of grassland (Hardwick Court Fields) is located to the north-west. The nearest residential properties impacted by the proposal are The Lodge, Brentlands Road and Green Lane.
118. The Landscape Assessment (LA) has identified a number of visual receptors that may experience changes in their views or visual amenity as a result of the construction and operational phases. These include:-
  - Salesian School
  - White Lodge Centre
  - Hardwick Court Farm SNCI
  - Pedestrians using the junction
119. In addition to the above receptors, officers have identified that vehicle users would be impacted by the proposal. These receptors are likely to experience a low to medium sensitivity as their primary focus would be on the highway. However, the surrounding area would be within close proximity and the proposed changes to the roundabout would be noticeable. Overall the visual effects on vehicle users are likely to be slight to moderate adverse, in the short to medium term whilst the replacement planting matures.
120. The LA states that replacement planting would partially mitigate the loss of the trees and vegetation over the long-term, however, it is accepted that there would be an adverse effect on the receptors, as mentioned above, in the short to medium term until the landscaping has matured.
121. In relation to the construction phase, the impacts on the receptors identified above would be short-term and temporary in nature with short-term adverse effects on road users, pedestrians, pupils at Salesian School and local residents. The likely impacts would be as a result of noise and visual intrusion of machinery and plant equipment, as well as the



removal of existing vegetation. These impacts are considered to gradually reduce over time as the construction works are completed and the planting matures.

122. Officer consider that the visual impacts as a result of the machinery, plant equipment and construction vehicles could be minimised though mitigation measures contained within a Construction Environmental Management Plan (CEMP) which is to be secured via a planning condition.
123. The CLA has reviewed the LA and has concluded that the proposed development is likely to result in some adverse landscape and visual effects at a localised site level. However, this will reduce as the new planting matures and becomes more established. The officer has raised no objection to the proposal subject to the inclusion of planning conditions.

#### *Conclusion of landscape character and visual impact*

124. Overall the applicant has taken into account the need to incorporate the proposal into the surrounding landscape through sensitive design, retention of trees and hedgerows (where possible) and improved landscaping. High quality soft and hard landscaping would seek to enhance the setting and once mature the planting would integrate into the surrounding area.
125. Whilst the proposal would alter the landscape character within the immediate locality of the application site, it would not have a significant adverse effect on the wider landscape character of the area. Officers also accept that the consequence of constructing a major new piece of infrastructure would result in the loss of some trees and local vegetation.
126. Officers are satisfied that mitigation measures including a landscaping scheme and CEMP would mitigate any harm caused and would enable the delivery of a high quality proposal with public benefits. The proposal is considered to comply with policies EE1 of the RBLP.

## **ECOLOGY, TREES AND BIODIVERSITY**

### **Runnymede Local Plan 2030**

#### **Policy EE9 – Biodiversity, Geodiversity and Nature Conservation**

#### **National Planning Policy Framework 2021 – paragraph 174**

127. Paragraph 174 of the NPPF requires that planning decisions contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
128. Policy EE9 of the RBLP states that development on important sites in the Borough will need to pay particular attention to the requirements of the policy. This policy sets out a number of criteria of which points 4 and 5 are relevant to this proposal. Point 4) refers to trees protected by Tree Preservation Order and point 5) refers to Sites of Nature Conservation Importance (SNCI). The policy seeks to achieve net gains in biodiversity through creation / expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species. Development proposals should demonstrate how this will be achieved.

#### *Ecology*

129. The applicant has submitted an Ecological Impact Assessment incorporating a preliminary ecological assessment (PEA) and Ecological Mitigation strategy (EMS) in support of the application. The PEA was undertaken across the site to identify and describe all potentially significant ecological effects associated with the proposed development and to identify mitigation measures to make the proposed development acceptable.

130. There are several ecological designations in close proximity to the application site. These include:
- South West London Waterbodies SPA and Ramsar site within 2km to the north of the site.
  - Thames Basin Heath SPA within 3.8km south west of the site.
  - Thursley, Ash, Pirbright and Cobham SAC within 3.8km to the south of the site.
  - Thorpe Park Gravel Pitt SSSI is approximately 2km to the north of the site.

*SNCI – Harwick Court Farm Fields*

131. A Site of Nature Conservation Importance (SNCI), The Hardwick Court Farm Fields (SNCI), is partly within the application site boundary and is situated north west of the Guildford Road / Holloway Hill junction. The habitats within the SNCI include grassland and alder woodland.
132. The PEA has identified several habitats which are present within the site and considered to be important ecological features. These consist of woodland and parkland, scattered broad-leaved trees, grassland, tall ruderal herbs, amenity grassland and hedges. The PEA has also identified a number of protected species which could be affected by the proposal including reptiles, birds, bats and other mammals.
133. The PEA states that approximately 0.01ha of semi-natural mixed woodland and 0.01ha of broadleaved plantation will be permanently lost as a result of the proposed development. These areas will be immediately adjacent to the existing carriageway.
134. Approximately 0.5ha of semi-improved neutral grassland within the Hardwick Court Farm Fields (SNCI) will be permanently lost as a result of the proposed development.
135. The construction works may also have an indirect impact on the habitats within and surrounding the application site. However, it is unlikely that there would be any operational impacts as a result of the proposal, as the existing carriageway already borders the site.
136. The PEA outlines mitigation measures for the loss of the habitat and states that the native broadleaved woodland habitats will be planted beyond the site boundary on land which is leased by Surrey County Council. The proposed mitigation planting would enable the applicant to secure a biodiversity net gain. Additional scattered trees would be planted within the application site along verges and land boundaries.
137. In relation to scattered trees, an area of approximately 0.14ha would be removed by the proposed works, however, new tree planting is proposed to mitigate this. It is proposed that 60 native broadleaved trees will be planted within the site and on the land beyond the application boundary. The landscaping and tree planting is to be secured by planning condition.
138. Species rich hedges with trees are located within the fields to the north west of the A320 Guildford / Holloway Hill junction and bordering the west verge of the A320. These hedgerows amounted to 0.35km in length and were surveyed in March 2021 to determine whether they qualified as 'Important Hedgerows' under the Hedgerow Regulations 1997. One hedgerow was classified as 'Important Hedgerow'. The applicant has sought to provide species rich hedgerow and trees on land beyond the application boundary and this will be secured by a planning condition.
139. Around half of the species-rich hedges and trees, within the application site boundary, will be removed and not replaced, however, off-site mitigation would be provided beyond the application site boundary on an area of land leased by SCC.



140. The proposed development would result in both short term impacts and long term changes to the habitats and ecological features identified. The short term impact on habitat would be as a result of the construction phases of the proposal including vegetation clearance, use of machinery, removal of trees and hedgerows, noise and lighting as well as general disturbances. The impacts on the ecological features include habitat loss to woodland, scattered broadleaved trees, dense shrub and hedgerows, impacting reptiles, birds, bats and other mammals. Incidental mortality and disturbances were considered possible during the construction phases for all fauna.
141. The PEA has identified that trees within the application site could provide bat habitats. Of the thirty-three trees surveyed, thirty were assessed as having a negligible level of suitability for roosting bats. A small number of trees were assessed as having a low level suitability. Of the remaining trees surveyed, no roosts or evidence of roosting were recorded in any of the trees scheduled to be removed, however, the presence of such roosts has nonetheless not been disproven. Therefore, the site has been valued on a precautionary basis.
142. The PEA concluded that whilst no bat roosts or evidence of roosts have been recorded within the trees which are to be removed, the application site has been assessed as being a local value to roosting bats and that tree removal would present some potential impacts to roosting bats, such as:-
- Killing or injury to small numbers of non-breeding roosting bats during tree felling operations - medium impact.
  - Accidental removal of individual roosts by tree-felling operations – medium impact.
  - Disturbance of individual bats occupying roosts at the time of tree works – low impact.
143. The loss of bat foraging and commuting habitats, such as hedge and tree lines and semi-improved neutral grassland, is considered a negligible impact due to small areas impacted and compared to the wider foraging and commuting areas used by bats. All site clearance and construction works should therefore adhere to a sustainable bat mitigation strategy.
144. No records of reptiles were recorded within 2km of the application site. Areas of unmanaged grassland within the survey area were limited and mainly associated with road verges. These areas provide suitable basking and foraging habitats for small numbers of common reptile species. However, due to the presence of the dual carriageway roads, habitats present, limited connectivity and lack of records the site was considered negligible value for reptiles.
145. With regard to birds, the removal of approximately 0.15ha of woody vegetation has the potential to cause damage to nests and/or eggs. The works to the Hardwick Court Farm Fields (SNCI) and the loss of approximately 0.5ha of grassland could damage the nests of ground nesting birds. The removal of nesting habitats is considered to be a negative impact for bird nesting and foraging until replacement planting is established (within 10 years of planting). The PEA has recommended that the vegetation clearance works within the grassland areas would be undertaken outside of the core bird nesting season (March to August inclusively). If this is not possible it is recommended that checks for nesting birds be undertaken by an experienced ecologist prior to commencing works. If an active nest is found, a suitable stand-off area should be maintained until the young have fledged. To mitigate any loss of bird nesting habitat, the applicant has proposed the planting of scattered trees, scrub and species-rich grassland within the site and on land leased by Surrey County Council (outside of the application site boundary).
146. With regard to badgers, they are mobile species and setts may be established prior to site clearance. It is a criminal offence under the Protection of Badgers Act 1992 to disturb, harm or destroy badger setts and such as precautionary mitigation would be

required. Pre-work checks for evidence of badgers would be undertaken by an experienced ecologist. If located a licence from Natural England would be required.

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147. With regard to mammals, wooded areas within the application site offer overwintering, foraging and commuting habitats for hedgehogs. The loss of a proportion of this habitat would have minor adverse impacts for hedgehogs. Areas of dense vegetation would be checked for hedgehogs prior to site clearance works. Excavations during the construction works would be covered up at night to ensure that hedgehogs and other animals do not become trapped should they fall in.
148. Officers acknowledged that there would be some loss of habitat as a result of the construction works, however, the applicant has proposed mitigation measures such as habitat creation both within the application site and elsewhere. The habitat creations include both mitigation and enhancement of biodiversity net gain aiming to achieve a 20 units gain, as defined by the Defra metric. Further enhancement measures include the provision of artificial bird and bat boxes and the creation of habitat features and shelters such as log piles and hibernacula to provide features suitable for reptiles, hedgehog and small mammals.
149. The County ecologist has reviewed the submitted ecology information and is satisfied with the documents submitted. No objections have been raised to the proposal, subject to the inclusion of a planning conditions requiring the submission of an Ecological Mitigation plan, to ensure that the ecological mitigation strategy is implemented. The County Ecologist has also requested a planning condition for the submission of a Landscape and Ecology Management Plan (LEMP). The LEMP is to provide details of the location and type of habitat creations both within the site and beyond the application boundary as well as information on how these habitats will be managed and maintained.
150. Officers recognise that the proposed development would result in the loss of habitats within designated sites. However, the potential adverse impacts can be mitigated through the addition of planning conditions. Furthermore, the applicant is proposing to provide habitat enhancements on land outside of the application boundary. Therefore, officers are satisfied that the requirements in respect of the identified species and protection of habitats have been met.
151. The proposal is considered to accord with policy EE9 of the RBLP and paragraph 174 of the NPPF.

#### *Trees*

152. An arboricultural impact assessment (AIA) has been submitted in support of the application.
153. The AIA has identified and evaluated the direct and indirect impacts on existing trees as a result of the implementation of the proposed development. A total of 133 arboricultural items were recorded within the study area, these include:-
- 126 individual trees
  - 5 groups of trees
  - 3 hedges
154. The AIA has identified that tree removal will be necessary in order to implement the proposal. The trees to be removed are as follows:-
- 1 high quality tree (category A);
  - 12 individual trees, part of one group of trees graded moderate quality trees (category B)

- 20 individual trees, partial removal of two hedges of low quality (category C)
  - 2 trees have been categorised as unsuitable for retention regardless of the site proposal (category U)
155. It is confirmed that a group of trees within the woodland area and two individual trees, located west of Guildford Road are subject to a tree preservation order. The TPO reference numbers are (Ref: TPO433) and (Ref: TPO3) respectively.
156. A group of trees along the eastern boundary of Guildford Road parallel to Green Land are also subject to a TPO (Ref: TPO37), however, these trees are outside of the application site boundary.
157. Paragraph 059<sup>3</sup> of the NPPG explains that anyone wanting to cut down, top, lop or uproot trees subject to a TPO must apply to the local planning authority for its consent unless the proposed works are except through an exemption. Exemptions are listed in Paragraph 14 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 one being (vii) “*so far as such work is necessary to implement a planning permission*”. As such, should planning permission be granted for this development, this would constitute an exception under these regulations.
158. To mitigate the loss of the trees, hedgerow and part of the woodland, the applicant has proposed replacement on-site and off-site planting. The location of the off-site provision are shown on Drawing 2 proposed habitat creation plan junction 6 100416383-ARC-EGN-ZZ-DR-ZZ-00008 Rev 01 and drawing 2 proposed habitat creation plan junction 6 ref: 100416383-ARC-ENG-ZZ-DR-ZZ-00009 Rev 01. The proposed landscaping (soft and hard landscaping) will be secured via a planning condition to ensure that suitable native species and plant sizes are introduced.
159. The AIA has also identified that construction works will take place close to or within the root protection areas and canopies of retained trees. Suitable tree protection measures, such as protective fencing will be installed to ensure that the existing and retained trees/hedges are adequately protected during the construction works. Details of the tree protection measures shall be secured by a planning conditions.
160. The County Arboricultural Officer (CAO) has reviewed the submitted documentation and has raised no objections to the proposal, subject to appropriate planning conditions.
161. The CAO has commented that the “*applicant has tried to retain as much ground vegetation and tree cover through careful design/layout of the roundabout and side roads*”. “*the direct tree loss as a result of the proposed development could be mitigated by replanting and improved biodiversity net gain*”.
162. The applicant will be required to submit a soft and hard landscaping scheme which will be reviewed by the CPA in association with the CAO and County Landscape Architect. The submitted scheme should include details of the species, plant sizing and an appropriate maintenance scheme. It is proposed that all new planting/replacement trees would be safeguarded for a period of 5 years. This will be secured by planning condition.
163. An appointed highway contractor would be responsible for the maintenance programme and upkeep for both on-site and off-site landscaping and biodiversity provisions for an agreed period. Thereafter, SCC would be responsible for the maintenance and upkeep of the planting.

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<sup>3</sup> Paragraph: 059 Reference ID: 36-059-20140306

164. Policy EE8 of the RBLP refers to biodiversity, geodiversity and nature conservation. The policy states that development on or adjacent to the sites of nature conservation importance (SNCI) in the borough will need to pay particular attention to the requirements of the policy. It further states that the Council will seek net gains in biodiversity, through creation/expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species. Development proposals should demonstrate how this will be achieved. For development proposals that affect national, regional or locally protected sites not forming part of a Ramsar, SPA or SAC, permission will only be granted where it can be demonstrated that the benefits of the development proposals clearly outweigh the harm to the site and has followed the hierarchy of mitigation so that biodiversity / geodiversity damaged from development should first be avoided, then mitigated on-site and finally, as a last resort and where acceptable, offset.
165. Paragraph 180 of the NPPF refers to principles which should be applied when determining a planning application. Subsection (d) states that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
166. Paragraph 16<sup>4</sup> of the National Planning Policy Guidance (NPPG) states that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on the biodiversity may be significant and existing information is lacking or where protected species may be present. Paragraph 17<sup>5</sup> goes on to say biodiversity enhancements can take the form of habitat restoration, re-creation and expansion; improved links between sites; buffering of existing important sites; new biodiversity features and securing management for long term enhancement.
167. The application is accompanied by a biodiversity net gain assessment report (BNG), in accordance with the Defra metric and paragraph 180(d) of the NPPF.
168. Paragraph 180(d) provides that development whose primary objective is to conserve or enhance biodiversity should be supported. The requirement for at least 10% BNG, under the Environment Act 2021, does not become mandatory for planning applications until November 2023. Therefore, there is no obligation for 10% BNG but applicants should start planning for this requirement.
169. The submitted BNG report outlines the different types of habitat across the application site and the baseline situation for each habitat. The report states that some habitats will be removed and will not be replaced, these include; tall ruderal herbs and watercourses which are considered to be poor-quality habitats. In addition amenity grassland will be removed and this will be offset by the creation of species-rich grassland (neutral grassland) within the site boundary.
170. The proposed new roundabout would result in a loss of on-site habitat, due to tree and grassland removal. However, the inclusion of landscaping within the new roundabout and the off-site habitat provisions would ensure that overall the proposal would result in an increase in biodiversity net gain.

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<sup>4</sup> 16 Reference ID: 8-016-20140612

<sup>5</sup> 17 Reference ID: 8-017-20140306

171. In order to achieve an increase in BNG the following habitats have been considered, broadleaved woodland, semi-improved neutral grassland and species-rich hedgerow, which will be provided on land off-site (leased by Surrey County Council). In doing so the applicant would create a net gain for the application, demonstrating that over 10% BNG has been achieved.
172. The applicant has provided three drawings ref: Drawing 1 proposed habitat creation plan junction 6 100416383-ARC-EGN-ZZ-DR-ZZ-00002 Rev 03, Drawing 2 proposed habitat creation plan junction 6 100416383-ARC-EGN-ZZ-DR-ZZ-00008 Rev 01 and drawing 2 proposed habitat creation plan junction 6 ref: 100416383-ARC-ENG-ZZ-DR-ZZ-00009 Rev 01 which refer to the off-site habitat provisions. The submitted plans indicate that an area of land, outside of the application site boundary, will be planted with native wildflower grassland and native broadleaved woodland to create off-site habitats which will mitigate the loss of habitats within the application site. Officers are therefore satisfied that biodiversity net gain would be achieved through off-site habitat provisions, subject to the planning conditions.

*Conclusion of ecology, trees and biodiversity*

173. The mitigation measures put forward by the applicant to mitigate the loss of habitat, on site, are considered to be acceptable.
174. Overall, officers consider that the proposal would not have an adverse impact on the habitats and ecology within the application site. Therefore the proposal, subject to the inclusion of planning conditions would accord with policy EE9 of the RBLP and NPPF.

**FLOODING AND SURFACE WATER DRAINAGE**

**Runnymede Local Plan 2030**

**Policy EE13 – Managing Flood Risk**

**National Planning Policy Framework 2021 – paragraph 159, 167 and 169**

175. Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
176. Paragraph 167 further states that in determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood-risk assessment. Developments should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception test, as applicable) it can be demonstrated that:
- a) the most vulnerable development is located in areas of lowest flood risk;
  - b) the development is appropriately flood resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.
  - c) it incorporates sustainable drainage systems (SuDS).
177. Paragraph 169 of the NPPF refers to major development and states that it should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the Lead Local Flood Authority (LLFA); have appropriate minimum operation standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multifunctional benefits.
178. Policy EE13 of the RBLP states that new development will be guided to areas of low flood risk from all sources of flooding. Any development proposal in flood zone 1 (over 1



hectare) must be accompanied by a site specific Flood Risk Assessment (FRA), proportionate to the scale of the development. It must demonstrate that all forms of flooding have been taken into account (as detailed within the Council's Strategic Flood Risk Assessment) over the lifetime of the development and must address impacts on climate change and be constructed with adequate flood resilience and resistance measures.

179. The applicant has engaged in pre-application discussions with the LLFA and Environment Agency and has submitted an FRA and Drainage / SuDs strategy in support of the application. The applicant has also submitted additional information on flood modelling, as requested by the EA following a review of the FRA, and a Sequential and Exception Test (SET) (document ref: 10053900-ARC-EWE-Jo6-TN-ZZ-00001).

#### *Flood Zones 2 and 3*

180. The application site falls partly within Flood Zones 2 and 3 which are regarded as medium to high flood risk areas. Flood Zone 3 extends from the existing carriage way near Little Green Lane to the junction with Guildford Road and Holloway Hill and Green Lane. The carriageway north of Green Lane and fronting onto Salesian School is within Flood Zone 2. The Environment Agency mapping confirms this.
181. Paragraph 162 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk or in the future from any form of flooding. Policy EE13 of the RBLP supports this.
182. The applicant has stated within the submitted SET that alternative designs and site were considered, however, all the options explored required work within the designated flood zone. Although the proposal would be located within the flood zone, the applicant has sought to minimise the footprint and mitigate any potential flood risk.
183. Paragraph 3.4 of the SET concludes that *"As part of the Sequential Test, Arcadis has considered the potential alternative sites within the study area. We have considered existing allocations of the adopted local plan and Runnymede Strategic Land Availability Assessment (SLAA) 2022. We have also considered other A320 corridor project sites within or adjacent to the study area. None the sites examined are considered 'reasonably available sites' as they are not in a suitable location for the type of highway development being proposed with the prospect of the site being available to be developed at the point in time envisaged for this development. In addition a number of alternative infrastructure improvement schemes have been assessed at the location of proposed development. Of those assessed, that being proposed achieves the criteria established for the scheme and has been developed to satisfy flood risk requirements established by the Environment Agency. Therefore, the proposal is in accordance with the National Planning Policy Framework (paragraph 162) and Policy EE13: Managing Flood Risk of the LP as there are no reasonably available sites, appropriate for the proposed development, in areas with a lower risk of flooding"*.
184. Paragraph 163 of the NPPF further states that if it is not possible for development to be located in areas with a lower risk of flooding, taking into account wider sustainable development objectives, the exceptions test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.
185. The Planning Policy Guidance (PPG) on Flood Risk and Coastal Change advises that a pragmatic approach on the availability of alternative sites, should be taken. The

document sets out that only appropriate uses in Zone 3 should be permitted. Table 2 refers to the vulnerability classification and states that essential infrastructure, such as transport infrastructure which has to cross the area at risk, should only be permitted in this zone if the exception test is passed. Essential infrastructure permitted in this zone should be designed and constructed to remain operational and safe for users in times of flood.

186. Paragraph 164 and 165 of the NPPF states that proposed development is appropriate provided that the site meets the requirements of the exception test and to pass the exception test it should be demonstrated that:
- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
187. The application site forms part of an established road network. The highway improvement works include the expansion of the existing roundabout as well as the inclusion of appropriate surface water drainage systems, such as an attenuation pond and improvements to gullies and ditches to ensure adequate removal of surface water from the carriageway.
188. The A320 carriageway is regarded as essential infrastructure which requires improvements to enable the delivery of the Runnymede Borough Local Plan, benefitting existing and future communities within the immediate and wider areas.
189. The proposed road improvements works, within the flood zone and surrounding area, would incorporate appropriate flood defences in the design and construction works. It would also include sustainable drainage provisions to ensure that the flood risks are reduced overall. Maintenance regimes will be put in place to ensure that the drainage is adequately maintained throughout its lifetime.
190. The Environment Agency (EA) initially raised an objection to the application in respect of the original FRA and the type of modelling carried out on site. Further information and modelling has been submitted by the applicant and following extensive consultations, the EA have withdrawn their objection, subject to the inclusion of planning conditions.
191. The proposed development is considered to meet the exception test and would therefore comply with policy EE13 of the RBLP and paragraphs 164 and 165 of the NPPF.

#### *Sustainable Drainage System (SuDS)*

192. The submitted drainage / SuDS strategy follows the Design Manual for Roads and Bridges, Surrey County Council SuDS design guidance, SuDS Manual and Manual for contract Documents for Highways Works. An allowance for climate change and higher rainfall intensities have been incorporated into the design to mitigate the risk of surface water flooding in the future.
193. The main function of the highway drainage is to remove surface water from the carriageway and provide effective sub-surface drainage, making it safe for road users and ensuring that the flood risk is not increased elsewhere. It is also important that the proposed drainage design consists of measures to minimise the impact on the environment. SuDS drainage acts as a natural drainage system and manages surface water run off, to attenuate flow and reduce the risk of flooding. Incorporating SuDS in the design improves water quality and provides biodiversity benefits.

194. The applicant has confirmed within the SuDS strategy that the proposed carriageway drainage would be in the form of kerbs and gullies connecting to carriage drains and discharging via gravity. Where possible the carriageway drainage would be routed into an attenuation pond.
195. The proposed drainage layout has attempted to maximise the highway catchment being routed through the pond where feasible; the catchment from Holloway Hill, Hardwick Lane, A320 Guildford Road to the south of the junction and the junction itself are to be routed through the pond.
196. Maintenance of the carriageway drainage would comprise of gullies discharging into the pipe systems or ditches and the maintenance regime would be the same as the existing. Existing and new ditches and the maintenance regime would be maintained to ensure their capacity is not compromised from debris, sediments and vegetation which would impede it's ability to hold and convey the flows. A maintenance layby is included at the roundabout to access the pond and a vehicle access track is proposed from the layby to the pond outfall where it requires more maintenance efforts. The maintenance regime will be secured by planning condition.
197. The LLFA has reviewed the submitted FRA and Drainage / SuDS Strategy and have raised no objections to the proposal, subject to the inclusion of planning conditions to ensure that the design complies with the national Non-Strategy Technical Standards for SuDS and that the proposal is properly maintained through-out the lifetime of the development to ensure that there is no increase in flood risk on or off the site.

#### *Conclusion of Flooding and Surface Water Drainage*

198. The applicant has also demonstrated that the proposed SuDS drainage strategy would meet the requirements set out within the NPPF and would provide multifunctional benefits such as biodiversity opportunities and adequate drainage provisions. A maintenance regime has been put in place to ensure that the SuDS drainage is suitably maintained through-out its lifetime.
199. As such officers consider that the proposed development would not cause flooding in the locality and/or elsewhere in the vicinity.
200. The proposal is considered to meet the requirements set out within the NPPF and policy EE13 of the RBLP, subject to planning conditions.

## **HERITAGE AND ARCHAEOLOGY**

### **Runnymede Local Plan 2030**

#### **Policy EE3 – Strategic Heritage Policy**

#### **Policy EE4 – Listed Buildings**

#### **Policy EE7 – Sites of Archaeological Importance (CSAI) and Areas of High Archaeological Potential (AHAP)**

#### **National Planning Policy Framework – paragraph 189-202**

201. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses'.
202. One of the core principles of the NPPF is that heritage assets should be conserved in a manner appropriate to their significance. Paragraph 189-199 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs. Paragraph 195 sets



out that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking into account the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

203. Paragraph 199 of the 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 asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total harm or less than substantial harm to its significance.' Paragraph 200 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within the setting), should require clear and convincing justification'.
204. Paragraph 202 of the NPPF outlines that where a 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. Paragraph 203 deals with non-designated heritage assets and states that their significance should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
205. The NPPF defines the setting of Heritage Asset within the glossary, as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
206. Guidance on the setting of Heritage Assets can be found in the Historic Environment Good Practice Advice in Planning Note 3: The setting of Heritage Assets, Historic England (December 2017). Paragraph 9 of this document makes clear that setting is not itself a heritage asset and its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.
207. Policy EE3 of the RBLP states that development that affects Runnymede's heritage assets should be designed to protect, conserve and enhance the significance and value of these assets and their settings in accordance with national legislation, policy and guidance and any supplementary planning documents. The historic environment in Runnymede includes listed buildings and locally listed buildings.
208. Policy EE4 of the RBLP supports appropriate development which seeks to maintain, sustain and enhance the significance and special architectural and historic interest of listed buildings within the Borough. Proposals should not adversely affect the listed building or its setting by virtue of design, scale, materials or proximity or impact on views or other relevant aspects of the historic building fabric.
209. In accordance with paragraph 194 of the NPPF, the application is supported by a Heritage Statement (HS) which identifies the heritage assets and describes the significance of the heritage asset affected, including the contributions made by their setting.
210. The following heritage assets have been identified within the HS, these include:
  - Arbon Cottage (Grade II)
  - Hardwich Court Farmhouse and Barn (Grade II)

211. There are no known heritage assets recorded within the application site boundary and the proposal would not result in the alteration or demolition of a listed building. Therefore, it is appropriate to assess whether the proposal would harm the setting of the listed buildings and/or their significance.

*Arbon Cottage (Grade II)*

212. Arbon Cottage is an attractive small 17<sup>th</sup> century country house, situated south of Holloway Hill. The building resembles how it would have looked in the 18<sup>th</sup> and 19<sup>th</sup> centuries, with a projecting end chimney, sash windows and ground floor veranda. The construction, design and development of the building is of historical value. The house is relatively intact and unchanged from the 19<sup>th</sup> century and connects us to the past way of life and allows one to better understand how people lived 200-300 years ago. The rural character of the area has been lost due to development within the immediate area, however, the carriageway (junction 6) is still located on the site of the historic junction, although the road has been modernised and now includes two small roundabouts. In addition, large residential development within the immediate area have resulted in increased footfall and car usage contributing to noise levels.
213. The cottage is well screened from the road by dense tree coverage and high fencing and it is difficult to view the property from the public realm. The proposed development would not be visible from the listed building due to the tree coverage and surrounding built form.
214. The once rural, peaceful surroundings of the building has largely been lost, due to surrounding development, and the contribution to the setting is significantly reduced. As such the application site does not contribute to the significance of the listed building, nor does it help in the appreciation of the building's significance. The County Historic Buildings Officer (CHO) is in agreement that the development would not contribute to the setting of Arbon Cottage and as a result the proposal would have no impact on the special interest of the listed building.

*Hardwick Court Farmhouse and Barn (Grade II)*

215. Hardwick Court Farmhouse and Barn is a 16<sup>th</sup> and 17<sup>th</sup> century farmhouse situated to the west of Hardwick Lane. The three prominent chimneys and two great gables reflect the importance of the farmhouse during the 16<sup>th</sup> and 17<sup>th</sup> centuries. The barn is a medieval barn and a rare survivor of its kind. The construction and design of the farmhouse and barn, alongside the archaeological potential means both buildings are of historical, evidential and aesthetic value.
216. The farmhouse and barn are survived by many of the historic buildings within the farmyard. New buildings and alternations to the farmyard buildings do detract from the appreciation of the farmhouse and the barn, however, fields continue to border the farmyard to the west. There is no visual connection between the listed buildings and the application site, however, part of the application site includes an area of grassland to the south of the farm, which historically formed part of the farm ownership.
217. There are elements of the farmhouse and barn's setting which contribute to the significance of the listed buildings. Hardwick Lane is for the most part in its historical position, however, the road has been altered and its modern appearance, alongside the busyness and road noise, has detracted from the appreciation of the listed buildings. Overall the application site would not visually contribute to the significance of the listed buildings, however, part of the fields to the south of the farmhouse have been included within the application site and will be developed to accommodate the new junction. The CHO is in agreement that the historic rural setting of the building would continue to be retained, despite part of the field being removed to facilitate the proposed development.
218. The CHO has reviewed the HS and assessed the proposal in accordance with policies 195 and 199 of the NPPF. The officer has concluded that the proposed development

would not cause harm nor would it have a material impact on the special interest the listed buildings.

### *Archaeology*

219. Policy EE7 of the RBLP refers to sites of archaeological importance and areas of high archaeological potential. Proposals within these areas should conserve, and where appropriate enhance the significance, historic features and importance of the site.
220. A desk based Archaeological Assessment (AA) has been submitted in support of the application. The document has examined all the relevant and current available recourses to determine whether the site has any archaeological potential and whether the proposal would have an impact on any heritage assets in the vicinity.
221. The report concluded that there would be no impact upon any known designated archaeological assets. However, based on previous discoveries within the area, the site is considered to have a moderate potential for prehistoric remains. The AA recommends that mitigation measures in the form of trial trench evaluations should be put in place. With targeted areas on the west of the application boundary, enabling the identification of any buried remains which may be present on site. The report has also recommended that an archaeological watching brief strategy should be developed to enable the implementation of archaeological monitoring during below ground works.
222. The County Archaeological Officer (CAO) has reviewed the AA and is in agreement with the recommendations of the assessment. The CAO considers that it would be reasonable and proportionate to secure further monitoring and mitigation works though the inclusion of a pre-commencement planning condition. The pre-commencement planning condition would require the applicant to submit a programme of archaeological works (for below ground works) to the CAO, prior to the commencement of the development.
223. Subject to the inclusion of a pre-commencement planning condition, no objections to the proposal were raised by the CAO.

### *Conclusion of Heritage and Archaeology*

224. In accordance with paragraph 194 of the NPPF, officers consider that the applicant has described the significance of the heritage assets affected by the proposal and included contributions made by their setting.
225. In accordance with paragraph 195 of the NPPF, officers have assessed the particular significance of the heritage assets which may be affected by the proposal (including their setting) and taken into account the available evidence and necessary expertise. Having given due regard to paragraph 199 of the NPPF, officers are of the opinion that the proposal would not cause harm to any of the designated heritage assets.
226. The proposed development is not considered to have an impact on the historic assets within the vicinity and subject to planning conditions the development would comply with policy EE7 of the RBLP.
227. The proposed development is considered to accord with policies EE4 and EE7 of the RBLP.

## **RESIDENTIAL AMENITY, NOISE AND AIR QUALITY**

### **Runnymede Local Plan 2030**

#### **Policy EE2 – Environmental Protection**

#### **National Planning Policy Framework – paragraphs 174, 185, 186**

228. Paragraph 185 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area impacts that could arise from the development. In doing so they should:-
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
  - c) limit the impact of light pollution from artificial light on amenities
229. The main impacts on residential amenities arising from the proposal are considered to be noise, air quality and construction works. No buildings or other structures have been included within the proposal and as such there would be no overbearing or overshadowing of nearby residential properties.
230. The application site is surrounded by existing built form, including residential properties along the southern, eastern and south-western boundaries. The nearest residential properties, directly impacted by the proposal are situated to the east of Guildford Road namely the Lodge, Bretlands Road and Green Lane.
231. The existing carriageway is situated at the rear of the properties along Bretlands Road and at the front of The Lodge. These properties are located within close proximity to the development site and therefore likely to be directly impacted by the construction works, particularly in relation to noise.
232. It is noted that the proposed development is not in itself considered to have a material impact on the overall traffic and noise levels, as the proposed road improvements to junction 6 and the wider A320 corridor, are expected to result in less localised congestion and an increase in free flowing vehicle movement.

### *Noise*

233. The applicant has submitted a noise and vibration assessment in support of the application. The report has assessed the noise and vibration effects during the construction works and the operational noise impacts. Noise predications for the construction phase were made in accordance with BS5228:2009+A1:2014 Part 1 at a distance of 25m, 50m, 100m, 200m and 300m from the proposed construction works associated with the junction.
234. The operational impacts have been assessed in accordance with the Design Manual for Roads and Bridges (DMRB) and the construction noise levels have been assessed in accordance with the British Standards BS5228. Noise predications follow the methodology contained in the Calculation of Road Traffic Noise (CRTN).
235. Paragraph 001<sup>6</sup> of the NPPG recognises that noise needs to be considered when development may create additional noise. Paragraph 005<sup>7</sup> outlines that noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life or behavioural changes. Paragraph 006<sup>8</sup> goes on to say that there are various factors which combine in any particular situation that may lead to a noise impact such as the source and absolute level of the noise together with the time of day it occurs, how a new

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<sup>6</sup> Paragraph: 001 Reference ID: 30-001-20190722

<sup>7</sup> Paragraph: 005 Reference ID: 30-005-20190722

<sup>8</sup> Paragraph: 006 Reference ID: 30-006-20190722

noise relates to the existing sound environment alongside the frequency and tonal characteristics of the noise.

236. It is noted that the residential areas near to the application site already suffer from road noise due to their close proximity to the highway (A320) and the nearby M25. As part of the proposal, the applicant carried out monitoring of noise levels in the vicinity of the application site to understand the baseline noise levels. The monitoring was carried out in accordance with BS7445:1-2003 and found an average noise level between 61.9 – 64.4  $L_{Aeq,T}(dB)$  for daytime. For night time, the noise assessment estimates ambient levels at 55 dB.
237. The noise assessment provides information on the construction effects of the project and uses methodology in BS52228:2009+A1:2014. The assessment looked at the worst case scenario of all plant and machinery working at the same time in the same location and with no screening. The noise assessment outlines that during the enabling works, off-line works, on-line works and close out activities would take place during the day time and 24 residential properties would have the potential for significant effects from noise without mitigation. For the online works during the night time the number of properties could increase to 50 where there is no mitigation.
238. The noise assessment has also considered the operational effects of the proposal for the opening year (2024) and the future assessment year (2039) to enable consideration of the change in road traffic noise in the longer term and account for habituation to road traffic noise over time.
239. The noise and vibration assessment has concluded that there is the possibility of significant effects during the construction phase of the development should Best Practice Means (BPM) not be fully implemented. The implementation of the BPM would allow for a significant opportunity to reduce the potential impacts by adopting the methods and reducing noise to an acceptable level. The BPM includes, restricting working hours to core hours, as appropriate, limiting activities outside of core hours, careful selection of plant and construction methods, noisy activities to be staggered, site hoarding with acoustic properties to be provided at the compound area, all vehicles and mechanical plant to be fitted with exhaust silencers and maintained in good working order, compressor and generators to be 'sound reduced' models, use of designated routes and reversing alarms to have minimum noise output. These mitigation measures can be formalised within the construction environmental management plan (CEMP) and would ensure that noise impacts during the construction phase are reduced. The measures proposed in the CEMP include access and delivery times, night working hours and a complaint procedure. Officers consider that it will be necessary to impose a planning condition, requiring a CEMP to be submitted to the County Planning Authority prior to the commencement of works.
240. With regard to the operational phase, no specific mitigation has been recommended for reducing operational noise. However, it is noted that should the new road be surfaced with a thin surface system, as is the standard procedure on Highway England Schemes, noise levels could be further reduced. However, due to the anticipated speed limits around junction 6, a reduction of less than -1dB would be achieved on this scheme.
241. The noise and vibration assessment has also considered the impacts of ground-borne vibrations as a result of traffic movements. The assessment concluded that the proposal would have a negligible magnitude of impact, resulting in effects that are not significant.
242. The County Noise Consultant has reviewed the submitted documentation and has concluded that planning conditions for noise monitoring and hours of working should be imposed to ensure that the amenity of neighbouring properties is not compromised.

243. The applicant has stated within paragraph 6.5.4 of the noise assessment that “*monitoring would be undertaken by a suitably qualified / experienced acoustic consultant on behalf of the contractor to conclude the compliance with appropriate limits. The monitoring would be undertaken at any residential or commercial receptor identified as having the potential to be adversely impacted as a result of noise from the proposed construction works, or on receipt of a justified complaint regarding noise*”. To ensure that noise monitoring is undertaken, it is recommended that a planning condition be imposed.
244. The County Noise Consultant has recommended that an hours of working condition be imposed to ensure that the impact on the nearby residential properties are reduced during the construction phase of the development. The applicant has advised that the core hours of working proposed are:-
- 07:00 – 19:00 (Monday to Friday)  
07:00 – 13:00 (Saturday)  
No working shall take place on Sundays or recognised Bank, Public and/or National Holidays.
245. The applicant has advised that limited night time working will be required during the on-line construction phases. The appointed contractor will ensure that the night time working hours are provided to the County Planning Authority as soon as reasonably possible. As such, it will be necessary to ensure that the night time working hours are set out within the CEMP, which will be subject to a pre-commencement planning condition.
246. Officers recognise that there will be a noise impact on the residential amenities of nearby residents, as a result of the construction works. However, the impact would be mitigated through noise monitoring, restricted working hours and the submission of a CEMP. Furthermore, the construction works would be temporary and once completed the proposal would provide benefits such as reduced congestion, improved road surfacing and pedestrian/cycle paths.
247. The proposed mitigation measures would reduce the impact on the residential amenities during the construction phases and subject to planning conditions the proposal would accord with policy EE2 of the RBLP.

#### *Air Quality*

248. Paragraph 174(e) of the NPPF states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. The development should, where possible, help to improve local environmental conditions such as air quality.
249. The EPUK and IAQM guidance “Land-use Planning and Development Control: Planning for Air Quality” comments that there is a clear link between air quality and health in relation to PM<sub>10</sub>, PM<sub>2.5</sub> and nitrogen dioxide. The guidance outlines that any air quality issue that relates to land use and its development is capable of being a material planning consideration. In making a planning application decision, weight should be given to impact on air quality. In addition to the policies in the local plan, the proposal would be dependent on such factors as:
- The severity of the impacts on air quality
  - The air quality in the area surrounding the proposed development
  - The likely use of the development i.e. the length of time people are likely to be exposed at that location
  - The positive benefits provided through other material considerations



250. The control of air pollution is the responsibility of local authorities and other government regimes. The role of local authorities is covered by the Local Air Quality Monitoring (LAQM) regime. Runnymede Borough Council is responsible for monitoring and declaring Air Quality Management Areas (AQMA) in this case.
251. In terms of the air quality impacts associated with traffic, the Environmental Protection UK (EPUK) / Institute of Air Quality Management (IAQM) '*Land-Use Planning and Development Control: Planning for Air Quality*' document provides indicative criteria for determining when an air quality assessment is likely to be required. For developments outside an Air Quality Management Area, such as the application site, an air quality assessment is likely to be required for developments generating a change in traffic movements of an annual-average daily movements of 100 HGVs or more.
252. The application site does not fall within an AQMA and therefore an air quality assessment has not been submitted as part of this application. The applicant has advised that an air quality assessment was not submitted as it was agreed, following the adopted screening opinion undertaken in April 2021, that only a construction dust assessment would be required as part of the application. Taking into account the background air quality concentrations of key pollutants for the current period and for the future year of 2030 and the conclusions of the air quality assessment for the adopted Runnymede Local Plan (2030), it is concluded that the implementation of the proposed highway improvement works along the A320 corridor would not give rise to significant impacts on local air quality over the longer term. The implementation of the scheme would not be expected to adversely affect the implementation of the measures set out in the air quality action plan for the M25 Air Quality Management Area (AQMA).
253. Implementation of the proposed scheme of works would be expected to deliver benefits such as reduced traffic congestion, improved journey times and improved accessibility for pedestrians and cyclists. In operational terms the proposed development is not expected to give rise to significant adverse impacts on traffic levels or highway capacity and the impacts as a result of the construction phase would be mitigated through the submission of a traffic management plan, which would be secured by planning condition.
254. An Air Quality Assessment is usually undertaken to inform the decision making process and it does not, in itself, provide a reason for granting or refusing planning permission.
255. The application site and wider A320 corridor has been identified as a road network requiring capacity improvements. The proposed development is expected to reduce congestion and improve journey times along the A320 corridor. In addition, the proposal would provide improved pedestrian and cycle provisions for improved connectivity. Information provided within the transport assessment advises that the junction improvements are expected to substantially decrease vehicle queuing lengths during peak periods.
256. The County Air Quality Consultant (CAQC) has reviewed the accompanying documentation and transport assessment and initially requested clarification on whether the proposal would result in the redistribution of vehicles onto the other roads within the vicinity. The applicant responded to this request stating that the level to which the additional traffic may be attracted to the corridor has not been determined. However, the extent of the highway network outside of the scheme would limit peak hour demands. The proposed improvements to the application site and other junctions along the A320 corridor are likely to result in improvements to the air quality as there would be less localised congestion along this road network.
257. The CAQC has reviewed the additional information submitted by the applicant and concluded that based on the findings of the air quality assessment undertaken to inform the Runnymede Local Plan, which includes highway infrastructure changes, it is agreed that the air quality impacts associated with the junction are unlikely to be significant.

258. The proposed highway scheme has been developed to facilitate a reduction in traffic movements and to reduce traffic levels. Therefore, the proposal is unlikely to cause an adverse impact on the air quality, within the immediate area, as the capacity on the road network is unlikely to increase, as a result of the junction improvements.
259. However, it must be noted that future development as outlined in policy SD2 of the RBLP may have an impact on the air quality within the area. As such, the air quality levels of forthcoming developments would need to be assessed independently by the Borough Council as part of the formal planning process.
260. The proposed development is considered to accord with paragraph 174(e) of the NPPF as the development would not contribute to unacceptable levels of air pollution.

#### *Dust*

261. A construction dust assessment (CDA) has been submitted in support of the application. The CDA has identified that the construction activities at the site have the potential to result in fugitive dust emissions through-out the construction phases.
262. Vehicle movements both onsite and on the local road network have the potential to result in the re-suspension of dust from the highway surfaces. The impact on sensitive receptors depends significantly on local weather conditions during the undertaking of the dust generating activities, with the most significant effects likely to occur during dry and windy conditions. The CDA has assessed the magnitude of dust emissions that could be generated from the proposal using the IAQM 'Guidance on the assessment of Dust from demolition and construction v1.1' guidance which provides a series of steps to undertake this assessment. The assessment process looks at the scale and nature of the works, the activity involved (demolition, earthworks, construction and trackout) and categorises them according to magnitude (large / medium / small). This is then compared with the sensitivity of the receptors near to the site with receptors categorised as high / medium and low.
263. The CDA identifies the dust generating activities that would occur with this proposal for each part of the construction phase. This includes:-
- Demolition of a small section of boundary wall outside The White Lodge Centre and the removal of the existing central island of both roundabouts. These works are considered to have a small dust emission magnitude.
  - Minor demolition to the existing access at Salesian School, considered to have a small dust emission magnitude.
  - Earthworks with earth moving equipment, considered to have a small dust emission magnitude.
  - Potential dust emissions from the construction materials such as asphalt, aggregate, timber and concrete. The dust magnitude is considered to be medium.
  - Trackout on unpaved roads, considered to have a small dust emission magnitude.
264. A number of sensitive receptors have been identified within 350m of the site boundary. The CDA has assessed the potential impacts on these receptors for dust soiling, human health and ecology and has indicated that the risk of dust effects are considered to be medium, as a worst case scenario.
265. The CDA has also identified mitigation measures to ensure that the impacts of dust on the sensitive receptors are minimised during the construction phases. The mitigation measures proposed include:-
- Communication with stakeholders and community engagement
  - The submission of a dust management plan, to be included within the CEMP
  - Site management recording of all dust and air quality complaints, identifying cases, taking appropriate measures and recording incidences.



- Monitoring undertaken daily on site and off-site and records to be made available as required.
- Preparing and maintaining the site layout so that machinery and dust causing activities are located away from receptors. The use of solid screening or barriers around dust activities are recommended.
- Materials that have the potential to produce dust on site will be covered.
- Engines from operating vehicles/machinery will be switched off when stationary and the use of diesel and petrol generators will be avoided.
- Operations including use of dust suppression techniques such as water sprays for cutting, grinding or sawing equipment will be put in place.
- No bonfires will take place on site and debris will be bagged.
- Sand and other aggregates are to be stored appropriately to avoid dust.
- Concrete and other fine materials will be delivered in enclosed tankers and stored in silos.
- Vehicle cleaning and inspections of road surfaces will be carried out prior to vehicles leaving the site.

266. It has been identified that the construction phase of the development has the potential to generate dust, which may have short-term adverse impacts on nearby residential amenities. However, the proposed mitigation measures, as set out above, should ensure that significant residual effects, on human and ecological receptors, are reduced. Officers consider the proposed mitigation measures to be acceptable and recommend that the dust mitigation be included within the CEMP, which is to be submitted to the CPA for approval.

267. The County Air Quality Consultant has reviewed the submitted CDA and is in agreement with the content and assessment which has been undertaken and has raised no objection.

#### *Conclusion of Noise, Air Quality and Dust*

268. The proposed highway improvement works are essential in order to meet the future growth within the immediate and wider area of Runnymede. The changes in the flow of traffic along the A320 corridor are considered, on balance, to result in improvements to the air quality and noise, due to a reduction in traffic congestion.

269. The inclusion of a CEMP would ensure that any impacts, as a result of the construction works, on sensitive receptors would be minimised. The proposal is therefore considered to accord with policy EE2 of the RBLP and paragraphs 174, 185 and 186 of the NPPF.

## **HIGHWAY CAPACITY AND SAFETY, PEDESTRIAN AND CYCLE ACCESS**

### **Runnymede Local Plan 2030**

#### **Policy SD4 – Highway Design Considerations**

#### **National Planning Policy Framework – paragraph 111, 113**

#### **Surrey Transport Plan 2022**

#### **Supplementary Planning Document – Infrastructure Delivery and Prioritisation (2020)**

270. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 113 further states that development that will generate significant amounts of movements should be supported by a transport assessment so that the likely impacts of the proposal can be assessed.

271. Policy SD3 of the RBLP refers to active and sustainable travel. The policy states that the council will support schemes and development proposals which enhance the accessibility

and connectivity between people and places by active travel and sustainable travel. This will be achieved by:-

- Supporting and implementing the objectives and strategies of the Surrey Local Transport Plan, strategies and projects prepared by the Transport for South East or agreed under the Duty to Cooperate, and schemes which help to alleviate existing transport and highway problems in Runnymede or the wider area as identified through further partnership working;
  - Supporting developments, including sites allocated in the Plan, which integrate with or provide new accessible, safe and attractive active and sustainable travel networks and routes to services and employment centres and rail interchanges;
  - Refusing planning permission for any development which would compromise the delivery of the mitigation works required to the A320 and/or M25 junction 11.
272. Policy SD4 of the RBLP states that development proposals which maintain or enhance the efficient and safe operation of the highway network and take account of the needs of all highway users for safe access, egress and servicing arrangements will be supported.
273. The Surrey Transport Plan 4 (STP4) covers the period January 2022 to March 2032 and sets out the strategy to help people meet their transport and travel needs effectively, reliably, safely and sustainably within Surrey, in order to protect and enhance the environment, improve the quality of life and reduce carbon emissions. The plan also highlights how transport networks should be integrated and provide benefits to people's health and the environment.
274. The A320 Guildford Road is a key link road between the M25 and surrounding communities such as Chertsey, Ottershaw and Woking. It also provides an access route to St Peter's Hospital.
275. The proposed development is seeking to address existing and future congestion problems along the A320 corridor, including improvements to the existing road, cycling and pedestrian networks. The proposal is also seeking to deliver the improvements to the local infrastructure network to enable the successful delivery of the spatial development strategy and allocated development sites, which have been identified within the RBLP.
276. The proposed new roundabout would be an elongated un-signalised roundabout located north-west of the existing roundabout. It would incorporate a two lane southbound approach onto Guildford Road north, Guildford Road south and Holloway Hill. Two lane westbound approach at the junction, flaring from existing single lane onto Green Lane. One lane exit from Guildford Road north, Green Lane and Holloway Hill. A 4m wide shared use footpath/cycleway around the east side of the junction and uncontrolled pedestrian/cycle crossing at all desire lines and approaches to the roundabout with a proposed toucan crossing south of the junction and north of Little Green Lane.
277. The proposal also includes direct access to Salesian School and The Lodge. Provisions for Sustainable Drainage features for surface water runoff are also included.
278. The proposed roundabout design would be a significant improvement when compared to the existing roundabout. The proposal would meet the 2030 predicted traffic requirements to support the traffic demands arising from the development of new housing in the area and the need to increase capacity along the A320 corridor. The traffic improvements throughout the junction would result in improved journey time and reliability when compared with the existing arrangements, thereby supporting the local economy and housing developments.
279. The proposal would also promote the free flow of traffic, reducing congestion within the immediate and wider areas. An inset layby would be provided alongside the southbound

carriageway at the front of Salesian School to reduce congestion during school drop off and pick up peak periods.

280. The application has been accompanied by a Transport Assessment (TA), as required by paragraph 113 of the NPPF. The TA includes analysis of the existing junction layout and traffic conditions at junction 6.
281. An assessment of the wider A320 scheme has identified that traffic conditions will be within capacity in the 'Do Something future design year of 2030' with a reduced frequency and severity of queues. With the proposed scheme in place, the Paramics traffic modelling assessment has identified that there would be significant journey time savings for road users at junction 6 and the wider corridor during peak hours. The proposed improvements are considered to be essential to meet the future demands of growth in the area and without the junction improvements the area would suffer from adverse journey time impacts, created by congestion and delays.
282. With regard to highway safety, the Highway Authority has assessed the information provided within the TA and additional information provided by the applicant. The CHA is satisfied that the visibility splays at the junctions and link roads and swept path analysis for the proposed improvement works are acceptable. The junction geometry is based on design speed of 30mph for 85<sup>th</sup> percentile traffic. This is considered compatible with the busy, urban nature of the junction and approach roads and would reduce the severity of any road traffic collisions.
283. In order to ensure that the development is constructed safely and existing highway users and residents living and working within close proximity to the development are not adversely impacted, it is recommended that a Construction Traffic Management Plan (CTMP) and programme of works be provided. This would be secured by planning condition and would need to be approved prior to the commencement of development.
284. Temporary road closures may be required during the construction phases and appropriate diversion routes would be identified and provided at the CHA to minimise any impacts on road users.
285. The proposed development has been designed to provide more free-flowing movements, reducing the queuing impacts and resulting in less congestion further upstream along the corridor. It is also expected to improve pedestrian and cycle access resulting in safer operational use for non-motorised users.
286. The improvements to junction 6 and the wider A320 corridor would allow for future demands and growth within the Borough and wider area and without these improvements the area would suffer adverse impacts as a result of congestion and delays to motorists.
287. The County Highway Officer (CHO) has reviewed the TA and has raised no objections to the proposal.

#### *Conclusion of Highway Capacity, Safety, Pedestrians and Cyclists*

288. The junction 6 highway improvement works are critical to the delivery of development within the local area, supporting residential needs and economic development. The Runnymede Local Plan 2030 places an emphasis on the

importance of infrastructure projects and further states that the Council will support investment in the surrounding roads, in particular the A320.

289. Areas of future housing development have been identified within the Runnymede Borough Local Plan and the junction and wider A320 corridor is already at capacity. The proposal would allow for a new roundabout and other highway improvements to ensure an efficient and safe operation of the highway network in the locality, as identified through traffic modelling.
290. The proposal includes increased pedestrian and cycle connectivity around the junction taking into account of the needs of all highway users for safe access and egress.
291. Officers are satisfied that the proposal would provide additional highway capacity and road safety in accordance with policy SD4 of the RBLP. The proposal would also support active and sustainable travel, through the improved pedestrian/cycle routes and a reduction in congestion, meeting the requirements of policy SD3 of the RBLP.
292. The CHA has reviewed the proposal from a highway safety perspective and has raised no objections. The proposal would also improve the efficiency of the junction and surrounding road network and would accord with the requirements set out in paragraphs 111 and 113 of the NPPF.

## **GREEN BELT**

### **Runnymede Local Plan 2030**

#### **Policy EE18 – Engineering Operations in the Green Belt**

#### **National Planning Policy Framework – paragraph 137, 148, 150**

293. Policy EE18 of the RBLP states that proposals for engineering operations including the laying of roads and hardstanding are considered to be inappropriate development unless the applicant has demonstrated that the operations preserve the openness of the Green Belt at the site and its vicinity, and do not conflict with the purposes of the Green Belt. The extent and visual impact of the changes in land levels will be taken into account in assessing such proposals, as will the purpose and intent of future use of the hardstanding in order to ensure the visual effects are not harmful.
294. Paragraph 137 of the NPPF states that the great importance is attached to the Green Belt. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 further states that the Green Belt serves five purposes these being:-
- a) To check the unrestricted sprawl of large built-up areas;
  - b) To prevent neighbouring towns merging into one another;
  - c) To assist in safeguarding the countryside from encroachment;
  - d) To preserve the setting and special character of historic towns; and
  - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land
295. Of the five purposes of including land within the Green Belt, the proposal is not considered to assist in safeguarding the countryside from encroachment due to the encroachment onto land to the west. Therefore the proposal would conflict with point c) of paragraph 138.

296. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 further states that when considering any planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
297. The proposed development is an engineering operation and a local transport infrastructure project. Paragraph 150 of the NPPF states that engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location are not inappropriate development provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
298. The proposed development would introduce a new roundabout, which would encroach onto an area of open land to the west of the existing road network. The new roundabout and associated infrastructure such as lighting columns, road signage and vehicle movements, would further intrude, causing some harm to the openness of the Green Belt. Therefore it is considered that the proposed development would constitute inappropriate development.
299. Accordingly, for planning permission to be granted the applicant would need to demonstrate that 'Very Special Circumstances' (VSC) exist. Paragraph 148 of the NPPF states that substantial weight is to be given to any harm to the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Therefore, where the other considerations clearly outweigh Green Belt harm, and any other harm resulting from the proposal, planning permission may be granted.
300. The key consideration is the determination of the extent of the impact on the openness of the Green Belt. The application site forms part of an existing road network which contains areas of hardstanding. The proposed new roundabout and carriageway improvements would be built on open land to the west of the existing road, resulting in harm to the openness of the Green Belt.

#### *Harm to Openness*

301. The proposed new roundabout would be situated north-west of the existing roundabout. Part of the existing carriageway has been incorporated into the design and where possible the proposal would be built on areas of previously developed land. However, the western elevation of the proposal would encroach into areas of land where there is no development, resulting in harm to the openness of the Green Belt.
302. There is no dispute that the proposal would cause harm to the visual and spatial dimensions of the openness.
303. Although the road surface would be at ground level, the vehicles themselves although transitory, would cause harm to the visual dimensions of the openness, as would the street furniture (e.g. signage and lighting columns). However, given that the proposal is an existing carriageway and several other roads are within the vicinity, the harm caused by the vehicles and street furniture would not be significant.
304. The greatest visual harm would be to the west of the existing junction as development would occur on an area of grassland within the Hardwick Court Farm SNCI. The areas to the east of the existing roundabout would be visually contained within large areas of existing hardstanding from the carriageway as well as various buildings, resulting in less harm to the openness.

305. The proposed development would initially result in significant harm to openness, however, the harm would reduce over time once the landscaping has matured and construction works have ceased.
306. Officers consider that the built form of the proposed highway improvement works would cause harm to the openness of the Green Belt and as such can only be permitted where very special circumstances are demonstrated which clearly outweigh the harm caused.
307. The proposed new roundabout would encroach onto an area of open land to the west of the existing roundabout, which is currently undeveloped grassland within the Hardwick Court Farm SNCI. The encroachment onto the countryside would cause harm to the openness of the Green Belt and would not assist in safeguarding the countryside from encroachment contrary to point c) of paragraph 138 of the NPPF.

#### *Very Special Circumstances (VSC)*

308. In line with the development plan policies the applicant has put forward factors which they consider to amount to very special circumstances which it considers clearly outweigh the harm resulting from the proposal.
309. Paragraph 148 of the NPPF states that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the main harm is to the spatial and visual openness of the Green Belt and the report has assessed the potential impacts on the loss of trees and hedgerows, visual impact and amenity.
310. The applicant has made a submission on the basis that other considerations clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal such that VSC exist to enable planning permission to be granted. The following considerations have been put forward by the applicant:
- Contribution to the delivery of development growth in the Runnymede 2030 Local Plan and associated economic benefits
  - Contribution to improving traffic capacity and journey times
  - Safety considerations
  - Improved surface water drainage
  - Improved pedestrian and cycle facilities

#### Delivery of development growth

311. Policy SD2 of the RBCLP lists the allocated sites outlined for development within the Borough. A number of the allocated sites are dependent on the delivery of necessary mitigation on the A320. Runnymede Borough Council consider that the allocated sites set out within policy SD2 are the most suitable when considered against the alternatives appraised through a robust site selection process and sustainability appraisal. The allocated sites are considered to offer the best opportunity to achieve sustainable development as well as the delivery of the spatial development strategy.
312. The proposed highway improvement works to the junction and link roads are considered to be essential to the delivery of approximately 3,500 new homes across 10 sites in and around Ottershaw and Chertsey. New supporting infrastructure is therefore required in order to meet the planned housing needs in the borough and deliver the Runnymede 2030 Local Plan.

#### Contribution to improving traffic capacity and journey times

313. The proposed development would replace the existing roundabout and would provide transport benefits, including improved pedestrian and cycle routes. The design of the roundabout would significantly improve congestion and achieve the predicted 2030 traffic



requirements resulting in improved journey time, reliability and time savings when compared with the existing junction.

314. The proposal would also promote the free flow of traffic reducing congestion within the immediate and wider A320 corridor.

### Safety Considerations

315. The proposal includes shared pedestrian/cycle routes around the junction and reduced speed limits on the carriageway.
316. The reduced speed limits would be compatible with semi-urban areas and could assist in reducing the number and severity of any future road traffic collisions. Improved geometry of the roundabout would provide improved entry path deflection and improved radii on the entry and exit roadways, resulting in operational safety improvements.

### Conclusion of Green Belt

317. In this case the proposal is for improvements to the existing highway which include a new roundabout and junctions, access, pedestrian and cycle connections, landscaping and associated infrastructure and engineering works. The proposed development is considered to cause harm to the openness of the Green Belt. In accordance with paragraph 148 of the NPPF, harm to the Green Belt must carry substantial weight in the overall Green Belt balance.
318. Inappropriate development should not be approved except in VSC. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
319. Officers have found that the development would be inappropriate development in the Green Belt and would cause harm to the openness and would be contrary to purpose c) of paragraph 138 of the NPPF. Collectively, these harms must carry substantial weight in the overall Green Belt balance.
320. Officers have reviewed the considerations put forward by the applicant and consider that the highway improvement works are necessary in order to deliver improvements to the local infrastructure network and wider A320 corridor. These improvement works are critical to the successful delivery of the spatial development strategy and allocated development sites, as identified within the Runnymede 2030 Local Plan.
321. Officers consider that great weight should be attributed to the delivery of the Runnymede 2030 Local Plan in order to accommodate the planned economic growth and housing delivery.
322. Officers have reviewed the information put forward by the applicant as well as other considerations and conclude that the VSC, put forward in favour of the development, clearly outweigh the harm to the Green Belt and any other harm resulting from the development, identified above. The proposal is therefore considered to accord with paragraph 148 of the NPPF and policy EE18 of the RBLP.
323. VSC for this proposal exist and therefore planning permission should be granted.

### Other

324. Under the Town and Country Planning (Consultation) (England) Direction 2021 the County Planning Authority is required to consult the Secretary of State in respect of major development comprising of a site area of more than 1 hectare in size as well as development which may have a significant impact on the openness of the Green Belt.

The Direction states that the Planning Authority shall not grant planning permission on the application until the expiry of 21 days beginning with the date which the Secretary of State tells the Authority in writing is the date he received the material specified.

Therefore, subject to a resolution by the committee to grant planning permission, the application will need to be referred to the Secretary of State to determine whether the application shall be called-in.

### Human Rights Implications

325. 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.
326. The proposal involves highway improvement works to the existing highway and the creation of a new junctions and roundabout. It is recognised that the development has the potential to have an impact on the local environment and local amenity in terms of noise and dust. The proposal would have a short term impact during the construction phase however during the operational phase would improve capacity and traffic flows through the junction. The scale of the impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted any impact has capacity of being controlled or mitigated by measures incorporated in the planning application proposed and planning conditions and controls available through other regulatory regimes.
327. In considering this application and framing the recommendation officers have considered both individual interests of objectors and those in the wider community. Having taken account of the all the facts officers consider that the wider community needs and benefits resulting from the highway improvement works outweigh any impact on individuals.

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### Conclusion

328. *Officers have determined that the proposal for highway improvement works to junction 6 (Holloway Hill / Green Lane) of the A320 Guildford Road, represents an inappropriate form of development in the Green Belt as the proposal does not preserve the openness and conflicts with the purposes of including land within it. There are other harms arising from the proposal such as the loss of trees and hedgerows, visual impact and amenity.*
329. Officers have reviewed the application and supporting documentation and accept that the Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
330. Whilst the proposed development would be located partially within Flood Zone 3, the mitigation measures put forward by the applicant include flood defences and the inclusion of sustainable drainage provision ensuring that the flood risk is reduced. The proposed mitigation measures would allow for the carriageway to be used safely ensuring that the flood risk is not increased elsewhere.
331. On balance, the public benefits of the proposal as well as the landscape and ecological mitigation measures proposed all weigh in favour of the proposal and therefore it is accepted that the proposal would accord with the relevant NPPF policies and the policies within the RBLP. The application is recommended for approval.



## Recommendation

The recommendation is that the application be referred to the Secretary of State under paragraph 10 of the Town and Country Planning (Consultation) (England) Direction 2021, and in the absence of any direction by the Secretary of State, to PERMIT subject to the conditions and informatives set out below :

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### Conditions:

IMPORTANT - CONDITION NO(S) 3, 4, 7, 9, 10, 13, 16, 21 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:

10041683-ARC-LLO-ZZ-DR-CE-00043 Rev P01 Scheme Site Location Plan June 2021

10041683-ARC-GEN-PKB\_JC6-DR-HE-00001 Rev P02 Planning Application General Arrangement July 2021

10041683-ARC-ELS-PKB\_JC6-DR-CE-00001 Rev P02 Planning Application Proposed Planting Arrangements July 2021

10041683-ARC-GEN-PKB\_JC6-DR-HE-00004 Rev P01 Longitudinal Sections June 2021

10041683-ARC-GEN-PKB\_JC6-DR-HE-00005 Rev P01 Cross Sections July 2021

10041683-ARC-GEN-PKB\_JC6-DR-HE-00006 Rev P02 Outline Plan July 2021

10041683-ARC-EBD-ZZ-DR-EC-00017 Rev P02 Tree Impact Plan and Protection Plan Junction July 2021

10041683-ARC-HLG-PKB\_JC6-DR-LE-00001 Rev P01 Arrangement and Lighting Level Intensity (Lux Contours) 13 October 2021

10041683-ARC-EGN-ZZ-DR-ZZ-00002 Rev 03 Drawing 1 Proposed Habitat Creation Plan Junction 6 July 2022

10041683-ARC-EGN-ZZ-DR-ZZ-00008 Rev 01 Drawing 2 Proposed Habitat Creation Plan Junction 6 July 2022

10041683-ARC-EGN-ZZ-DR-ZZ-00009 Rev 01 Drawing 2 Proposed Habitat Creation Plan Junction 6 July 2022

3. Prior to the commencement of the development hereby permitted a programme of archaeological work, in accordance with a Written Scheme of Investigation, shall be submitted to and approved by the County Planning Authority. The development shall be implemented in accordance with the approved details.

4. Prior to the commencement of the development hereby permitted details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using the maximum discharge rate stated within the approved documents.
  - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
  - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The drainage scheme shall be implemented in accordance with the approved details.

5. Within 3 months of the completion of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
6. Noise levels from demolition and construction works during standard construction hours specified in Condition 12 shall be allowed up to 65dB(A) LAeq,1h at 1 m from the façade of any residential building within the vicinity of the site. Noise generating works shall not take place outside of the hours permitted in Condition 12 without prior consent from the Country Planning Authority (CPA).

- 7. Prior to commencement of development, a Management Agreement, in relation to the land shown on plans reference: 10041683-ARC-EGN-ZZ-DR-ZZ-00002 Rev 03 Drawing 1 Proposed Habitat Creation Plan Junction 6 July 2022; 10041683-ARC-EGN-ZZ-DR-ZZ-00008 Rev 01 Drawing 2 Proposed Habitat Creation Plan Junction 6 July 2022 and 10041683-ARC-EGN-ZZ-DR-ZZ-00009 Rev 01 Drawing 2 Proposed Habitat Creation Plan Junction 6 July 2022 shall be entered into between Surrey County Council and the land owner and a copy of the signed Management Agreement shall be submitted to the County Planning Authority.

On or before 31 March 2024 the identified land shall be delivered and planted in accordance with the final details approved within the LEMP which is to be submitted in accordance with condition 15, and the Management Agreement.

- 8. In the event that unsuspected contamination is found at any time when constructing the development hereby permitted, work in that area shall cease and it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken to identify what remediation is necessary with a remediation scheme prepared and submitted to the County Planning Authority for their written approval in writing. Once the remediation works have been completed, a verification report confirming this shall be provided to the County Planning Authority for written approval. Once approved, the scheme shall be implemented in full throughout the duration of the construction period.

- 9. Prior to the commencement of the development hereby permitted (including demolition and ground works), an updated Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Introduction
- b) Planning Context
- c) Overview and Project Introduction
- d) Ecology and Environment Aspects
  - i. Risk assessment of potentially damaging construction activities.
- e) Project Contact List
  - i. Responsible persons and lines of communication.
  - ii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- f) Construction Site Rules
- g) Complaints Procedure
- h) Emergency Spillage Plan
- i) Night time working hours
- j) Access and Deliveries
- k) Site Logistics

#### l) Mitigation and Control Measures

- i. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- ii. The location and timing of sensitive works to avoid harm to biodiversity features.
- iii. The times during construction when specialist ecologists need to be present on site to oversee works.
- iv. Use of protective fences, exclusion barriers and warning signs.
- v. Management of existing trees during construction (including replacement procedure of trees damaged/removed during/for construction);
- m) Site Waste Management Plan and management procedure for construction waste.
- n) Structure removal
  - i. details of any structural works to be carried out;
  - ii. details of any remediation or restoration works to be carried out including what material would be used as infill and to what depth the material would be spread to; and if further soil is to be added details of the volume, depth and how the soil would be placed between any air gaps in the infill material to avoid soil being washed away over time;
  - iii. details of how trees around the existing structure would be protected during any works;
  - iv. whether further surveys are required;
  - v. Details of what plant and machinery to be used; and
  - vi. Access for structure removal including with regards to the Tree Protective measures
- o) Material Storage Plan
- p) Construction lighting to be used, including its location, hours of use and measures to ensure the lighting is downwards and directional.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

10. Prior to the commencement of the development hereby permitted, including demolition, and before any equipment, machinery or materials are brought onto the site, a Tree Protection Plan and method statement following British Standard (BS) 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, shall be submitted to and approved in writing by the County Planning Authority. The measures outlined in the Tree Protection Plan and method statement shall clearly identify root protection areas of trees to be retained and details of any excavation within those areas shall be specified and be carried out in accordance with the details as approved. The measures outlined in the Tree Protection Plan and method statement shall remain in place until all the works have been completed.
11. Within 6 months of the date of this permission, details of a Hard and Soft Landscaping Scheme shall be submitted to the County Planning Authority for approval in writing. The scheme shall include:

- a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and other plants to be planted;
- b) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - i) permeable paving
  - ii) tree pit design
  - iii) underground modular systems
  - iv) Sustainable urban drainage integration
  - v) use within tree Root Protection Areas (RPAs);
- c) specifications for operations associated with plant establishment and maintenance that are compliant with best practice;
- d) types, materials and dimensions of all boundary treatments;
- e) a planting schedule and specification, including sizes and numbers/densities of all proposed trees/other plants and section drawing(s) of tree pits where relevant;
- f) details of how the existing ground and soil conditions are to be made suitable for tree and other planting;
- g) a 10 year maintenance regime including provision for replacements for failed retained trees and plantings and details of regular maintenance visits, including annual mulching and watering through the summer months with industry standard watering bags being provided to all new trees. Where new trees are to be supplied with a distinct crown, the supply, planting and maintenance of such trees shall be in general accordance with British Standard (BS) 8545:2014 Trees: from nursery to independence in the landscape. Recommendations. In the event of the failure of any soft landscape planting in the first five (5) years of planting, such planting shall be replaced with an equivalent number of live specimens of the same species and size by no later than the end of the first available planting season following the failure, damage or removal of the planting.

The landscaping and planting shall be carried out in accordance with British Standards BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces) and BS 8545:2014; it shall be implemented in full within 12 months following the completion of the development. The landscaping and planting shall be implemented and managed strictly in accordance with the hard and soft landscaping scheme.

12. No construction vehicles and heavy goods vehicles (HGVs), shall enter or leave the site nor any plant or machinery shall be operated except between the following hours:
- 07:00 – 19:00 (Monday – Friday)
  - 07:00-13:00 (Saturday)

There shall be no working on Sundays or recognised Public, Bank and National Holidays. Night time working shall only take place during the hours set out within the Construction Environmental Management Plan (CEMP) which is to be submitted to the County Planning Authority for approval in accordance with Condition 9.

13. Prior to the commencement of development hereby permitted a Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the County Planning Authority. The CTMP shall include, but not be limited to, 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

The development shall be implemented in accordance with the approved details.

14. No external lighting shall be installed as part of the development hereby permitted until details of a lighting scheme for the site have been submitted to and approved in writing by the County Planning Authority. The submitted scheme shall be prepared by a lighting engineer with input from a suitably experienced Ecologist. The lighting scheme shall include the following:
- a) the location, type, mounting, height, lighting controls and luminance of the proposed lighting by means of submission of Isolux plots and drawings of the proposed scheme
  - b) any measures proposed to minimise and control the light spill;
  - c) details as to how the impact of lighting on bats has been minimised

The lighting scheme shall thereafter be implemented in accordance with the approved scheme.

15. Within 6 months of the date of this permission, a landscape and ecology management plan (LEMP) shall be submitted to the County Planning Authority for approval in writing and thereafter implemented in accordance with the approved details. The LEMP shall include the on site provisions and the off site provisions as shown on Drawing refs 10041683-ARC-EGN-ZZ-DR-ZZ-00002 Rev 03 Drawing 1 Proposed Habitat Creation Plan Junction 6 July 2022; 10041683-ARC-EGN-ZZ-DR-ZZ-00008 Rev 01 Drawing 2 Proposed Habitat Creation Plan Junction 6 July 2022 and 10041683-ARC-EGN-ZZ-DR-ZZ-00009 Rev 01 Drawing 2 Proposed Habitat Creation Plan Junction 6 July 2022 but not be limited to the following:-

- Description and evaluation of features to be managed including scattered Broadleaved Trees, Semi-improved Neutral Grassland, Dense Scrub and Species-rich Hedgerows.
- Ecological trends and constraints on site that might influence management.

- Aims and objectives of management
  - Appropriate management options for achieving aims and objectives
  - Prescriptions for management actions, together with a plan of management compartments
  - Preparation of work schedule (including an annual work plan)
  - Details of the body or organisation responsible for implementation of the plan
  - Ongoing monitoring and remedial measures
  - Funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery
  - Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the approved scheme.
16. Prior to the commencement of the development hereby permitted, a Noise and Vibration Monitoring Plan shall be submitted to and approved in writing by the County Planning Authority, taking into account the limits set in Condition 6. At the request of the County Planning Authority (CPA), noise and/or vibration monitoring shall be undertaken at representative noise and vibration sensitive receptors located adjacent to the application site or calculated from measurements taken at the site boundary. The results of the monitoring shall be reported to the CPA within 14 days of the monitoring taking place. Measurements should only be undertaken by those competent to do so (i.e. Member or Associate grade of the Institute of Acoustics).
17. All vehicles and mobile plant operating at the site under the control of the operator, which shall include plant and equipment hired by the operator or used by the contractors, must be fitted with white noise broadband reversing alarms that shall be used at all times.
18. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturers recommendations at all times.
19. Vibration levels from demolition and construction works during standard construction hours specified in Condition 12 shall not exceed the levels in Table B.1 and B.2 of British Standard 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'. Vibration generating works shall not take place outside of the hours permitted in Condition 12 without prior consent from the Country Planning Authority.
20. The development hereby permitted shall be carried out strictly in accordance with the recommendations set out within Section 4 (4.1.1-4.6.1) of the Ecological Mitigation and Enhancement Measures of the submitted Ecological Mitigation Strategy rev 03 dated June 2021 (document ref: 10041683-ARC-EGN-PKB\_JC6-RP-EC-00001) including the mitigation to address vegetation clearance and bird, bat and reptile habitats during the site clearance works, construction works, construction phases and completion of the development.

21. Prior to the commencement of the development hereby permitted, details of a pre-construction badger survey as detailed in section 3.9 'Badgers' of the submitted Ecological Mitigation Strategy rev 3 dated July 2021 (document ref: 10041683-ARC-EGN-PKB\_JC6-RP-EC-00001) including details of suitable mitigation measures and a location plan of the location of any badger protection fencing if necessary, shall be submitted to and approved in writing by the County Planning Authority. The development shall proceed in accordance with the approved details.
22. No trees, hedgerows or shrubs within the curtilage of the site, except those identified in paragraph 5.2.1 of the Arboricultural Impact Assessment (document ref: 10041683-ARC-HAC-PKB\_JC6-RP-ZZ-00005 Rev 03) dated July 2021 and shown on drawing ref 10041683-ARC-EBD-ZZ-DR-EC-00017 Rev P02 Tree Impact Plan and Protection Plan Junction 6 (Appendix B) or otherwise clearly indicated in any supporting documents as being removed or subject to arboricultural works, shall be felled, lopped or pruned nor their roots removed or pruned during the carrying out of the development, or until the completion of the development hereby permitted.

**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 interest of proper planning.
3. To allow archaeological information to be recorded and to comply with policy EE7 of the Runnymede Borough Local Plan 2020 and guidance within the NPPF.
4. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with policy EE13 of the Runnymede Borough Local Plan 2020. The condition is required pre-commencement so as to ensure that drainage design does not increase flood risk on or off site in accordance with Policy EE13 of the Runnymede Borough Local Plan 2020 prior to any works being undertaken which may impact existing surface water drainage arrangements.
5. To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS and in accordance with policy EE13 of the Runnymede Borough Local Plan 2020.
6. To protect the amenity of residential occupiers during the construction period and in accordance with Policy EE2 of the Runnymede Borough Local Plan 2020.
7. To ensure that off site mitigation measures are provided and in accordance with policy EE9 of the Runnymede Borough Local Plan 2020. This condition is required prior to commencement of development in order to ensure that the proposal provides off site Biodiversity Net Gain provision in accordance with the Biodiversity Net Gain Assessment Report 0041683-ARC-EBD-PKB\_JC6-RP-EC-00001 dated June 2021.



8. To protect the health of construction workers and the general public and quality of the water environment from the effects of contamination in accordance with policy EE2 of Runnymede Borough Local Plan 2020.
9. To prevent pollution to the environment, to protect species of conservation concern, to ensure proper waste management; and to protect residential amenity in accordance with Policy EE2 of the Runnymede Borough Local Plan 2020. This condition is required prior to commencement of development in order to ensure that the proposal does not have an impact on the residential amenities of the nearby occupants and protect biodiversity interests.
10. To protect the trees to be retained and enhance the appearance of the surrounding area and to comply with policy EE9 of the Runnymede Borough Local Plan 2020 and guidance within the National Planning Policy Framework. This condition is required prior to commencement of development in order to ensure that the existing trees, to be retained on site, will be protected during the construction works.
11. To ensure a satisfactory development and in the interest of amenity and landscape character and in accordance with Policy EE1 of the Runnymede Borough Local Plan 2020 and guidance within the National Planning Policy Framework.
12. To protect the amenities of the occupiers of nearby properties during the construction period in accordance with Policy EE2 of the Runnymede Borough Local Plan 2020.
13. To ensure that construction works can be carried out safely in order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy EE2 of the Runnymede Borough Local Plan 2020. This condition is required prior to commencement of development in order to ensure the construction phase of the proposal is carried out safely and does not prejudice highway safety.
14. To protect the safety and amenities of road users, occupiers of the nearby properties and bats in accordance with Policies EE2 and EE9 of the Runnymede Borough Local Plan 2020.
15. To ensure that the landscape character and appearance of the site is enhanced and to comply with Policies EE1 and EE7 of the Runnymede Borough Local Plan 2020.
16. To protect the amenity of residential occupiers during the construction period and in accordance with policy EE2 of the Runnymede Borough Local Plan 2020. This condition is required prior to commencement of development in order to ensure that the proposal does not have an impact on the residential amenities of the nearby occupants.

17. To protect the amenity of residential occupiers during the construction period and in accordance with Policy EE2 of the Runnymede Borough Local Plan 2020.
18. To protect the amenity of residential occupiers during the construction period and in accordance with Policy EE2 of the Runnymede Borough Local Plan 2020.
19. To protect the amenity of residential occupiers during the construction period and in accordance with Policy EE2 of the Runnymede Borough Local Plan 2020.
20. To protect Priority Species and their habitats in accordance with Policy EE9 of the Runnymede Borough Local Plan 2020.
21. To protect Priority Species in accordance with Policy EE9 of the Runnymede Borough Local Plan 2020. This condition is required prior to commencement of development in order to ensure that the proposal does not have an impact on any potential badger setts within the application site.
22. To protect the trees to be retained and enhance the appearance of the surrounding area and to comply with Policy EE9 of the Runnymede Borough Local Plan 2020 and guidance within the National Planning Policy Framework.

#### **Informatives:**

1. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
2. 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 shown it is absolutely certain that nesting birds are not present.

3. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted. During site preparation works, all open trenches, pits and excavations shall be covered outside working hours so that any transiting fauna that falls into the earthworks can escape.

4. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment. It is recommended that all trees grown abroad, but purchased for transplanting, shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees entered the UK, their origin and the length of time they have been in the nursery should be requested before the commencement of any tree planting. If this information is not available, alternative trees sources should be used. You are advised to consult the relevant UK Government agencies such as the Animal and Plant Health Agency (APHA) and the Forestry Commission for current guidance, Plant Passport requirements and plant movement restrictions. Quality Assurance Schemes followed by nurseries should also be investigated when researching suppliers. For larger planting schemes, you may wish to consider engaging a suitably qualified professional to oversee tree / plant specification and planting.
5. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written consent. More details are available on our website Ordinary watercourse consents - Surrey County Council (surreycc.gov.uk).
6. The applicant is required to include details of the safe use of existing road diversions during the construction period in the Construction Transport Management Plan (see Condition 13).
7. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on amenity/noise/traffic/air quality/dust/heritage/landscape/ecology/visual impact/flood risk/Green Belt and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.

[National Planning Policy Framework Planning Practice Guidance waste; traveller sites; planning for schools development; sustainable drainage systems; parking and Starter Homes.](#)

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**Contact Janine Wright**

**Tel. no. 020 8541 9897**

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### **Background papers**

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

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Runnymede Borough Council planning register for this application can be found under application reference RU.21/1521.

### **Other documents**

The following were also referred to in the preparation of this report:

#### **Government Guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

#### **The Development Plan**

Runnymede Borough Local Plan 2020

Supplementary Planning Document – Infrastructure Delivery and Prioritisation (2020)

#### **Other Documents**

The Surrey County Council Local Transport Plan (LTP4)

Institute of Air Quality Management 'Guidance on the assessment of Dust from demolition and Construction v1.1' 218

Environmental Protection UK (EPUK) / Institute of Air Quality Management (IAQM) 'Land-Use Planning & Development Control: Planning for Air Quality 2017

Design Manual for Roads and Bridges

Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets, Historic England, December 2017

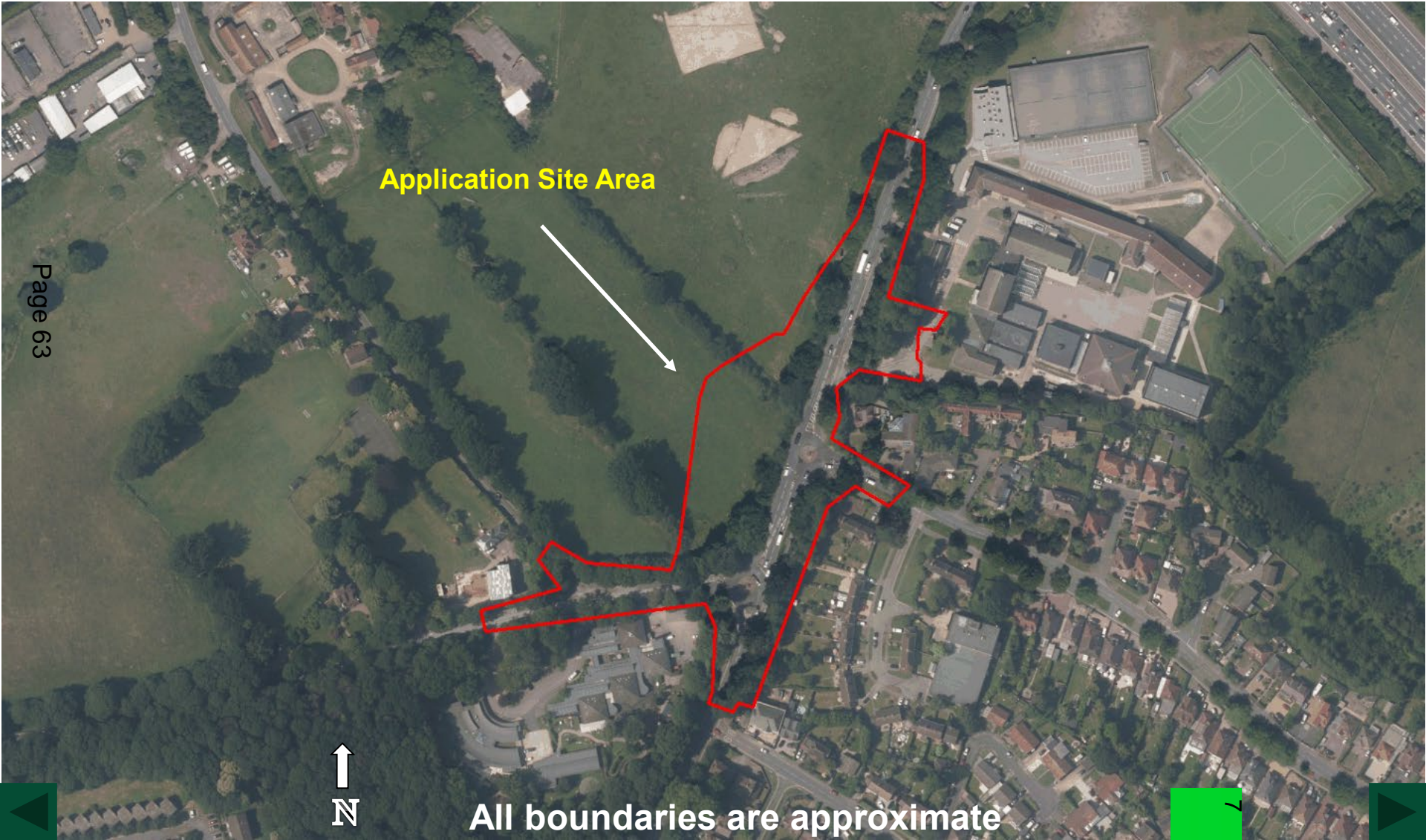
Planning (Listed Buildings and Conservation Areas) Act 1990

Surrey County Council, Landscape Character Assessment 2015

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# Aerial 2: Application site



**Application Site Area**

Page 63



All boundaries are approximate



Figure 1 : Looking South towards the Green Lane roundabout





Figure 2 : Looking South – Salesian’s School entrance is on the left





Figure 3 : View towards Green Lane – Harwich  
Court Farm Fields on the right





## Figure 4 : Holloway Hill Junction





Figure 5 : Aerial view

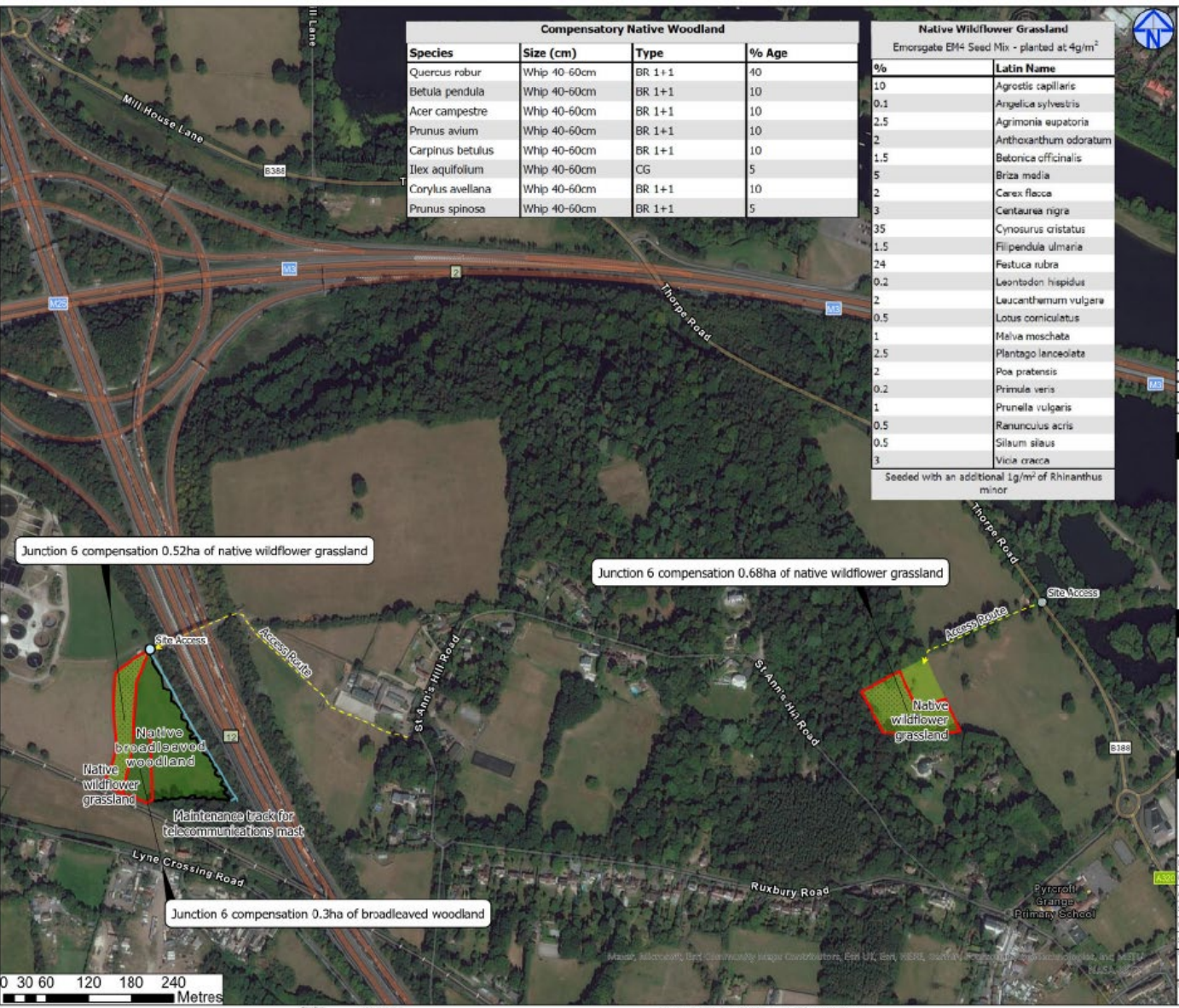




# Drawing Ref. 10041683-ARC-EGN-ZZ-DR-ZZ-00002 Proposed Habitat Creation Plan 03 dated 26 July 2022



Page 69



Compensatory Native Woodland			
Species	Size (cm)	Type	% Age
Quercus robur	Whip 40-60cm	BR 1+1	40
Betula pendula	Whip 40-60cm	BR 1+1	10
Acer campestre	Whip 40-60cm	BR 1+1	10
Prunus avium	Whip 40-60cm	BR 1+1	10
Carpinus betulus	Whip 40-60cm	BR 1+1	10
Ilex aquifolium	Whip 40-60cm	CG	5
Corylus avellana	Whip 40-60cm	BR 1+1	10
Prunus spinosa	Whip 40-60cm	BR 1+1	5

Native Wildflower Grassland	
Emorsgate EM4 Seed Mix - planted at 4g/m <sup>2</sup>	
%	Latin Name
10	Agrostis capillaris
0.1	Angelica sylvestris
2.5	Agrimonia eupatoria
2	Anthoxanthum odoratum
1.5	Betonica officinalis
5	Britia media
2	Carex flexca
3	Centaurea nigra
35	Cynosurus cristatus
1.5	Filipendula ulmaria
24	Festuca rubra
0.2	Leontodon hispidus
2	Leucanthemum vulgare
0.5	Lotus corniculatus
1	Malva moschata
2.5	Plantago lanceolata
2	Poa pratensis
0.2	Primula veris
1	Prunella vulgaris
0.5	Ranunculus acris
0.5	Silvaum silaus
3	Vicia cracca

Seeded with an additional 1g/m<sup>2</sup> of Rhinanthus minor

**NOTES:**

- Site Access
- Access Route
- Maintenance track
- Compensation for loss at Junction 6
- Proposed native broadleaved woodland planting
- Proposed native wildflower grassland planting

01	2017/02	CHANGE IN BASEMAP	EP	05	04
02	25/07/22	CHANGE IN SCALE	EP	05	04
03	26/07/22	INITIAL ISSUE	EP	05	04
Rev	Date	Description	Drawn	Check	Approv

**Client** Surrey County Council

**PROJECT:** A320 Corridor Improvements Scheme

**Site** Client

**Address:** [Redacted]

**ARCADIS**

Registered office: [Redacted]  
 Contributing office: [Redacted]

**TITLE:** Drawing 1 Proposed Habitat Creation Plan Junction 6

Drawn	[Redacted]	25/07/22	EPH
Checked	[Redacted]	25/07/22	EPH
Approved	[Redacted]	25/07/22	EPH

Scale: 1:5,000 Date: A0D  
 Original Size: A3 Date: 05  
 Suitability Code: S2 Project Number: 10041683

Issued for information  
 Not to be used for construction

Drawing Number: 10041683 R-ZZ-00002 03





# Drawing Ref. 10041683-ARC-EGN-ZZ-DR-ZZ-00008

## Proposed Habitat Creation Plan 01 dated 08 July 2022

Page 70



Native Wildflower Grassland	
Emorgate EH4 Seed Mix - planted at 4g/m <sup>2</sup>	
%	Latin Name
10	Agrostis capillaris
0.1	Angelica sylvestris
2.5	Agrimonia eupatoria
2	Anthoxanthum odoratum
1.5	Betonica officinalis
5	Biziza media
2	Carex flacca
3	Centaurea nigra
35	Cynosurus cristatus
1.5	Filipendula ulmaria
24	Festuca rubra
0.2	Leontodon hispidus
2	Leucanthemum vulgare
0.5	Lobelia corniculatus
1	Malva moschata
2.5	Plantago lanceolata
2	Poa pratensis
0.2	Primula veris
1	Prunella vulgaris
0.5	Ranunculus acris
0.5	Silvaum silaus
3	Vicia cracca

Seeded with an additional 1g/m<sup>2</sup> of Rhinanthus minor

Compensatory Native Woodland			
Species	Size (cm)	Type	% Age
Quercus robur	Whip 40-60cm	BR 1+1	40
Betula pendula	Whip 40-60cm	BR 1+1	10
Acer campestre	Whip 40-60cm	BR 1+1	10
Prunus avium	Whip 40-60cm	BR 1+1	10
Carpinus betulus	Whip 40-60cm	BR 1+1	10
Ilex aquifolium	Whip 40-60cm	CG	5
Corylus avellana	Whip 40-60cm	BR 1+1	10
Prunus spinosa	Whip 40-60cm	BR 1+1	5

**NOTES:**

- Site\_access
- Access\_Route
- Maintenance track
- Compensation for loss at Junction 6
- Proposed native broadleaved woodland planting
- Proposed native wildflower grassland planting

UTM1000	UTM1000	UTM1000	UTM1000
Ref	Date	Description	Drawn

**Client** Surrey County Council

**PROJECT** A320 Corridor Improvements Scheme

**Site** Client

**ARCADIS**

**Registered office:** 2000  
2000  
2000  
2000  
2000

**Contributing office:** 2000  
2000  
2000  
2000  
2000

**TITLE:** Drawing 2 Proposed Habitat Creation Plan Junction 6 Page Number: 1

Drawn	E PROUDLOVE	08/JUL/22	1000
Checked	G STONE	08/JUL/22	1000
Approved	S WALTERS	08/JUL/22	1000

Scale: 1:2,411 Datum: ACD  
Original Size: A3 Size: C5  
Suitability Code: S2 Project Number: 10041683

Issued for information  
Not to be used for construction

Drawing Number: 10041683-ARC-EGN-ZZ-DR-ZZ-00008 01

Site 1

# Drawing Ref. 10041683-ARC-EGN-ZZ-DR-ZZ-00009

## Proposed Habitat Creation Plan 01 dated 08 July 2022



Page 71



Native Wildflower Grassland	
Emorsgate EM4 Seed Mix - planted at 4g/m <sup>2</sup>	
%	Latin Name
10	Agrostis capillaris
0.1	Angelica sylvestris
2.5	Agrimonia eupatoria
2	Anthoxanthum odoratum
1.5	Betonica officinalis
5	Briza media
2	Carex flacca
3	Centaurea nigra
35	Cynosurus cristatus
1.5	Filipendula ulmaria
24	Festuca rubra
0.2	Leontodon hispidus
2	Leucanthemum vulgare
0.5	Lotus corniculatus
1	Malva moschata
2.5	Plantago lanceolata
2	Poa pratensis
0.2	Primula veris
1	Prunella vulgaris
0.5	Ranunculus acris
0.5	Silvaum silbus
3	Vicia cracca

Seeded with an additional 1g/m<sup>2</sup> of Rhinanthus minor

**NOTES:**

- Site\_access
- Access\_Route
- 2000 Compensation for loss at Junction 6
- Proposed native wildflower grassland planting

Rev	Date	Description	Drawn	Check	Apprv
01	06/07/22	INITIAL ISSUE			

**Client** Surrey County Council

**PROJECT** A320 Corridor Improvements Scheme

**Site** A32  
**Client** Surrey County Council  
Surrey County Council  
11 Croydon Hill  
Croydon  
Surrey  
CR9 3BP

**ARCADIS**

Registered office: 100 City Road, London, EC2Y 5DP  
Co-ordinating office: 2 Stone Walk, Temple Quay, Bristol, BS2 0PH  
www.arcadis.com

**TITLE:** Drawing 2 Proposed Habitat Creation Plan Junction 6  
Page Number: 2

Drawn	E.PROUDLOVE	06/07/22	10041683
Checked	G.STONE	06/07/22	10041683
Approved	S.WALTERS	06/07/22	10041683
Scale	1:1,295	Details	A0D
Original Size	A3	Grid	OS
Sustainability Code	B2	Project Number	10041683

Issued for information  
Not to be used for construction

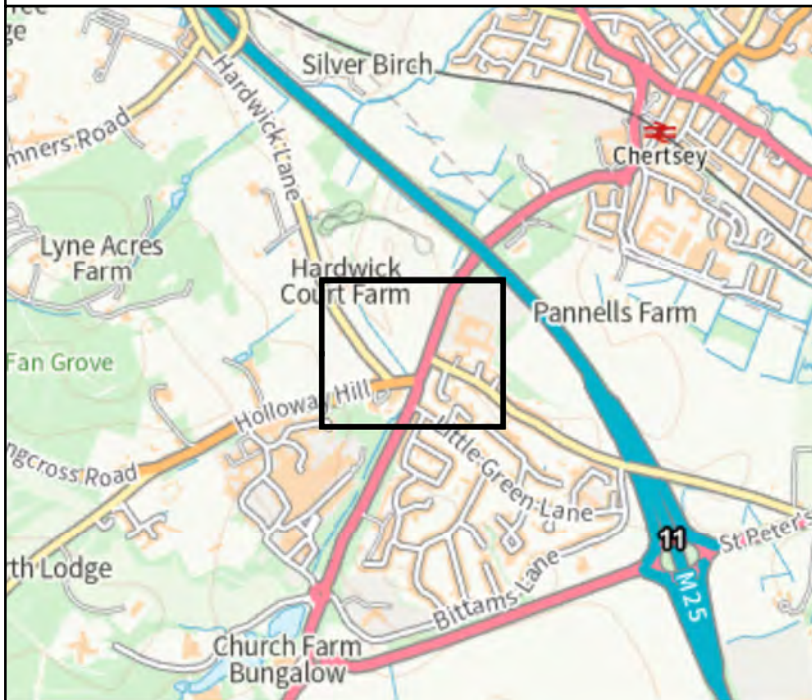
Drawing Number: 10041683-ARC-EGN-ZZ-DR-ZZ-00009 01

Site 2

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Site Location: **A320 Road Guildford Road junction, Chertsey, Surrey**



Highway improvements including a new roundabout, junction, access, pedestrian/cycle connections and crossings; including landscaping and associated infrastructure and engineering works.

Application numbers:

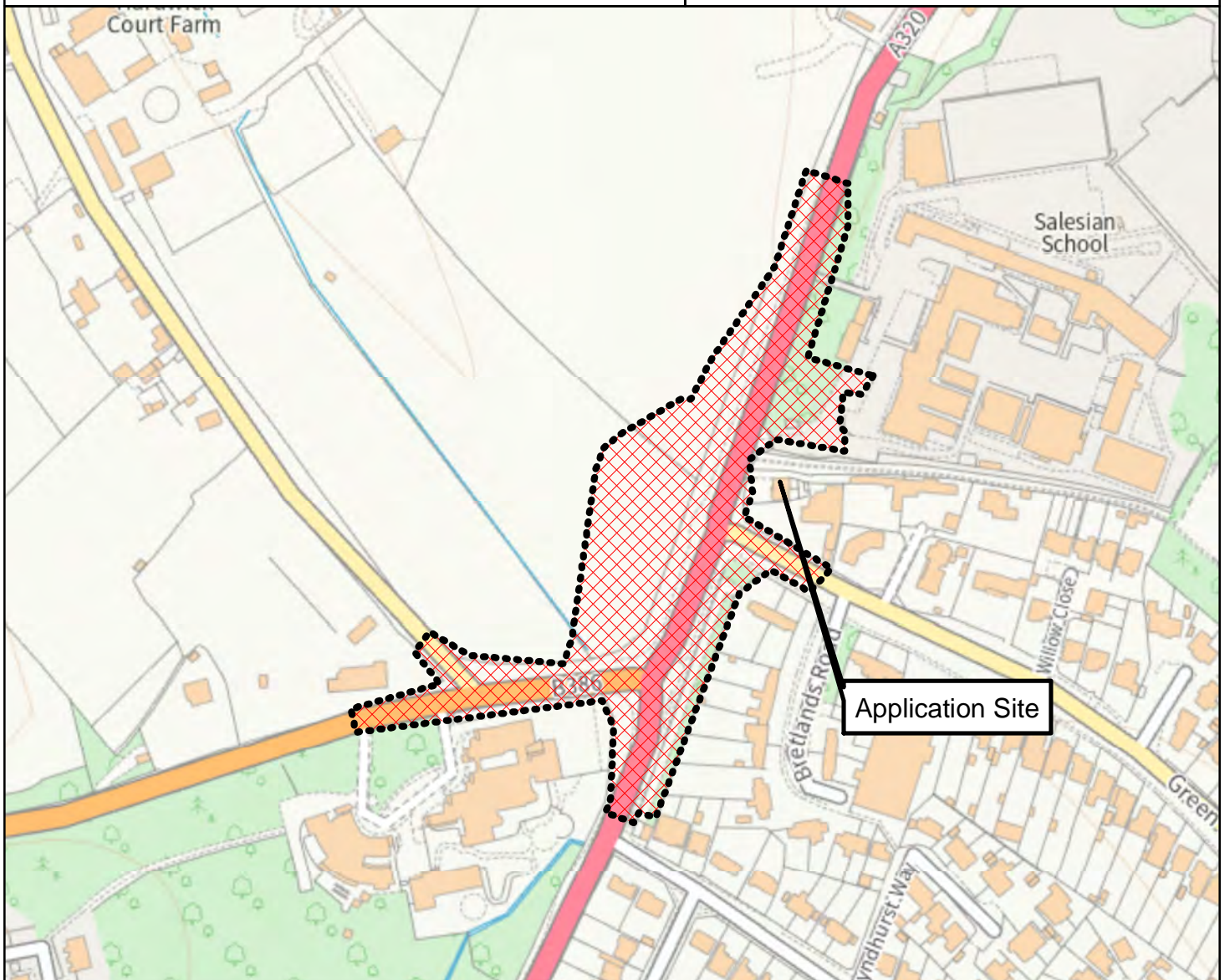
RU.21/1521

Electoral divisions:

Foxhills, Thorpe and Virginia Water  
Chertsey

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Note: This plan is for indicative purposes only



Ref No:  
SCC Ref 2021/0126

0 90 180 Metres

Scale: **1:3000**

Printed on: 24/08/2022



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# Aerial 1: Surrounding area



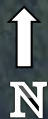




# Aerial 2: Application site



**Application Site Area**



All boundaries are approximate

**To:** Planning & Regulatory Committee

**Date:** 07 June 2023

**By:** Planning Development Manager

**District(s)** Woking Borough Council

**Electoral Division(s):**

**The Byfleets**

**Cllr Amanda Boote**

**Case Officer:**

**Chris Turner**

**Purpose:** For Decision

**Grid Ref:** 506353 160275

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**Title: Surrey County Council Proposal WO/2022/0923**

### **Summary Report**

**Land at the former Manor School, Magdalen Crescent, Byfleet, KT14 7SR**

**Erection of an apartment block comprising 6 x 1 bed self-contained flats and two 5 bed townhouses for supported independent living, and associated bin stores, cycle stores and hard and soft landscaping.**

The proposal is for the erection of one block of flats comprising six, one-bedroomed flats and a pair of two, five bedroomed town houses. The block of flats will be two storeys in height and would be located towards the northern section of the site. The block would measure approximately 28m in width by 20m in depth. It would have a height of 8.6m. Balconies would be located on the northern and southern elevations at first floor level. The town houses would be located towards the south of the site. These would measure approximately 20m in depth by 8.5m in width. They would have a height of approximately 11.5m. There is an amenity area proposed on the north east part of the site and a turning area is also proposed to the east of the town houses. The access for the site would be from the existing access onto Magdalen Crescent. Parking would be provided on the northern side of the access road running through the site. Six parking spaces are proposed for the site. Adjacent to this parking area would be the bin stores for the flats and cycle stores. Bin stores for the town houses are located to the front of the town houses within the site.

The application site is located within the developed area of Woking. The proposal is considered to accord with the development plan and there has been no harm identified from the proposed application.

There have been 8 letters of objection received on the application and the Borough Council has objected to the proposal on design grounds. No objections have been received from other consultees but several conditions have been recommended by consultees.

The proposal would provide affordable housing within a sustainable location as such it is recommended for approval subject to conditions.

**The recommendation is Approve Subject to Conditions**

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## Application details

### Applicant

SCC Property

### Date application valid

5 August 2022

### Period for Determination

16 June 2023

### Amending Documents

Hydraulic Connectivity Testing dated 16/12/22

Run-off Calculations dated 14/02/23

Surface Water Strategy PE02-5585-CA-C-70001

Drainage Maintenance Plan dated 08/12/2022

Amended Landscape Plan PE02-5585-DR-L-00004- C02

Amended Planting Palette PE02-5585-DR-L-00007-C02

Manor School Site Logistics Plan Rev 2

Surface Water Drainage + Foul Water Layout PE02-5585-DR-C-70001 P2

Surface Water and Foul Water Schedule PE02-5585-DR-C-70002 P2

Greenfield Runoff Calculations PE02-5585-CA-C

Flow Exceedance Plan PE02-5585-DR-CE-C00002-C01

Atkins Response to Drainage – Letter – Dated 08/12/2022

Pavement Standard Details dated 14 March 2022

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### 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.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Principle of Development	Yes	24-25
Need for Development	Yes	26-35
Housing Land Supply	Yes	36-37
Housing Mix and Density	Yes	38-42
Affordable Housing	Yes	43-46
Thames Basin Heath	Yes	47-56
Biodiversity	Yes	57-63
Impact on Residential Amenity	Yes	64-90
Impact on Character	Yes	91-102

Sustainable Location	Yes	103-105
Highway, Access and Parking	Yes	106-110
Landscape and Trees	Yes	111-115
Drainage	Yes	116-119
Heritage	Yes	120-130
Standard of Accommodation	Yes	131-139
Waste and Refuse	Yes	140-144

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**Illustrative material**

Site Plan

Site Plan PEO2-5585-DR-A-90103 Rev C01

Aerial Photographs

Aerial 1 – Surrounding Area

Aerial 2 – Application Site

Aerial 3 – School Boundary

Site Photographs

Photo 1 - Looking South West

Photo 2 - Looking North West from Magdalen Crescent Junction

Photo 3 - Looking West along Magdalen Crescent

Photo 4 - Looking towards the site from Magdalen Crescent

Photo 5 - View within site towards no.17

Photo 6 - Relationship of site with no. 32

Photo 7 - View within site towards St Marys Church

Photo 8 - View within site looking west

Photo 9 - View within site looking south west

Photo 10 - Looking east towards neighbour at no. 32

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**Background**

**Site Description**

1. The application site is located to the west of Magdalen Crescent and to the north of Sanway Road. The application site was formerly a primary school however this has been demolished and the site has been cleared. On the southern, eastern and western boundaries there are high hedges, the northern boundary is more treed. Residential properties are located to the north east, east and south of the site. To the north west of the site is St Mary’s Church which is a Grade I Listed Building and graveyards are located to the west and to the north of the site.



## Planning History

WO/2018/0029	Prior Approval for Demolition of vacant school building	Granted 8 <sup>th</sup> February 2018
--------------	---	---------------------------------------

8

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### The proposal

2. The proposal is for the erection of one block of flats comprising six, one-bedroomed flats and a pair of two, five bedroomed town houses.
3. The block of flats will be two storeys in height and would be located towards the northern section of the site. The block would measure approximately 28m in width by 20m in depth. It would have a height of 8.6m. Balconies would be located on the northern and southern elevations at first floor level.
4. The town houses would be located towards the south of the site. These would measure approximately 20m in depth by 8.5m in width. They would have a height of approximately 11.5m.
5. There is an amenity area proposed on the north east part of the site and a turning area is also proposed to the east of the town houses.
6. The access for the site would be from the existing access onto Magdalen Crescent. Parking would be provided on the northern side of the access road running through the site. Six parking spaces are proposed for the site. Adjacent to this parking area would be the bin stores for the flats and cycle stores. Bin stores for the town houses are located to the front of the town houses within the site.

### Consultations and publicity

#### District Council

7. Woking Borough Council – Objects on the grounds of:
  - The layout of the proposal does not address Magdalen Crescent and Sanway Road.
  - There is no explanation of the layout of the scheme or local link or justification for the scheme.
  - The design, height and use of materials does not relate to the character of the immediate area.
  - In relation to neighbouring amenity no objection was raised.
  - WBC also noted that the proposal would not accord with the Parking Standards SPD.

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

8. Arboriculturalist – No objection subject to conditions
9. Archaeological Officer - No objection subject to a pre-commencement condition.
10. Historic/Listed Buildings – No objection.
11. Landscape - No objection subject to conditions



12. Natural England - No objection
13. Rights of Way - No comment to make.
14. SUDS & Consenting Team – No objection subject to conditions
15. Surrey Wildlife Trust/ County ecologist – No objection subject to conditions
16. Thames Water – No comments to make
17. Transport Development Planning - No objection subject to conditions
18. Woking Environmental Health officer – No objection

Summary of publicity undertaken and key issues raised by public

19. The application was publicised by the posting of 3 site notices and an advert was placed in the local newspaper. A total of 108. of owner/occupiers of neighbouring properties were directly notified by letter.

There were 8 letters of objection received objecting on the grounds of:

- The building heights of the proposed development are too high
- The design of the buildings is out of keeping with the existing buildings
- Access should be taken from Sanway Road not the existing access.
- Development will have more traffic than the existing proposal.
- Consideration needs to be given for the wildlife on the site.
- There is a tree protection on the entirety of the site.
- The hedge earmarked for removal is not on the site.
- The boundary line is inaccurate.
- The land was gifted to the children of Sanway
- The site has been vacant for a number of years and the residents have got used to this
- Site entrance is in an awkward position relative to the road.
- The proposal will cause construction traffic/ disruption.
- The parking proposed appears to be inadequate.
- Parking will overspill onto surrounding roads.
- The proposal would dominate the views of Magdalen Crescent from the surrounding area.
- The buildings are much taller than the surrounding buildings.
- The existing boundary treatment is not good.
- The scale of the buildings is not in keeping with the existing area.
- The proposal will result in trees being removed.
- The site needs to be properly managed to prevent a lack of integration with the surrounding neighbours.
- Concerned with overlooking.
- Building at the rear of the site should be moved to reduce impact on neighbours.
- Overlooking
- Traffic volume.

*Officer Comment:*

*In relation to boundary disputes, this is a civil matter and is not a material planning consideration. The County Planning Authority is satisfied the correct certificate has been served with the planning application.*

*In relation to the land being gifted to the children of Sanway – This is a civil matter and is not a material planning consideration.*

There was a letter of support supporting the application on the grounds of:

- Appropriate independent living accommodation is essential for disabled people.

## 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 Surrey Waste Plan 2008, Woking Core Strategy 2012, Woking Development Management Policies Development Plan Document (DPD) 2016, Parking Standards SPD 2018, Outlook, Amenity, Privacy and Daylight SPD 2022, Design SPD 2015, Thames Basin Heath Avoidance Strategy 2022.
22. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
23. 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: Principle of development, lawful use of the site, housing land supply, housing mix, sustainable location, impact on the SPA, standard of accommodation, biodiversity, design and visual amenity, landscape and trees, impact on residential amenity, highways, access and parking, waste and refuse and drainage.

### **PRINCIPLE OF DEVELOPMENT**

#### **Woking Core Strategy 2012**

##### CS1 – Spatial Strategy

24. The site is located within the developed area of Woking. Policy CS1 of the Woking Core Strategy 2012 states that most new development will be directed towards previously developed land in the town, district and local centres which offers the best access to shops and services.
25. The site is located on a previously developed site and therefore the principle of development is acceptable subject to the impact on residential and visual amenity.

### **NEED FOR THE DEVELOPMENT**

#### **Woking Core Strategy 2012**

##### CS19 – Social and Community Infrastructure

26. Policy CS19 of the Woking Core Strategy 2012 states that the 'The loss of existing social and community facilities or sites will be resisted unless the Council is satisfied that:
- There is no identified need for the facility for its original purpose and that it is not viable for any other social or community use,
  - or adequate alternative facilities will be provided in a location with equal (or greater) accessibility for the community it is intended to serve
  - there is no requirement from any other public service provider for an alternative social or community facility that could be met through change of use or

redevelopment.

27. The introductory paragraph to Policy CS19 includes supported accommodation within the list of uses that fall under *social and community infrastructure*.
28. The proposal is for 6 x 1 self contained flats and 2 x 5 bed town houses for supported independent living. The submitted Planning Statement advises that the school closed as a result of declining demand and remaining pupils were moved. The accommodation would be for individuals with a learning disability or autism.
29. In the submitted 'Statement of Need' the applicant explains that: "National benchmarking indicates that insufficient accommodation provision exists for individuals with a learning disability and/or autism; and SCC funds a higher percentage of people in residential care than most similar authorities. A much lower percentage of this population are supported to live in their own home. JSNA data indicates that, across England, on average 76.2% of adults with a learning disability and/or autism are supported to live in their own home; Surrey's average is 65.8%.
30. National guidance and best practice strongly advocate a move towards enabling individuals with a learning disability and/or autism to have more choice and control over their lives and to be able to live in their own home in the community rather than in an institutional setting.
31. The National Disability Strategy was updated in July 2021 following extensive consultation with people and their families, this highlighted the need for a greater level of affordable and accessible housing across the UK. Similarly, SCC and NHS Surrey Heartlands consulted with stakeholders and published the All-Age Autism Strategy 2021-2026 in 2021. This also highlighted key issues in relation to accommodation provision such as a lack of suitable housing options and affordability.
32. SCC Cabinet approved the *Transformation of Accommodation-based Care and Support for Working Age Adults: Delivering Supported Independent Living Options report* in November 2020. The November paper outlined SCC's ambition to deliver an additional 500 units of accommodation by 2030 in support of its strategic aim to reduce the number of people with a learning disability and/or autism in residential care by 40-50% over the next five years. Circa 22% of the additional capacity is forecast to be delivered by redeveloping SCC-owned sites or through site acquisition.
33. The Community Vision for Surrey Document 2030 also sets out that "*By 2030, Surrey will be a uniquely special place where everyone has a great start to life, people live healthy and fulfilling lives, are enabled to achieve their full potential and contribute to their community, and no one is left behind.*" One of the underpinning principles is that "Everyone has a place they can call home, with appropriate housing for all". The development of supported independent living accommodation is central to this Vision being realised for working age adults in Surrey who are eligible for accommodation with care and support.
34. Adult Social Care has identified the borough of Woking as an area of need for affordable provision of Supported Independent Living. SCC data shows that there are people with a learning disability and/or autism placed in residential care in the borough who may be suitable to move into supported independent living. Alongside this there are young people coming through Transition to ASC who will

require some form of accommodation in the short to medium term. Total demand over the next 5 years is estimated to be in the region of between 51 to 75 units”.

35. The proposal would provide an alternative social or community facility in an accessible location and would assist in meeting a demonstrated need. It is therefore considered to be in accordance with Policy CS19 of the Woking Core Strategy 2012.

## ***HOUSING LAND SUPPLY***

### **Woking Core Strategy 2012**

#### **CS10 – Housing Provision and Distribution**

36. CS10 of the Woking Core Strategy 2012 states that the Council will make provision for at least 4964 net additional dwellings in the Borough between 2010 and 2027. The Council’s Five Year Housing Land Supply Position Statement 2019 sets out the Councils current housing land supply position.
37. According to this statement Woking Borough Council currently has a housing land supply of 10 years as such, the provisions of paragraph 11d) of the NPPF Framework are not triggered.

## ***HOUSING MIX AND DENSITY***

### **Woking Core Strategy 2012**

#### **CS11- Housing Mix**

38. Policy CS11 of the Woking Core Strategy 2012 states that all proposals will be expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities.
39. The West Surrey Strategic Housing Market Assessment 2015 analysis sets out that an appropriate mix for housing in this HMA area would be:

1-bed properties: 40%  
2-bed properties: 30%  
3-bed properties: 25%  
4-bed properties: 5%

40. The proposal would provide a housing mix of:

1-bed properties: 75%  
5- bed properties: 25%

41. Whilst the proposal would not strictly accord with this mix, it is not considered that the proposed mix would cause sufficient harm so as to recommend refusal on this basis. Furthermore, the proposal would provide predominantly 1 bed properties, this is the most required housing type in accordance with the HMA.
42. The site, as per the planning application form is 0.44 hectares and the proposal would provide 8 dwellings. This would provide a density of 18dph. The Woking Core Strategy generally advises that densities should be informed by the local area, however it does set out some targets for densities in particular localities. The closest locality to this site is the West Byfleet District Centre whereby the Borough Council seeks a density of between 50-100 dph. The proposal would fall short of this requirement, however, the proposal seeks to provide specialist

supported living accommodation and therefore the density proposed is intended to address the specific needs of its residents. Therefore the proposed density is considered to be acceptable and would maintain an open feel to the site.

### ***Affordable Housing***

#### **Woking Core Strategy 2012**

##### **CS12 – Affordable Housing**

43. Policy CS11 of the Woking Core Strategy 2012 states that all proposals will be expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities.
44. Policy CS12 of the Woking Core Strategy seeks to ensure that all new residential development on previously developed land contributes towards the provision of affordable housing.
45. In support of the Planning Application, the applicant has submitted an Affordable Housing Statement. The Statement sets out that whilst the proposed housing would provide accommodation for residents with disabilities, defined as accommodation with care and support in the form of supported independent living, the rents will be affordable for all tenants as they will be set at a level which can be funded by Housing Benefit; thus the homes will qualify as affordable housing.
46. As the proposal would be 100% affordable housing, the proposal would meet the needs of Policy CS12 of the Woking Core Strategy.

### ***THAMES BASIN HEATHS SPECIAL PROTECTION AREA***

#### **Woking Core Strategy**

##### **CS8 – Thames Basin Heaths Special Protection Areas**

#### **Woking Thames Basin Heaths Avoidance Strategy**

##### **South East Plan 2009**

##### **Saved Policy - NRM6 - Thames Basin Heaths Special Protection Area**

47. CS8 of the Woking Core Strategy 2012 states that new residential development which is likely to have significant effect on its purpose and integrity will be required to demonstrate that adequate mitigation measures are put in place to avoid any potential adverse effects. The Policy requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBHSPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and landowner payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is collected outside of CIL.
48. The Woking Thames Basin Heaths Avoidance Strategy provides guidance for the avoidance and mitigation measures that are in place to prevent the impacts of residential development on the Thames Basins Heaths (TBH) Special Protection Areas (SPA).

49. Saved Policy NRM6 of the South East Plan 2009 is a saved policy. This sets out the principle of the protection of the Thames Basin Heaths SPA in the South East.
50. The site is located within the Thames Basin Heath SPA Buffer Zone. In March 2005, the Thames Basin Heaths Special Protection Area (SPA) was classified under the EC Birds Directive. It includes areas of heathland across Surrey, Hampshire and Berkshire, covering 11 different local authorities, including Woking. The sites in Woking Borough are parts of Horsell Common, Sheets Heath and Brookwood Heath.
51. Natural England has demonstrated that the new population arising from housing developments at a distance of up to 5km from this SPA can cause significant disturbance to the breeding success of these rare bird populations, due to the impact of residents recreational activities, particularly walking and walking with dogs. As a result, all housing developments within 5km of the SPA will now be subject to stringent tests and impact assessments.
52. Natural England have been consulted on the proposal, they advised that an appropriate assessment is completed for the proposed development. The Council's Principal Environmental Assessment Officer has completed an appropriate assessment and advises that there would be no significant affects, alone or in combination from the proposal on the SPA.
53. As the proposal is Council owned, with limited parking and intending to serve those in need of additional social care, it would be highly unlikely that the proposed residents would be mobile enough to access the SPA nor would it be likely that they would be owners of dogs requiring walking.
54. The County is satisfied the proposed development would fall under the definition of affordable housing. In accordance with the Woking Thames Basin Heaths Avoidance Strategy, affordable housing is exempt from contributions towards SANG provision. However, the applicant would still be responsible for SAMM payments for the SAMM project which involves a wardening scheme, which monitors and manages access to the SPAs and encourages people to use the Suitable Alternative Natural Green Space SANG (avoidance/mitigation land) rather than Special Protection Areas. SAMM funds are collected and paid directly to Hampshire County Council who act as treasurer of all the SAMM funds from all the TBH local authorities.
55. The applicant acknowledges this payment within their planning statement and a condition is therefore required as part of this planning permission should permission be granted to ensure that the appropriate contribution to the SAMM Project is paid.
56. As the proposal is accompanied by an appropriate assessment which has identified that there are no significant affects by the proposal and as the occupants are unlikely to have pets or be mobile enough to access the SPA, and the proposal will pay an appropriate contribution to the SAMM, the proposal is considered to accord with Policy CS8 of the Core Strategy.

## ***IMPACT ON BIODIVERSITY***

### **Woking Core Strategy**

#### **CS7 – Biodiversity and Nature Conservation**



- 57. CS7 of the Woking Core Strategy 2012 states that development proposals will be required to contribute to the enhancement of existing biodiversity. Any development that will be anticipated to have a potentially harmful effect or lead to a loss of features of interest for biodiversity will be refused.
- 58. In support of the application, the applicant has submitted a Preliminary Ecological Appraisal and Biodiversity Net Gain, Multispecies Ecology Report and a Preliminary Ecological Appraisal and Bat Preliminary Roost Assessment. Prior to March 2023, as the Council's Ecological advisor, Surrey Wildlife Trust have been consulted on the proposal.
- 59. Surrey Wildlife Trust have reviewed the submitted documentation. They raise no objection to the proposal, however, they note that the biodiversity net gain metric indicates that there would be a 59.15% loss for habitats and a net gain of 51.48% for hedgerow units. Overall this would result in a net loss of biodiversity gain.
- 60. Paragraph 80 of the NPPF states that when determining planning applications opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 61. It is clear from the metric that the proposal would provide enhancements to the site especially in the hedgerow units and although there is a loss of habitat units, it should be noted that the site would provide significant gains for hedgerows (51.48%). Furthermore, it should be noted that the site was previously a primary school where the site featured a school playing area and buildings which would have scored lower on the biodiversity metric.
- 62. A number of other ecological enhancements can be included within the application, such as bird boxes, bat boxes, hedgehog 'highways' and invertebrate features. These enhancements will be secured via a Biodiversity Enhancement and Habitat Management Plan as part of a pre-commencement condition.
- 63. Taking the above into account, the proposal will result in an enhancement of the hedgerow habitat on the site and provide enhancements for birds, bats and other species. The proposal is considered to enhance biodiversity on the site and will therefore accord with Policy CS7 of the Local Plan 2012.

### **IMPACT ON RESIDENTIAL AMENITY**

#### **Woking SPD**

##### **Outlook, Amenity, Privacy and Daylight SPD**

- 64. The Woking Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (SPD) provides guidelines for assessing the impact of proposals on amenity of surrounding neighbours.
- 65. The site is located within the residential area. To the north east, east and south there are residential dwelling surrounding the site. To the south and west there are no residential dwellings which sit adjacent to the boundary to the site.

##### 32 Magdalen Crescent

- 66. The closest residential neighbour is located at no. 32 Magdalen Crescent which is located immediately east of the site, the shared boundary with this property



runs along the eastern boundary of the site.

67. Immediately adjacent to this site an outdoor play area is proposed. Beyond this would be the proposed apartment block which measures 20m from the east elevation to the eastern boundary.
68. The primary windows of no. 32 serving the habitable rooms are located on the front and rear of the building at first floor level. There are no windows at first floor level which face towards the site. Figure 3 of the Outlook, Amenity, Privacy and Daylight SPD advises that an appropriate separation distance to guard against harm to the outlook of a dwelling is to ensure the height of the proposed structure is not greater than the separation distance. The proposed building would measure 8.4m, and the separation distance would be 20m. The proposed apartment block would not therefore lead to a harmful loss of outlook, to this neighbour and owing to the separation distance would not have an overbearing impact or harmful loss of light to this neighbour.
69. On the apartment building windows are proposed on the first floor level looking east and balconies are proposed on the northern elevations. The windows serving the flat in the north east corner of the apartment building would serve the bedroom and lounge area and would be located on the east elevation. The Outlook, Amenity, Privacy and Daylight SPD generally advises a separation distance of 20m from elevation to elevation of adjoining neighbours to prevent a loss of privacy. Due to the separation distance from these windows to the neighbour at no. 32 and the balcony to this neighbour it is not considered that the proposal would result in a harmful loss of privacy to this neighbour.
70. In relation to the proposed town houses, these are well separated from this neighbour, measuring approximately 50m from the shared boundary from the eastern elevation of these dwellings and there would be no impact on the residential amenity of this neighbour. Therefore, the proposal would not be considered harmful this neighbour by way of loss of light, overbearing impact, loss of outlook or privacy.

#### 5 and 6 Magdalen Close

71. 5 and 6 Magdalen Close are located to the north east of the proposal site. Part of the northern boundary of the site, is shared with no. 5. The closest part of the proposal to these neighbours is the proposed apartment block. The proposed apartment block measures approximately 7m from the northern boundary, however, the apartment block is set in from the eastern boundary by 20m. Therefore, the views directly from the rear of the first floor apartment are not directly in line with the rear of no. 5. Whilst there are balconies proposed on the northern elevations, which would measure approximately 5.25m to the northern boundary, these balconies would not directly overlook the rear elevation of no. 5 which would be at an obtuse angle to the proposed building and would not overlook the amenity area of no. 6. The amenity area serving no. 5 measures approximately 17m in length and therefore, views of the amenity area from the proposed balcony would be limited to the far end of the garden and not primary amenity space to the immediate rear of the dwelling. Furthermore, the Outlook, Amenity, Privacy and Daylight SPD advises that separation distances may be relaxed whereby there is a change in the orientation to the neighbouring properties, i.e they are not directly facing, as is the case in this situation. In relation to privacy, the proposal would therefore not result in a materially harmful

impact on the residential amenity of these dwellings.

72. In relation to overbearing impact, the proposed building would be well separated from the rear of this dwelling and would be set back from the boundary by 7m. As such the proposal would not result in an overbearing impact to these dwellings.
73. The Outlook, Amenity, Privacy and Daylight SPD advises that in regards to loss of light a line should be drawn at 25 degrees from the centre of the lowest affected windows and should not be intercepted. No. 5 Magdalen Crescent is orientated so the rear of the dwelling faces directly south. As the proposal is over 20m away and to the south west of this dwelling, the rear windows of this dwelling will be unaffected by the proposed apartment buildings.
74. In relation to the proposed town houses, these would measure approximately 60m from these neighbouring dwellings and therefore would not result in a materially harmful impact on these neighbours.
75. In relation to no. 5 and 6 Magdalen Close, Officers are satisfied the proposal would not result in a materially harmful impact to the residential amenity of this neighbour by way of loss of light, overbearing impact, loss of outlook or privacy.

#### 17,19,21,23,27 Magdalen Crescent

76. These dwellings are located to the east of the proposal site on the eastern side of Magdalen Crescent. The closest building proposed as part of the proposal in relation to these dwellings is the proposed apartment blocks which measure approximately 44m from no. 17. The proposed apartment buildings would measure approximately 54m from these dwellings. These separation distances are considered to be significant and these elements of the proposal would be unlikely to result in a materially harmful impact on the residential amenity of these neighbours.
77. The proposal is designed to use the existing access to the site, which would be opposite to no. 17. As this is the existing access to the site and owing to the limited number of vehicles on the site, it is unlikely that the proposal would result in a more harmful impact on the residential amenity of this neighbour through the use of this access during the operation of the development.
78. It is therefore considered that the proposal, owing to the separation distances to these dwellings would not result in an unacceptable impact on the residential amenity of these neighbours by way of overbearing impact, harmful loss of light, outlook or privacy.
79. Whilst the south eastern corner of the development is proposed for future development, the proposed impact on the neighbours of this element of the proposal cannot be considered in the life of this application, which only seeks to keep the area clear.

#### No. 1 Sanway Close

80. This dwelling is located to the south of the proposal site. It comprises a three bedroomed two storey dwelling. The dwelling has been extended to form an additional bedroom on the rear on the second storey.

81. The closest part of the proposed development to this dwelling is the proposed town houses. These would measure approximately 30m from the rear elevation to the boundary of this property.
82. The Outlook, Amenity, Privacy and Daylight SPD generally advises a separation distance of 20m from elevation to elevation of adjoining neighbours to prevent a loss of privacy. It is noted that this neighbouring dwelling features a window serving the bedroom at first floor level which faces towards to the development site and is the only window serving this bedroom. Based on the submitted block plan as part of this application, the proposal would measure 34m from the first floor terrace of the proposed town house. This separation distance is considered sufficient that there would not be a loss of privacy to this dwelling.
83. The separation distance is also considered to sufficient that the proposal would not result in a materially harmful loss of outlook or light and the proposal would not result in an overbearing impact on this neighbour.
84. The proposed apartment blocks are set well back from this neighbour to the rear of the town houses and therefore, would no result in any harm to the residential amenity of this neighbour.
85. In relation to no. 1 Sanway Close , Officers are satisfied the proposal would not result in a materially harmful impact to the residential amenity of this neighbour by way of loss of light, overbearing impact, loss of outlook or privacy.

Kendor, Sanway road and no. 2b Sanway Road.

86. These dwellings are a pair of semi-detached dwellings to the south of the site. They sit below the part of the site which is to remain undeveloped as part of this planning application.
87. The proposed apartment blocks are well separated from these dwellings as such there would be no material harm to the residential amenity of these dwellings from this part of the proposal.
88. The proposed town houses would be located 45m from the front elevation of these dwellings. Furthermore, the proposed town houses would be sited to the north west of these proposed dwellings and therefore views from the rear of the proposed town houses towards these dwellings are not direct. Therefore, it is not considered that the proposed development would result in material harm to the residential amenity of these dwellings by way of overbearing impact, harmful loss of light, outlook or overbearing impact.
89. In relation to other surrounding dwellings, the proposal is considered to be adequately separated and would not result in material harm to the residential amenity of these neighbours.
90. The proposal has been considered against the guidance of the Outlook, Amenity, Privacy and Daylight SPD and officers are satisfied that the proposal would not result in a harmful impact on the residential amenity of any surrounding neighbours. Woking Borough Council in their response to the proposal concluded the same in relation to residential amenity.

## **IMPACT ON CHARACTER**

### **Woking Core Strategy**

#### **CS21 - Design**

91. Policy CS21 of the Woking Core Strategy 2012 requires development proposals to 'respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
92. The site is located on the western side of Magdalen Crescent and to the north of Sanway Road. To the north and west of the site is the graveyard serving St Mary's Church. To the north east, east and south of the site are inter-war and post-war two storey dwellings, constructed of brick, with red hanging tiles on the front and tiled roofs. These dwellings are primarily semi-detached dwellings.
93. The planning application proposes the erection of an apartment block comprising 6 x 1 bed self contained flats and two 5 bed roomed town houses with bin stores, cycle stores and hard and soft landscaping. It is proposed that the buildings will be constructed of redbrick with pitched roofs.
94. The streetscene on the northern side of Magdalen Crescent comprises two storey semi detached dwellings. These dwellings are all identical in style with pitched roofs which have flat roof elements to the front and in most cases flat roof garages which adjoin to the dwellings. The dwellings are generally set back from the highway by approximately 8m and there is a mix of gardens and additional parking which separates the dwellings from the highway.
95. The apartment blocks located within the northern part of the application site are generally in line with these dwellings on Magdalen Crescent. As the apartment block is bigger than the semidetached dwellings, there is less space between the northern elevation of the apartment block and the northern boundary. The proposed apartment blocks do not front onto the existing highway but it would be set back from the internal access route by approximately 7m, so generally reflects the set back of the surrounding dwellings.
96. It is acknowledged that these blocks differ in design to these surrounding dwellings. On their response to the proposal, Woking could not understand the layout of the building which was described as a clover in the Design and Access Statement. However, the buildings respond to the restrictions and best practice guidelines set out within the Care Quality Commission (CQC) guidance 'Registering the right support' and the NHS England plan 'Building the right support' which must be adhered to in relation to the development of supported independent living accommodation.
97. Critical to these guidelines is the requirement to ensure that such accommodation developments are small scale and domestic in nature and do not take on the look or feel of a campus.
98. The apartments feature pitched roofs which whilst adding to the overall height of the buildings, it takes inspiration from the existing residential dwellings discussed above. On the eastern part of the site, between the proposed apartment and no. 32 it is proposed that landscaping/play area is located in this part of the site. The apartment building measures approximately 24m from the eastern elevation to

the western elevation of no. 32. At ground floor level, this separation distance would not be visible from the streetscene because of landscaping proposed on the boundaries, however at first floor level and above, the proposed building would be seen to be visually separate from the buildings on Magdalen Crescent. This separation would distinguish the buildings from the existing streetscene and therefore would not form a direct part of the streetscene. The existing buildings along Magdalen Crescent are not considered to comprise any particular architectural merit which warrants replicating on this site. The proposed apartments, whilst larger in scale and height, have been designed for the needs of a particular form of housing and would not significantly detract from the existing streetscene.

99. The proposed Town Houses are located on the southern side of the site. They would be of a similar design to the apartment building, constructed of brick and featuring pitched roofs. The rear of the buildings would face south towards Sanway Road. The proposed site would feature landscaping on the southern boundary. It is noted that in the district response to the proposal they considered the design of these buildings and the lack of active frontages (driveways, entrances etc) to be detrimental to the character of the area. However, the existing site has hedging on the southern boundary and when the school was active, the site never featured any major entrances on this southern boundary. Furthermore, when the existing streetscene is considered in this location, until the junction where Magdalen Crescent meets Sanway Road, the houses on the southern side of Sanway Road do not have active frontages to Sanway Road. Officers therefore do not consider it harmful to the existing street scene if these buildings do not front onto Sanway Road.
100. The town houses would measure approximately 11m in ridge height. The buildings on Magdalen Crescent and Sanway Road typically measure closer to 6m in height to the ridge. These proposed town houses would therefore, be larger than the buildings on the surrounding roads. Woking Borough Council's response to the proposal is that, the height of the proposed buildings does not suit typical urban design practice, insofar as the buildings are higher than those immediately surrounding the site.
101. However, the proposed town houses would measure approximately 33m from the closest residential dwelling and would be set in from the southern boundary by approximately 13m. Additionally the site presents itself as a corner plot, where there is no immediate built development to the west where the proposal would make immediate comparison. When travelling east to east along Sanway Road, the proposed houses would not be overly dominant or oppressive to the streetscene along Sanway Road.
102. The proposed development would use materials similar to the surrounding area and would provide accommodation designed to meet the purposes of supported independent living accommodation as per best practice guidelines. Whilst it is acknowledged the proposals would be larger than the surrounding residential buildings and would differ in design, the buildings would not be materially harmful to appearance of the area and would not materially harm the appearance or character of the area. Officers consider that the proposal can be considered to accord with Policy CS21 of the Woking Core Strategy 2012.



## **SUSTAINABLE LOCATION**

### **Woking Core Strategy**

#### **CS18 – Transport and Accessibility**

103. CS18 of the Woking Core Strategy 2012 sets out that in order to develop a well integrated community connected by a sustainable transport system, development will be located in the main urban areas served by a range of sustainable transport modes, such as public transport, walking and cycling to minimise the need to travel and distance travelled.
104. The site is located within the developed area of Woking. The site is located immediately adjacent the Sanway Road Bus Stop (Bus Stop ID: suradawj), which has busses approximately every 20 minutes which head into Woking or to Brooklands. Also adjacent to the site is an off licence and approximately 2.4kms away is Parishes Bridge Medical Practice and Madeira Medical which provide GP services. 0.8km to the north is the West Byfleet district centre which has a range of services including a post office and food shop.
105. Based on the proximity to shops and services and location adjacent to existing residential housing, the proposal is considered to be in a sustainable location and not isolated in accordance with Policy CS18 of the Woking Core Strategy 2012.

## **HIGHWAYS, ACCESS AND PARKING**

### **Woking Core Strategy**

#### **CS18 – Transport and Accessibility**

### **Woking SPDs**

#### **Parking Standards SPD**

106. CS18 of the Woking Core Strategy 2012 sets out that in order to develop a well integrated community connected by a sustainable transport system, development will be located in the main urban areas served by a range of sustainable transport modes, such as public transport, walking and cycling to minimise the need to travel and distance travelled.
107. The Woking Parking Standards SPD sets out parking standards for residential development. The proposal would provide 7 spaces including 1 accessible space. These provision of spaces would not comply with the Parking Standards SPD. There would be an under provision of 2 parking spaces.
108. By virtue of the nature of the occupants, car ownership will be low. As such, the shortfall in parking provision is not considered reasonable reason to refuse the application. Furthermore, the proposal would be in a highly sustainable location with access to public transport and shops and services within walking distance of the site.
109. The Transport Development Planning Team have been consulted on the application who have assessed the application on safety, capacity and policy grounds. They have raised no objection subject to conditions to secure electric parking points on the site, widening of the access to the site, secure parking for bicycles and the vehicle spaces to be laid out as per the plans. The applicant has submitted a construction, traffic management plan which has been considered by the Transport Development Management team and is considered to be



acceptable.

110. Subject to the implementation of conditions, the proposal is considered acceptable on highway grounds and would therefore accord with Policy CS18 of the Woking Core Strategy 2012 and the would not prejudice highway safety.

## **LANDSCAPE AND TREES**

### **Woking Core Strategy**

CS24 – Woking’s landscape and townscape

### **Woking Development Management Policies Development Plan Document**

DM2 – Trees and Landscaping

111. CS24 of the Woking Core Strategy states that all development proposals will provide a positive benefit in terms of landscape and townscape character, and local distinctiveness and will have regard to landscape character areas. The policy goes on to say that development will be expected to where possible enhance existing character and enhance landscape features.
112. DM2 of the Woking Development Management Policies Development Plan Document states that when considering development proposals, the Council will make sure that where trees, hedgerows or other landscape features are to be removed, it is justified to the satisfaction of the Council and appropriate replacement planting will be required.
113. In support of the application, the applicant has submitted a hard and soft landscaping plan. The County Landscape Architect has been consulted on the proposals. The landscape architect considers that the proposed soft landscaping plan is of a high quality design and raises no objection to the proposals. They have advised that conditions should be attached should permission be granted to ensure that there is appropriate maintenance of any landscaping installed on the site for a period of 5 years.
114. The proposal will result in the loss of approximately 7 trees from the site to facilitate the development. The Council’s Arboricultural Officer has reviewed the proposals. They note that the trees to be removed are mostly considered to be of a low grade with the exception of one tree and therefore do not raise objection. They consider the replacement tree planting and landscaping adequately mitigates against the loss of this one tree. As per the landscape Officer’s comments the arboricultural officer advises that conditions are attached to any permission to ensure that there is a comprehensive planting/water aftercare plan and that an arboriculturist checks the tree protection measures on the site.
115. Subject to the implementation of these conditions the proposal is considered to provide adequate landscaping and tree planting and therefore is considered to accord with Policy CS24 of the Working Core Strategy 2012 and Policy DM2 of the Woking Development Management Policies Document 2016.

## **DRAINAGE**

### **Woking Core Strategy**

CS9 – Flooding and Water Management

116. Policy CS9 of the Woking Core Strategy 2012 states that the Council will require all significant forms of development to incorporate appropriate sustainable

drainage systems (SUDS).

117. The site is located within Flood Zone 1 and therefore has a low probability of Flooding from rivers and seas.
118. In support of the application the applicant has submitted a Drainage Strategy and on request of the Flood Risk, Planning and Consenting team some additional information on drainage calculations. The Flood Risk, Planning and consenting team have raised no objection to the proposal subject to conditions to ensure that prior to commencement a drainage strategy is submitted with final drainage designs and details.
119. Subject to the implementation of these conditions, the proposal is therefore considered to accord with Policy CS9 of the Woking Core Strategy 2012.

### **HERITAGE/ARCHAEOLOGY**

#### **Woking Development Management Policies Development Plan Document 2016**

##### **DM20 – Heritage Assets and their setting**

120. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
121. DM20 of the Development Management Policies Document 2016 states that a proposal affecting the character, appearance or setting of a heritage asset will be required to show that it would not have an adverse impact on views of or from the heritage asset or of the open spaces, trees or street scene which contributes positively to any asset and its setting. The Policy goes on to say that on sites over 04 hectares an archaeological evaluation and assessment will be required if an archaeological assessment demonstrates the site has archaeological potential.
122. The site is located to the south of the Grade I listed Church of St Mary the Virgin and its associated Grade II listed Cooper Tomb and Shrapnell Tomb.
123. The applicant has provided a detailed heritage statement which identifies the only built heritage assets with the potential to be affected by this scheme are the Grade I listed Church of St Mary the Virgin and its associated Grade II listed Cooper Tomb and Shrapnell Tomb.
124. The significance of the Church of St Mary the Virgin is that it is historically and architecturally significant as a medieval church which has developed from the 13<sup>th</sup> to 19<sup>th</sup> centuries. The building has particularly important work from the 19<sup>th</sup> century associated with church architect Henry Woodyer who designed and altered a high number of Surrey churches during the Victorian period. Both the building's medieval core and its Victorian alterations contribute to its architectural interest which is evident in its Gothic and Neo-Gothic features. The two listed tombs are significant as examples of early 19<sup>th</sup> century funerary monuments associated with important historical figures in the local community.

125. The proposal does not alter the listed building, however in accordance with the NPPF 2021, the impact of the proposal on the setting of the listed buildings should be considered.
126. The churchyard setting of all three of these heritage assets makes a strong contribution to their significance as listed buildings. Historically, this churchyard would have consisted of the area immediately around the church as evident from the existing tree and foliage boundary. There is some indication of the rural origins of the church on this part of the site with only limited views of suburban housing development. As one moves out of this historic curtilage of the church into the churchyard extension there are more prominent views of suburban housing and little indication of the rural origins of the church and its associated tombs. There are key views of the building from Church Road, although again suburban housing is visible from this location.
127. The application is for the redevelopment of a former school site to the south east of the churchyard in a mix of two and three storey buildings. These will not be visible from the church itself or from its historic curtilage comprising of the original part of the churchyard. The dwellings will also not be visible in views of the church from Church Road.
128. The proposal is therefore not considered to affect the setting of the listed building and the County Historic Buildings Officer concurs with this view. The proposal would therefore accord with Policy DM20 of the Development Management Policies Document 2016.
129. The applicant submitted an Archaeological Assessment with the application which has been reviewed by the County Archaeologist. The County Archaeologist confirms that due to past ground disturbance, any surviving archaeological remains will be of negligible significance and there are no archaeological concerns.
130. In relation to archaeology, the proposal is considered to accord with Policy DM20 of the Development Management Policies Document 2016.

### **STANDARD OF ACCOMMODATION**

#### **Woking Development Management Policies Development Plan Document 2016 DM7 – Noise and Light Pollution**

131. Paragraph 130 of the NPPF states that, inter alia, that  
“Planning...decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.
132. Policy DM7 of the Development Management Policies DPD states that  
The Council will require noise generating forms of development or proposals that would affect noise-sensitive uses to be accompanied by a statement detailing potential noise generation levels and any mitigation measures proposed to ensure that all noise is reduced to an acceptable level.
133. The Technical Housing standards – Nationally described space standards 2015 provide a guide for the standard of accommodation for amenity.
134. With regards to the apartment buildings the technical space standards advise that a one bedroom flat, which can accommodate two persons, on one

storey should have a minimum size of 50sqm. All the flats in the apartment block would have a greater floor area than this, all have a good access to light and outlook and all have their own private amenity space.

135. The technical space standards advise that for a five bedroom dwelling for over three storeys with five bedrooms for up to 8 persons the dwelling should have a minimum gross internal floor area of 134sqm. The proposed town houses would vastly exceed this. All bedrooms are served with an appropriate level of light and outlook.
136. The dwellings and apartments have access to private gardens and communal lounges. The upper floors are served with balconies. In addition to this there is amenity space outside of the buildings within the curtilage of the site.
137. The proposals are considered to provide a high standard of accommodation and would accord with paragraph 130 of the NPPF and the technical space standards.
138. In support of the application, the applicant has submitted an Acoustic Design Report which has been reviewed by the Borough Council's Environmental Health Officer. The acoustic design report was submitted to ensure that the proposal would not result in unacceptable living conditions through noise pollution to future residents. The EHO sought further clarification on the ventilation strategies of the proposal. The applicant provided additional information to demonstrate the ventilation strategies. The EHO Officer has raised no objection subject to these ventilation strategies not breaching the requirements of the noise report. The noise report modelled the noise level when ventilation was open for the accommodation and concluded that in worse case scenarios it was not likely to be result in a harmful impact to residents.
139. The proposal is therefore considered to provide an acceptable level of accommodation for future residents, in accordance with Paragraph 130 of the NPPF 2021 and DM7 of the Development Management Policies DPD.

## **WASTE AND REFUSE**

### **Woking Waste and Recycling Provision for New Residential Developments Surrey Waste Plan 2019-2033**

#### **Policy 4 – Sustainable Construction and Waste Management in New Development**

140. Policy 4 of the Surrey Waste Plan 2019-2033 states that planning permission for any development will be granted where it has been demonstrated on-site facilities to manage the waste arising during the operation of the development of an appropriate type and scale have been considered as part of the development.
141. The Woking Waste and Recycling Provision for New Residential Developments guidance sets out the waste requirements for new developments. The proposed development is served by a bin store located central of the site to serve the flats and bin stores are located to the east and west of the town houses to serve these dwellings.
142. The document also sets out the requirements for the collection points for waste and waste vehicle access. The site is served by an internal road of 6m which is of sufficient width for a refuse vehicle to enter the site. There is a turning

point which will allow the refuse vehicle to turn. The highways technical note which has been considered by the County Transport Development Management team states that the site can safely accommodate a refuse vehicle and swept path analysis plans have been provided to demonstrate how a refuse vehicle can enter and turn on the site.

143. The space within the bin stores will be sufficient to accommodate the required bin volumes.

144. The proposal is therefore considered to provide appropriate bin storage for the proposed development and would meet the requirements of the Woking Waste and Recycling Provision for New Residential Developments guidance and would accord with Policy 4 of the Surrey Waste Plan 2019-2033.

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### **Human Rights Implications**

145. 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.

146. Officer's view is that the proposal will have no human rights implications.

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### ***CONCLUSION***

The proposed development would create specialist independent accommodation within the development area of Woking, within a sustainable location.

The proposal would not result in residential harm and would be located within the developed area of Woking. It would provide an adequate standard of accommodation and would provide biodiversity benefits and would not result in a materially harmful impact on the character of the area.

The proposal is therefore recommended for approval.

### ***RECOMMENDATION***

That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. WO/2022/0923 be PERMITTED subject to the following conditions:

**Conditions:**

1. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

PEO22-5585-DR-CE-00002 C01 Flow Exceedance Plan 14 February 2023

PEO2-5585-DR-C-70002 P2 Surface Water and Foul Water Schedule dated 11 March 2022

PEO2-5585-DR-C-70001 P2 Surface Water Drainage and Foul Water Layout dated 11 March 2022

PEO2-5585-DR-C-72001 P1 Pavement Standard Details dated 14 March 2022

PEO2-5585-DR-C-73002 P1 Drainage Standard Details dated 8 March 2022

PEO2-5585-DR-C-73001 P1 Drainage Standard Details dated 8 March 2022

PEO2-5585-DR-C-70003 P1 Drainage Standard Details dated 8 March 2022

PEO2-5585-DR-A-90101 C01 Location Plan dated 1 April 2022

PEO2-5585-DR-A-90102 C01 Location Plan dated 1 April 2022

PEO2-5585-DR-A-90103 C01 Proposed Site Plan dated 1 April 2022

PEO2-5585-DR-A-90104 C01 Proposed Site Roof Plan dated 1 April 2022

PEO2-5585-DR-A-90201 C01 Existing Site Elevations dated 1 April 2022

PEO2-5585-DR-A-90202 C01 Proposed Site Elevations dated 1 April 2022

PEO2-5585-DR-A-90301 C01 Proposed Site Sections dated 1 April 2022

PEO2-5585-DR-A- 90110 C01 Apartment Block - Ground Floor Plan dated 1 April 2022

PEO2-5585-DR-A- 90111 C01 Apartment Block - First Floor Plan dated 1 April 2022

PEO2-5585-DR-A- 90112 C01 Apartment Block - Roof Plan dated 1 April 2022

PEO2-5585-DR-A- 90112 Apartment Block - Roof Plan dated 1 April 2022 C01

PEO2-5585-DR-A- 90113 C01 Townhouses - Ground Floor Plan dated 1 April 2022

PEO2-5585-DR-A- 90114 C01 Townhouses - First Floor Plan dated 1 April 2022

PEO2-5585-DR-A- 90115 C01 Townhouses - Second Floor Plan dated 1 April 2022

PEO2-5585-DR-A- 90116 C01 Townhouses - Roof Plan dated 1 April 2022

PEO2-5585-DR-A- 90210 C01 Apartment Block - Elevations (1of2) dated 1 April 2022



PEO2-5585-DR-A- 90211 C01 Apartment Block - Elevations (2of2) dated 1 April 2022

PEO2-5585-DR-A- 90212 C01 Townhouses - Elevations (1 of 2) dated 1 April 2022

PEO2-5585-DR-A- 90213 C01 Townhouses - Elevations (2 of 2) dated 1 April 2022

PEO2-5585-DR-A- 90310 C01 Apartment Block - Sections dated 1 April 2022

PEO2-5585-DR-A- 90311 C01 Townhouses - Sections dated 1 April 2022

PEO2-5585-DR-A-90312 C01 Apartment Block - Main Entrance Bay Study dated 1 April 2022

PEO2-5585-DR-A-90313 C01 Apartment Block - Typical Balcony Bay Study dated 1 April 2022

PEO2-5585-DR-A-90314 C01 Apartment Block - Perforated Wall Bay Study dated 1 April 2022

PEO2-5585-DR-A-90315 C01 Townhouses - Main Entrance Bay Study dated 1 April 2022

PEO2-5585-DR-A-90316 C01 Townhouses - First Floor Terrace Bay Study dated 1 April 2022

PEO2-5585-DR-L-00009 C01 Soft Landscape Standard Details dated 31 March 2022

PEO2-5585-DR-L-00001 C01 Landscape General Arrangement Plan dated 31 March 2022

PEO2-5585-DR-L-00002 C01 Illustrative General Arrangement Plan dated 31 March 2022

PEO2-5585-DR-L-00003 C01 Hard Landscape Plan dated 31 March 2022

PEO2-5585-DR-L-00004 C02 Soft Landscape Plan dated 20 April 2023

PEO2-5585-DR-L-00005 C01 Tree Removal Plan dated 31 March 2022

PEO2-5585-DR-L-00007 C02 Planting Palette dated 20 April 2023

PEO2-5585-DR-L-00008 C01 Levels dated 31 March 2022

PEO2-5585-DR-L-00006 C01 Sections dated 31 March 2022

2. 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.
3. A walkover survey shall be undertaken by a suitably qualified and experienced ecologist between 1 to 3 weeks prior to the commencement of development on site in order to determine the presence of any new of badger setts the results of which shall be submitted to the County Planning Authority.
4. No part of the development shall be first occupied unless and until the proposed vehicular access to Magdalen Crescent has been widened to a bell mouth access

and provided with dedicated pedestrian accesses on either sides. The modified access should be provided with a pedestrian inter-visibility splay measuring 2m by 2m on each side of the access to Magdalen Crescent, the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

5. The development hereby permitted shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
6. The development hereby approved shall not be first occupied unless and until the available parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
7. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans by the Local Planning Authority for:
  - (a) The secure parking of at least 10 bicycles within the development site,
  - (b) Facilities within the development site for cyclist to change into and out of cyclist equipment
  - (c) Facilities within the development site for cyclists to store cyclist equipment, and thereafter the said facilities shall be provided.
8. The development shall be implemented in accordance with the Outline Construction Traffic Management Plan dated 24 June 2022.
9. The flats hereby permitted shall remain as affordable housing (supported independent living accommodation) for rent in accordance with the definition as defined within the NPPF 2021 or subsequent Government Guidance.
10. Prior to the occupation of the development hereby permitted a Landscape Management Plan including, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the County Planning Authority. The landscape management plan shall include five years of aftercare maintenance, schedule to include matrix of visits (to include amounts and number of watering visits, planting/pit diagram/guarding and watering apparatus. The development shall be implemented in accordance with the approved document.
11. No above ground development of the flats shall take place until samples of all external facing materials have been submitted to and approved by the County planning authority. The development shall be implemented in accordance with the approved details.

12. Works on the drainage required for the development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
  - a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+45% allowance for climate change) & 1 in 100 (+35% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
  - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
  - c) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
13. Prior to the first occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
14. Development shall not be commenced unless or until the Strategic Access Management Monitoring tariff Payment of £6304 has been paid to Hampshire County Council.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. 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.
3. In order that the proposed development would not lead to harm to the biodiversity on the site in accordance with Policy CS7 of the Woking Core Strategy 2012.
4. In order that the proposal would not prejudice highway safety or cause inconvenience to other road users in accordance with Policy CS18 of the Core Strategy 2012.

5. In order that the proposal would not prejudice highway safety or cause inconvenience to other road users in accordance with Policy CS18 of the Core Strategy 2012.
6. In order that the proposal would not prejudice highway safety or cause inconvenience to other road users in accordance with Policy CS18 of the Core Strategy 2012.
7. In order that the proposal would not prejudice highway safety or cause inconvenience to other road users in accordance with Policy CS18 of the Core Strategy 2012.
8. In order that the proposal would not prejudice highway safety or cause inconvenience to other road users in accordance with Policy CS18 of the Core Strategy 2012.
9. To ensure the proposal meets the definition of affordable and housing and therefore contributes to the relevant housing need in accordance with Policy CS12 of the Woking Core Strategy.
10. In order that the proposed landscaping scheme can be implemented and maintained in accordance with policy DM2 of the Woking Development Management Development Policies Document 2016.
11. In the interests of character and amenity of the area in accordance with Policy CS21 of the Woking Core Strategy 2012.
12. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with CS9 of the Woking Core Strategy 2012.
13. To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS and in accordance with Policy CS9 of the Woking Core Strategy 2012.
14. As in accordance with the Woking Thames Basin Heaths SPA Avoidance Strategy 2022. This is a pre-commencement condition because it goes to the heart of the permission.

#### Informatives

- 1 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.
- 2 The applicant is advised 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 shown it is absolutely certain that nesting birds are not present.

- 3 Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.
- 4 In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.
- 5 If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

- 6 The permission hereby granted shall not be construed as authority to carry out any works on the highway.
- 7 The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. [www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
- 8 The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 9 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles.



- 10 The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 11 It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:  
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
- 12 The existing site access requires widening to allow simultaneous vehicle movements and to accommodate intensified use of the access in future (given there is a parcel of land marked for future development). The modified access will also ensure safe movement of larger vehicles to the site. The applicant is encouraged to cut back the over-grown boundary hedge in front of the site which appears to be encroaching onto the footway and obstructing visibility sightlines from the proposed access for both vehicles and pedestrians. Providing dedicated pedestrian accesses on both side of the main entrance will ensure safe movement of pedestrians especially for mobility challenged services users or wheelchair users.

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Site Location: **Land at the former Manor School, Magdalen Crescent, Byfleet, KT14 7SR**



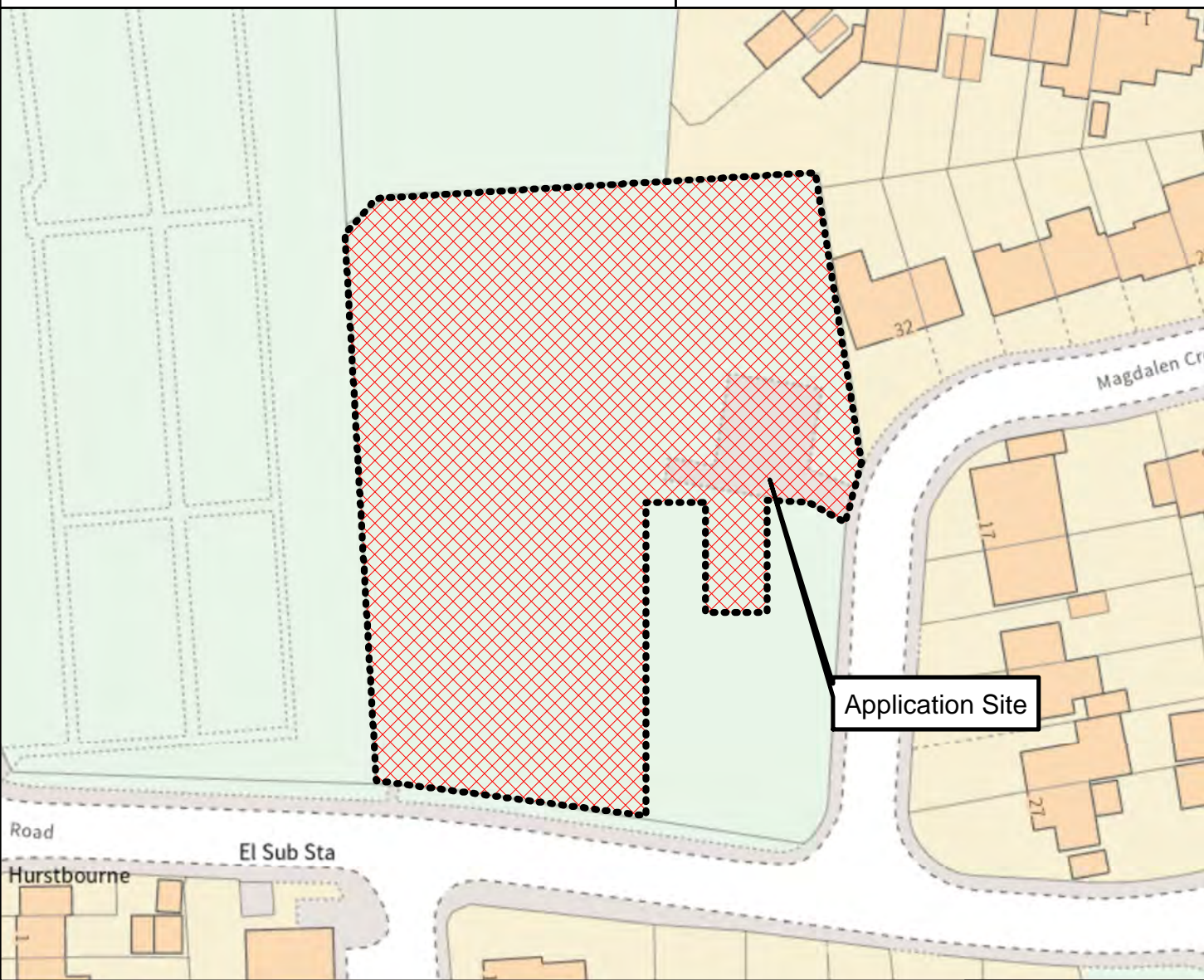
Erection of an apartment block comprising 6 x 1 self-contained flats and two 5 bed townhouses for supported independent living, and associated bin stores, cycle stores and hard and soft landscaping.

Application numbers:  
WO/2022/0923

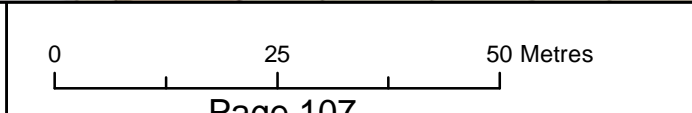
Electoral divisions:  
The Byfleets

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Note: This plan is for indicative purposes only



Ref No:  
SCC Ref 2022/0105



Scale: **1:850**  
Printed on: 20/02/2023

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# 2021 Aerial Photos

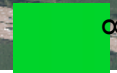
## Aerial 1: Surrounding area



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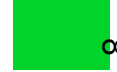


All boundaries are approximate



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# 2021 Aerial Photos

## Aerial 2: Application site



**Application Site Area**

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All boundaries are approximate





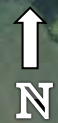
# 2021 Aerial Photos

## Aerial 3: School boundary



**Application Site Area**

**School Boundary**



All boundaries are approximate

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**To:** Planning & Regulatory Committee

**Date:** June 2023

**By:** Planning Development Manager

**District(s)** Elmbridge Borough Council

**Electoral Division(s):**

**Cobham**

**Mr Lewis**

**Case Officer:**

**Chris Turner**

**Purpose:** For Decision

**Grid Ref:** 510675 160577

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**Title: Surrey County Council Proposal EL/2022/2251**

### **Summary Report**

**Coveham Hostel, Anyards Road, Cobham KT11 2LJ**

**Erection of 2x two storey buildings comprising 6 x 1 bed self-contained flats (12x1 bed flats total) for supported independent living, new substation and associated bin stores, cycle stores and hard and soft landscaping.**

Coveham Hostel is located to the north of Oakfield Road and to the west of Anyards Road, south of the A307. Residential properties are located to the south, east, and west of the site and to the north is the A307 and beyond that a car dealership.

The site was formerly a part single, part two storey, brick built hostel building with pitched roof and a two storey detached house with a pitched roof which formed part of the hostel. There are some mature trees on the site. The existing entrance to the site is located to the south of the site and joins onto Oakfield Road. There is limited parking on the site.

The hostel buildings were relatively contained within the site with high fences and walls on the boundaries. The hostel has been demolished.

The proposal is for the erection of two identical two storey buildings (referred to on the submitted plans as the northern and southern buildings), which will each comprise six, one bedroomed flats providing accommodation for supported independent living.

Each building will have a height of approximately 8.6m and a width of 18.9m. They would have a depth of approximately 20.5m. At first floor level there would be balconies serving the flats.

On the southern building balconies would be located on the first floor level on the southern and northern elevations. On the northern building, the balconies would be located on the first floor level on the north east and south western elevations. The buildings are to be constructed of brick elevations with zinc roofing. To the north east of the site there is an amenity area proposed.

Bicycle storage, visitor parking, bin storage and a new substation are proposed on the eastern boundary of the site, adjacent to no. 2 Lavender Cottages. Parking is also to be provided on the south eastern edge of the site.

Principal access to the site is proposed from an existing access onto Anyards Road, but a further access onto Oakfield Road would also be provided.

6 letters of objection have been received and the Borough Council has also raised objection on grounds set out in the report. No objections have been received from other consultees but several conditions have been recommended by consultees.

The proposal would provide affordable housing within a sustainable location as such it is recommended for approval subject to conditions.

**The recommendation is Approve subject to conditions**

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### **Application details**

#### **Applicant**

SCC Property

#### **Date application valid**

29 June 2022

#### **Period for Determination**

16 June 2023

### **Amending and Amplifying Documents**

Land Condition Report Dated December 2021

HSG264 – Asbestos Demolition Survey

Arboricultural Appraisal and Impact Dated 22nd September 2022

Email from agent dated 21/10/22 Regarding additional landscape information.

Preliminary Ecological Appraisal and Bat and Preliminary Roost Assessment dated 25/10/2021

Building Heights Sketch

Email from Agent dated 18/11/22 regarding additional landscape information

Flood Risk Assessment, Atkins, April 2022, revision 1.0, document reference: PE02-5586-RP-C-77001

Proposed Surface and Foul Water Drainage Layout, Atkins, April 2022, revision P01, document reference: PE02-5586-DR-C-00001

Drainage Response to LLFA comments, Sept 2022

Drainage and Pavement Standard Details (4sheets), Atkins, April 2022

Hydraulic Calculations, Atkins, April 2022

Technical Note – Drainage Strategy Supplementary Information, Atkins, March 2023, revision -, document reference: PEO02-5586

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## 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>
Principle of Development	Yes	28-35
Need for Development	Yes	36-43
Housing Land Supply	Yes	44-47
Housing Mix	Yes	48-52
Affordable Housing	Yes	53-56
Sustainable Location	Yes	57-59
Impact on the SPA	Yes	60-66
Standard of Accommodation	Yes	67-76
Biodiversity	Yes	77-82
Design and Visual Amenity	Yes	83-97
Landscape and Trees	Yes	98-105
Impact on Residential Amenity	Yes	106-135
Highway, Access and Parking	Yes	136-149
Waste and Refuge	Yes	150-155
Drainage	Yes	156-159
Contaminated Land	Yes	160-163
Tilted Balance	Yes	164-169

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### Illustrative material

Site Plan

Plan PEO2-5586-DR-A-90103 Rev C01

Aerial Photographs

Aerial 1 – Surrounding Area

Site Photographs

Figure 1 - Looking North along Anyards Road

- Figure 2 - Looking NE within the site towards Anyards Road  
 Figure 3 - No. 131 Anyards Road  
 Figure 4 - Existing Hostel Building  
 Figure 5 - Rear of 131 Anyards Road  
 Figure 6- Rear of no. 131 and 129 Anyards Road  
 Figure 7 - View of the site from Portsmouth Road  
 Figure 8 - View of the site from Portsmouth Road. no. 96 Portsmouth Road visible  
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 Figure 10 - Southern boundary - Looking East along Oakfield Road  
 Figure 11 - Looking East from within the site towards no. 2 Lavender Cottage  
 Figure 12- Looking South from within the site towards Holmwood.  
 Figure 13 - Anyards Road to the East of the Site  
 Figure 14 - Looking West along Oakfield Road  
 Figure 14 - Looking West towards Anyards Road Entrance  
 Figure 15 - Looking South West from the top of Anyards Road  
 Figure 16 - Present Site looking towards no. 96

## Background

### Site Description

1. Coveham Hostel is located to the north of Oakfield Road and to the west of Anyards Road, south of the A307. Residential properties are located to the south, east, and west of the site and to the north is the A307 and beyond that a car dealership.
2. The site formally comprised a part single, part two storey, brick built hostel building with pitched roof and a two storey detached house with a pitched roof which formed part of the hostel. There are some mature trees on the site. The existing entrance to the site is located to the south of the site and joins onto Oakfield Road. There is also an entrance onto Anyards Road. There was some limited parking on the site.

### Planning History

1979/0976	Erection of two storey building as 24 place hostel for mentally handicapped adults with staff accommodation	Approved 17/10/1979
2022/2789	Prior approval for demolition	Approved 29/09/2022

### The Proposal

3. The application seeks planning permission for the erection of 2 x two storey buildings, comprising 6 x 1 bed self-contained flats. This would be provide 12 x 1 bed flats in total for supported independent living. The proposal also includes a

new substation, associated bin stores, cycle stores and hard and soft landscaping.

4. The proposals would be arranged with one block central to the site known as the north block and one block on the south of the site known as the south block. On the north east of the site is an amenity area adjacent to Anyards Road and Portsmouth Road.
5. Access to the site would utilise the existing entrance on Anyards Road with a second access onto Oakfield Road.
6. The substation, bin stores and cycle stores would be located on the eastern boundary. These would be single storey in height. These buildings would measure 2.3m in height.
7. The proposed buildings would each have a ridge height of 8.64m and would have a width of 20m and a depth of 18.9m.
8. On the northern building, balconies are proposed on the north east and south west elevations at first floor level.
9. On the southern building balconies are proposed on the southern and northern elevations at first floor level.

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### ***Consultations and publicity***

#### ***District Council***

10. Elmbridge Borough Council: planning – Objects on the grounds of:
  - The height and massing of the development;
  - Not ideal location of the rear vehicle access and bin/ cycle stores wrapping around the existing residential premises;
  - The extensive use of yellow stock brick
  - Loss of privacy from that the first-floor balconies and windows in the side elevation of the southern block;
  - Potential for noise nuisance from the proposed cycle and bin store;
  - Under provision of car parking spaces;
  - Location of the bin store not in line with the Council's Guidance on Recycling and Waste Provision
11. Elmbridge Borough Environmental Health officer – No objection subject to conditions

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

12. County Arboriculturalist – No objection subject to conditions
13. County Historic/Listed Buildings Officer - No objection
14. Natural England – No objection
15. Rights of Way – No objection

16. South East Water – No objection
17. Lead Local Flood Authority – No objection subject to conditions
18. County Ecologist – No objection
19. Thames Water – No objection
20. Transport Development Planning – No objection subject to conditions
21. County Landscape Architect – No objection subject to conditions.

#### Parish/Town Council and Amenity Groups

22. No comments from Parish or Town Council received.

#### Summary of publicity undertaken and key issues raised by public

23. The application was publicised by the posting of 4 site notices and an advert was placed in the local newspaper. A total of 123 owner/occupiers of neighbouring properties were directly notified by letter.

There have been 6 household objections received on the proposal. The main issues raised were:

- The access onto Oakfield Road and Anyards Road is not suitable for construction traffic.
- There is an existing lack of parking for residents on Anyards Road/ Oakfield Road.
- Cars and Lorries will struggle to navigate down Anyards Road.
- The removal of hedging/ trees will result in a loss of privacy to neighbouring residents.
- The height and massing of the proposal could potentially lead to a loss of light to neighbouring residents.
- The height and massing of the proposal is greater than the surrounding buildings.
- A parking review is required for both the demolition and construction stages.
- The proposal would result in severe disruption for local residents during the construction process.
- The proposal could result in pollution through dust and noise through the demolition/construction process.
- Concerns are raised for safety during the demolition/ construction stages.
- The scheme should not be considered in isolation but should also be considered with other adjacent planning applications such as 2021/3243.
- Oakfield Road is not strong enough for construction traffic.
- The proposal will conflict with the recreation ground.
- The parking arrangements on the site are inadequate.
- Concern regarding loss of privacy from the balconies.
- Concern regarding potential glare from solar panels.
- Concern relating to the boundary treatments on the site.
- Concern relating to damage to Oakfield.

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## ***Planning considerations***

### **Introduction**

24. The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.

25. In this case the statutory development plan for consideration of the application consists of the Surrey Waste Plan 2008, Elmbridge Core Strategy 2011 and Elmbridge Development Management Plan 2015, Elmbridge Design and Character Supplementary Planning Document, Parking Standards SPD.
26. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
27. 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: Principle of Development, Lawful use of the site, Housing Land Supply, Housing Mix, Affordable Housing, Sustainable Location, Impact on the SPA, Standard of Accommodation, Biodiversity, Design and Visual Amenity, Landscape and Trees, Impact on Residential Amenity, Highways, Access and Parking, Waste and Refuge.

### ***PRINCIPLE OF DEVELOPMENT***

#### ***Elmbridge Core Strategy***

CS1 – Spatial Strategy

#### **Elmbridge Development Management Plan 2015**

DM1 – Presumption in Favour of Sustainable Development

28. CS1 of the Elmbridge Core Strategy 2011 sets out the areas for growth in the District. The Policy states that new development will be directed towards previously developed land within the existing urban area. Cobham is considered to be a service centre/ rural fringe area within the Policy alongside Oxshott, Stoke D'Abernon and Downside. The policy goes on to state that the majority of new development within this area will be directed towards Cobham as it is the most sustainable location.
29. CS10 of the Elmbridge Core Strategy states that there is scope for additional residential development within the area of Cobham through redevelopment of previously developed land.
30. Policy CS17 of the Core Strategy states that new development will be required to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area. Innovative contemporary design that embraces sustainability and improves local character will be supported. New development should enhance the public realm and street scene, providing a clear distinction between public and private spaces.
31. Policy CS26 sets out that development must be located, designed and laid out to ensure it is safe; the risk of flooding is minimised whilst not increasing the risk of flooding elsewhere; and that residual risks are safely managed.
32. DM1 of the Elmbridge Development Management Plan 2015 sets out in accordance with the NPPF there will be a presumption in favour of sustainable development. Planning applications that accord with Policies in the plan will be



approved without delay unless material considerations indicate otherwise. It reflects the presumption in favour of sustainable development contained in the NPPF and set out in paragraph 11 (where that presumption is applicable).

33. Paragraph 11 of the NPPF requires that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

34. Footnote 8 states that ‘the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change.

35. The site is located within the Developed Area of Cobham, which is considered to be a service centre and a sustainable location. The proposal would provide the redevelopment of a previously developed site used for residential purposes and providing the proposal would not result in harm to the visual amenity or residential amenity it is considered there is no policy objection to the principle of residential development which is being proposed.

### ***NEED FOR DEVELOPMENT***

#### **Elmbridge Core Strategy 2011**

##### **CS16 – Social and Community Infrastructure**

36. CS16 of the Elmbridge Core Strategy seeks to ensure the provision of accessible and sustainable social and community infrastructure. It defines community infrastructure as any facility owned by a publicly funded body to provide frontline services. The proposal would provide 6 x 1 bedroom flats for supported independent living accommodation, provided by SCC.

37. In the submitted ‘Statement of Need’ the applicant explains that: “National benchmarking indicates that insufficient accommodation provision exists for individuals with a learning disability and/or autism; and SCC funds a higher percentage of people in residential care than most similar authorities. A much lower percentage of this population are supported to live in their own home. JSNA data indicates that, across England, on average 76.2% of adults with a learning disability and/or autism are supported to live in their own home; Surrey’s average is 65.8%.

38. National guidance and best practice strongly advocate a move towards enabling individuals with a learning disability and/or autism to have more choice and control over their lives and to be able to live in their own home in the community rather than in an institutional setting.
39. The National Disability Strategy was updated in July 2021 following extensive consultation with people and their families, this highlighted the need for a greater level of affordable and accessible housing across the UK. Similarly, SCC and NHS Surrey Heartlands consulted with stakeholders and published the All-Age Autism Strategy 2021-2026 in 2021. This also highlighted key issues in relation to accommodation provision such as a lack of suitable housing options and affordability.
40. SCC Cabinet approved the *Transformation of Accommodation-based Care and Support for Working Age Adults: Delivering Supported Independent Living Options report* in November 2020. The November paper outlined SCC's ambition to deliver an additional 500 units of accommodation by 2030 in support of its strategic aim to reduce the number of people with a learning disability and/or autism in residential care by 40-50% over the next five years. Circa 22% of the additional capacity is forecast to be delivered by redeveloping SCC-owned sites or through site acquisition.
41. The Community Vision for Surrey Document 2030 also sets out that *"By 2030, Surrey will be a uniquely special place where everyone has a great start to life, people live healthy and fulfilling lives, are enabled to achieve their full potential and contribute to their community, and no one is left behind."* One of the underpinning principles is that "Everyone has a place they can call home, with appropriate housing for all". The development of supported independent living accommodation is central to this Vision being realised for working age adults in Surrey who are eligible for accommodation with care and support.
42. Adult Social Care has identified the Borough of Elmbridge as an area of need for affordable provision of Supported Independent Living. SCC data shows that there are people with a learning disability and/or autism placed in residential care in the borough who may be suitable to move into supported independent living. Alongside this there are young people coming through Transition to ASC who will require some form of accommodation in the short to medium term. Total demand over the next 5 years is estimated to be in the region of 26 to 50 units".
43. The proposal would provide an alternative social or community facility in an accessible located and would assist in meeting a demonstrated need. It is therefore considered to be in accordance with Policy CS16 of the Elmbridge Core Strategy 2011.

## **HOUSING LAND SUPPLY**

### **Elmbridge Core Strategy 2011**

#### **CS2 – Housing provision, location and distribution**

44. Housing Policy CS2 of the Councils Core Strategy 2011 provided a housing target for the district. The District Council acknowledges that this Policy is now out of date. Paragraph 61 of the NPPF states that 'to determine the minimum number of homes needed, strategic policies should be informed by a local

housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals’.

45. Paragraph 62 goes on to state that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
46. The latest measure of housing need for Elmbridge identifies the requirement to provide 776 dwellings per annum across the borough.
47. In accordance with the Council’s Monitoring Report 2021/22, the Council’s 5 Year Housing Land Supply is 4.36 years and therefore the Council cannot demonstrate a 5 Year Housing Land Supply as such Para. 11 d) of the NPPF would be triggered, which states that decision takers should grant permission where policies most important for determining the application (in this case relating to the supply of housing) are out of date, unless ‘the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.

## ***HOUSING MIX***

### **Elmbridge Core Strategy 2011**

#### **CS19 – Housing Type and Size**

48. Policy CS19 of the Core Strategy states that the Council will seek to secure a range of housing types and sizes on developments across the Borough in order to create inclusive and sustainable communities reflecting the most up to date SHMA (Strategic Housing Market Assessment) in terms of the size and type of dwellings.
49. Development Management Policy DM10 requires residential development on sites of 0.3 hectares or more to promote house types and sizes that meet the most up to date local housing need whilst reflecting the character of the area.
50. The Local Housing Needs Assessment (LHNA) breaks down the annual requirement to identify the type, size and tenure of new homes that should be provided to meet local housing needs. The LHNA identifies the overall need within Elmbridge is for affordable, smaller units with one to three bedrooms.
51. For affordable housing specifically the LHNA identifies the net annual need broken down as:
- 1 bed (15%)
  - 2 bed (34%)
  - 3 bed (11%)
  - 4 bed (40%)
52. The proposal would provide 100% 1 bedroom affordable assisted living accommodation. Whilst the proposal would not strictly accord with this recommended mix, it is not considered that the proposed mix would cause sufficient harm so as to recommend refusal on this basis.

## **AFFORDABLE HOUSING**

### **Elmbridge Core Strategy 2011**

CS19 – Housing Type and Size

CS21 – Affordable Housing

### **Elmbridge Development Management Plan 2015**

DM10 – Housing

53. Elmbridge Borough Council's Core Strategy Policy CS19 sets out the Council's approach to securing a range of housing types and sizes on developments across the Borough reflecting the most up to date evidence in terms of the size and type of new homes.
54. CS21 of the Core Strategy sets out the criteria for when affordable housing is required. On public land such as that owned by the County Council, there will be a requirement that 50% of housing will be affordable.
55. In support of the Planning Application, the applicant has submitted an Affordable Housing Statement. The Statement sets out that whilst the proposed housing would provide accommodation for residents with disabilities, defined as accommodation with care and support in the form of supported independent living, the rents will be affordable for all tenants as they will be set at a level which can be funded by Housing Benefit; thus the homes will qualify as affordable housing.
56. As the proposal would be 100% affordable housing, the proposal would meet the needs of Policy CS21 of the Core Strategy.

## **SUSTAINABLE LOCATION**

### **Elmbridge Core Strategy 2015**

CS25 – Travel and Accessibility

57. CS25 of the Elmbridge Core Strategy states that the Council will promote improvements to sustainable travel and accessibility to services through a variety of measures by directing new development to previously developed land within sustainable locations.
58. The proposal site is located to the north of Cobham High Street. It is approximately 0.4km from the high street which is approximately a 6 minute walk. The high street has a range of shops and services and includes bus routes to the wider area including Guildford and Kingston. Portsmouth Road to the north which is approximately a 1 minute walk from the site also has bus routes to Guildford and Kingston. The closest Doctors is located 0.4km from the site to the north east.
59. The site is considered to be within a sustainable location and therefore, the proposal is considered to accord with Policy CS25 of the Elmbridge Core Strategy 2015.

## **IMPACT ON THE SPECIAL PROTECTED AREA**

### **Elmbridge Core Strategy 2011**

CS13 – Thames Basin Heath

60. CS13 of the Core Strategy relates to the Thames Basin Heaths Special Protection Area. The site is located within the Thames Basin Heaths SPA buffer zone where New residential development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.
61. Natural England have been consulted on the proposal. They have raised no objection subject to securing the appropriate mitigation for recreational pressure impacts on habitat sites. The County Council has conducted a Habitats Regulations Assessment for the site.
62. This assessment has considered the potential for the development proposed in planning application ref. EL/2022/2251 (SCC Ref. 2022/0090) to give rise, alone or in-combination, to likely significant effects on the Thames Basin Heaths SPA.
63. For the Thames Basin Heaths SPA, designated for breeding populations of European nightjar, Woodlark and Dartford warbler, this assessment concludes the proposed development would not give rise to likely significant effects on those populations as a result of disturbance associated with human recreational use of the heathlands. The scheme involves the provision of social and affordable housing for adults with learning disabilities and/or autism, and in accordance with the Elmbridge BC Developer Contributions SPD is exempt from financial contributions towards SANG and SAMM provision.
64. The County Planning Authority concludes that there would be no likely significant effects on the SPA as a result of the development proposed under planning application EL/2022/2251 alone or in-combination.
65. Furthermore, the site is served by a limited number of parking spaces. Therefore, given the location of the site relative to the SPA it is unlikely that residents of the site will have good accessibility to the SPA which could contribute to the recreational pressure associated with residential development within the SPA Buffer Zone.
66. The proposal is therefore considered to accord with Policy CS13 of the Elmbridge Core Strategy 2011.

### **STANDARD OF ACCOMMODATION**

#### **Elmbridge Development Management Plan 2015**

##### **DM10 – Housing**

67. Paragraph 130 of the NPPF requires the protection and high amenity of the future occupiers of developments, and Policy DM10 of the Local Plan indicates that proposals for new housing development will be expected to offer an appropriate standard of living, internally and externally in line with national space standards. It further indicates that residential accommodation should offer residents an appropriate level of light, outlook and amenity, including gardens or outdoor space, commensurate with the type and location of housing proposed.
68. The Nationally Described Space Standards and Policy DM10 of the Development Management Plan indicate the minimum internal floor space requirement for new dwellings.



69. The proposal would provide 12 x 1 bedroom dwellings.

70. The following table provides a comparison between the proposed floor area and the technical housing document:

South Block

	Technical Requirement	Proposed Internal Floor Area
Unit 1 – 1 Bedroom, 2 persons, 1 storey	50sqm	54.8sqm
Unit 2 - 1 Bedroom, 2 persons, 1 storey	50sqm	68.57sqm
Unit 3 - 1 Bedroom, 2 persons, 1 storey	50sqm	55.1sqm
Unit 4- 1 Bedroom, 2 persons, 1 storey	50sqm	54.8sqm
Unit 5- 1 Bedroom, 2 persons, 1 storey	50sqm	64.6sqm
Unit 6 - 1 Bedroom, 2 persons, 1 storey	50sqm	55.1sqm

North Block

	Technical Requirement	Proposed Internal Floor Area
Unit 7 – 1 Bedroom, 2 persons, 1 storey	50sqm	54.8sqm
Unit 8 - 1 Bedroom, 2	50sqm	64.6sqm

persons, 1 storey		
Unit 9 - 1 Bedroom, 2 persons, 1 storey	50sqm	55.1sqm
Unit 10- 1 Bedroom, 2 persons, 1 storey	50sqm	54.8sqm
Unit 11- 1 Bedroom, 2 persons, 1 storey	50sqm	64.6sqm
Unit 12 - 1 Bedroom, 2 persons, 1 storey	50sqm	55.1sqm

71. The following table provides an analysis of the bedroom sizes against the national technical space standards:

Dwelling	Technical Standard	Proposed Size
Unit 1	11.5m	16sqm
Unit 2	11.5m	18sqm
Unit 3	11.5m	16sqm
Unit 4	11.5m	16sqm
Unit 5	11.5m	18sqm
Unit 6	11.5m	16sqm
Unit 7	11.5m	16sqm
Unit 8	11.5m	18sqm
Unit 9	11.5m	16sqm
Unit 10	11.5m	16sqm
Unit 11	11.5m	18sqm
Unit 12	11.5m	16sqm

72. The proposed dwellings would meet all the required standards regarding floor area and bedroom sizes. Furthermore, the bedrooms each meet the required minimum widths and are served by an appropriate level of light and outlook.

- 73. As such, the proposal would be considered to provide an adequate standard of accommodation for future residents.
- 74. On promoting healthy communities, the NPPF sets out that the planning policies and decisions should aim to achieve places which promote safe and accessible developments, with high quality public space which encourage the active and continual use of public area. These should include high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities.
- 75. The ground floor flats each include a private garden area. The first floor flats provide balconies. Included in each block is a communal area. Adjacent to the northern block and accessible within the site there is an outdoor amenity space. Officers consider the level of amenity space provided to be adequate and suitable for its location within the developed area.
- 76. The proposal is therefore considered to provide an appropriate level of amenity and standard of accommodation in accordance with Policy DM10 of the Elmbridge Development Management Plan 2015.

**BIODIVERSITY**

**Elmbridge Core Strategy 2011**

CS15 – Biodiversity

- 77. CS15 of the Elmbridge Core Strategy States that the Council will ensure new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the incorporation of biodiversity features. The policy also seeks to direct development towards previously developed land.
- 78. In support of the application the applicant submitted a Preliminary Ecological Appraisal, Bat Survey and Biodiversity Net Gain Assessment. Surrey Wildlife Trust have been consulted on the proposals.
- 79. Surrey Wildlife Trust consider that in accordance with the Biodiversity Net Gain Report, the site has the feasibility to provide a measurable net gain for biodiversity. The report recommends a Habitat Management Plan is required prior to the commencement of the development. Therefore, Surrey Wildlife Trust advise that this should be a condition should planning permission be recommended for approval.
- 80. In relation to bats, Surrey Wildlife Trust requested clarification on which trees would be impacted during the construction process. The applicant subsequently provided clarification on this point and Surrey Wildlife did not request any further survey work in relation to bats on the site.
- 81. A condition was recommended in order to ensure that the proposal should not result in a net increase in external lighting.
- 82. Subject to the implementation of these conditions, the proposal is considered to accord with Policy CS15 of the Elmbridge Core Strategy 2011.

**DESIGN AND VISUAL AMENITY**

**Elmbridge Core Strategy 2011**

CS17 – Local Character, Density and Design

## Elmbridge Development Management Plan 2015

### DM2 – Design and Amenity

## Elmbridge Local Plan Design and Character SPD 2012

83. DM2 of the Elmbridge Development Management Plan requires that all new development to achieve high quality design, which demonstrates environmental awareness and contributes to climate change mitigation and adaptation. All development proposals must be based on an understanding of local character including any specific local designations, such as Green Belt, and take account of the natural, built and historic environment. Proposals should preserve or enhance the character of the area, taking into account attributes such as the appearance, scale, mass, height, levels or topography.
84. Policy CS17 requires new development to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of the landscape, and heritage assets, and protecting the amenities of those within the area. New development should enhance the public realm and street scene, providing a clear distinction between public and private spaces. New development should be appropriately landscaped, and where appropriate should incorporate biodiversity habitat, and enhance the Borough's green infrastructure network.
85. The Elmbridge Local Plan Design and Character SPD provides design guidance relating to all new development in the Borough. The companion guide for Cobham, Stoke D'Abernon, Oxshott and Downside forms part of the SPD with specific character areas. The proposal site is identified as being within the Tartar Hill sub area. The companion guide identifies the area as generally comprising of two storey housing of detached, semi-detached and terraced type. It also states that a noticeable characteristic in this sub area is wide verges with houses set back.
86. The proposal site is a corner plot, sitting adjacent to Anyards Road and Portsmouth Road, with Oakfield Road to the south. To the west of the site is a footpath which runs between Oakwood Road and Portsmouth Road.
87. To the east of the site along Anyards Road residential development runs along the eastern side of the road in a linear pattern. The dwellings along this part of the road comprise a mix of detached properties, terraces and semi-detached properties. These buildings are a mix of brick built and some are painted/rendered in lighter colours. Generally the buildings are all two storeys in height and have similar ridge heights. It is noted on the end of the street at the northern tip is a piano showroom, which has a greater mass than the other properties in proximity to this building.
88. Immediately to the east of the site, on the western side of Anyards Road there are two dwellings, no. 129 and 131 Anyards Road which are in a semi-detached arrangement. No. 131 Anyards Road is three storeys in height and has a gable roof. No. 129 is two storeys in height with a pitched roof which sits slightly lower than no. 131. These properties are finished in white render.
89. To the south of the applications site there are two residential dwellings on the northern side of Oakwood Road known as 1 and 2 Lavender Cottages. These are two storey detached dwellings constructed of red brick and finished with pitched roofs.

90. On the southern side of Oakwood Road, there are residential dwellings with side elevations which face towards the application site. 121 Anyards Road is a bathroom showroom shop on the ground floor with some residential accommodation at first floor. There is a storage unit/workshop to the rear of this property. This property is a two storey end of terrace property with the northern elevation facing towards Lavender Cottages.
91. Holmwood is located to the south of the proposal site, on the southern side of Oakwood Road. This is a large semidetached dwelling which faces onto the Anyards Road recreation ground. The building is three storeys in height and is finished in red brick with a pitched roof.
92. The proposal site occupies a prominent location within the village of Cobham at the junction of Portsmouth Road and Anyards Road and it is visible from those roads but also from Oakfields Road and the playing field to the south. The immediate surrounding area is predominantly residential in nature comprising mainly two storey semi-detached and terraced dwellings built close to the road frontages with on street parking.
93. The proposed design of the scheme would comprise two blocks of flats with each building finished with asymmetric pitched roofs. Relative to the surrounding buildings, the proposed buildings would be larger than those typically found along Anyards Road, and would be slightly higher than these buildings and of a different visual form. However, the buildings are to be set within the site and would be set back from Anyards Road by approximately 28m. Therefore despite their size, the buildings would not be overly dominant or detract from the existing residential buildings along Anyards Road.
94. The southern block would measure approximately 14m from Holmwood. Holmwood is a large three storey building, and therefore, despite the scale of the proposed building, in combination with the separation distance to this building, the proposal would not appear overly incongruent in the street scene having regard to this existing dwelling.
95. The most prominent building to Portsmouth Road, would be the northern block. This would be visible when travelling east or west along Portsmouth Road. Portsmouth Road is an A road with a car dealership on the northern side of the road to the proposal site. The character along this part of the road, is not therefore as defined as part of the residential roads surrounding and therefore, the proposal would not harm the streetscene along this road.
96. The materials proposed for the buildings are red brick. This was amended from the original submission, which previously proposed a yellow brick. This was in response from comments received from Elmbridge and the local residents. Based on the mix of materials of the surrounding dwellings, Officers raise no objection in this regard, as the materials would be in keeping with the surrounding dwellings.
97. The proposals use materials which are similar and in keeping to the surrounding dwellings. Whilst it is acknowledged the proposed buildings are larger than those typically found in the surrounding area, the proposed buildings are not considered so significantly larger as to be unacceptable. The proposal site is on a corner plot whereby there is greater opportunity to deviate from existing vernacular and scales. The proposed buildings are well separated from any of the surrounding street scenes and therefore would not result in significant harm to the character



of the surrounding area. The proposal is therefore considered to accord with Policy DM2 of the Elmbridge Development Management Plan and Policy CS17 of the Elmbridge Core Strategy 2011.

## **LANDSCAPE AND TREES**

### **Elmbridge Development Management Plan 2015**

#### **DM6 – Landscape and Trees**

98. Policy DM6 of the Elmbridge Local Plan states that development proposals should be designed to include an integral scheme of landscape, tree retention, protection and/or planting.
99. The Council's Landscape Officer has been consulted on the proposals. The landscape Officer expresses concern in relation to the use of close board fence to surround the site. Therefore, a condition is recommended so that details of the boundary fence can be considered as part of the details pursuant stage of the proposal. This was also raised in neighbour objections.
100. With the exception of the boundary fencing the Landscape Officer raises no concern with the hard and soft landscaping strategy for the site. They have recommended conditions to ensure that planting be replaced if it should fail within the first five years and that a suitable landscape management plan with appropriate aftercare be submitted. Subject to the implementation of these conditions, the proposal is considered to be acceptable in landscape terms.
101. In relation to trees there are a number of existing trees on the site, some of which will be removed or lopped in order to accommodate the proposal. In support of the application, the applicant submitted an Arboricultural Impact Assessment.
102. The Council's Arboricultural Officer has been consulted on the proposals.
103. They have raised no objection to the proposal, however they have recommended that conditions are attached in relation to the long term management of landscaping and tree planting on the site, this includes replacing any failed planting on the site within 5 years and a landscape and management plan to be maintained for 5 years.
104. Officers note that some tree works have been carried out on site under the authorisation of the Council's Arboriculture Officer in connection with and to facilitate the demolition works.
105. The County Council considers that the proposed landscaping for the site and management of trees proposed is considered to be acceptable subject to the implementation of conditions. The proposal is therefore considered to accord with Policy DM6 of the Elmbridge Development Management Plan 2015.

## **IMPACT ON RESIDENTIAL AMENITY**

### **Elmbridge Development Management Plan 2015**

#### **DM2 – Design and Amenity**

106. Policy DM2 of the Elmbridge Development Management Plan comprises a mix of criteria relating to good design. On amenity the policy states that all new development should demonstrate they protect the amenity of adjoining and

potential occupiers and users. Development proposals should be designed to offer appropriate outlook and provide adequate daylight, sunlight and privacy.

107. The proposal site is located in the residential area. To the north of the site is Portsmouth Road. There are no residential dwellings to the north of the site. There are however residential dwellings to the east, south and west.
108. In relation to the existing dwellings, the northern block would measure a minimum of 9m from the closest adjacent dwelling at no. 131 Anyards Road. The southern block would measure a minimum of 5m from the boundary with no. 96 Portsmouth Road.
109. To the east of the site is Anyards Road, which has residential dwellings on the eastern side of the road and western side of the road.

### 96 Portsmouth Road

110. To the west of the site is residential property no. 96. Portsmouth Road which is a two storey semi-detached dwelling. The northern block would measure approximately 20m from this dwelling and therefore, in relation to this block Officers consider this to be a sufficient distance that there would be no overbearing impact, loss of light or outlook. Whilst there are balconies proposed on the south west elevation of this block which would have views towards no. 96 Portsmouth Road, these separation distances are considered sufficient such that there would be no direct views into the private amenity space of this resident or primary room windows and therefore there would be no loss of privacy from these balconies.
111. The southern block would be sited approximately 5m from the boundary of no.96 and would be located to the east of this existing dwelling, running along the length of the boundary enclosing this property's rear garden. In relation to an overbearing impact, the proposed block would be two storeys in height, however, as it would be set back by 5m from the boundary to this property, Officers are satisfied that the proposal would not result in an unacceptable overbearing impact to this property.
112. The Elmbridge Design and Character SPD Companion Guide for Home Extensions sets out some guidelines for extensions, which can be applied to new developments when assessing their impact on neighbouring dwellings. The 45 degree guideline can be used to assess the impact on adjoining neighbouring properties for two storey developments, closer than 15m to each other.
113. When a line is drawn at 45 degrees from the sight line of the closest habitable window, the proposal should not be within 15m of this window.
114. From the rear of no.96, the closest window at first floor level serves a bathroom window and therefore is not an amenity room. When a line is drawn at 45 degrees from the bedroom window, the separation distance measures approximately 10m. This would not strictly accord with the guideline of the SPD. However, it is noted that the site is within the developed area, whereby it is not always possible to achieve precisely the requirements of the SPD. In addition to the south west of no. 96 there is a long neighbouring garden. Therefore the rear of this dwelling remains relatively open. Officers are therefore satisfied the proposal would not result in a harmful loss of light to this property. As the

northern block is located to the east of this property, the proposal would not result in a harmful loss of outlook to the amenity windows of this dwelling.

115. In relation to privacy, units 5 and 4 would have five windows which face towards no. 96 at first floor level. However, it is proposed that three of these windows closest to no. 96 would be obscure glazed, so that there are no direct views of the primary rear amenity space serving these dwellings. The windows which overlook the far end of the garden would not be obscure glazed as this is not considered to be primary amenity space where a resident would occupy most often in the garden.
116. A balcony is proposed to serve unit 5 on the northern elevation of this southern block. In order to ensure there is no loss of privacy to no. 96 from the use of this balcony a condition is proposed to ensure that screening is maintained indefinitely on the western side of the balcony to a height of 1.7m.
117. Officers are therefore satisfied that in relation to no. 96, the proposal would not result in a materially harmful impact to the residential amenity of this neighbour.

#### Holmdale

118. Holmdale is located to the south of the proposed southern block. It comprises a two storey semidetached property. The proposed southern block would measure approximately 10m from this dwelling and would look towards the side elevation of Holmdale.
119. The separation distance is considered to be sufficient that there would not be an overbearing impact, harmful loss of light or outlook to Holmdale.
120. There are windows at first floor, and second floor on Holmdale on this side elevation. However, these windows are not primary amenity windows. Officers are therefore satisfied that the proposal would not result in a materially harmful loss of privacy to this property.

#### No. 131 Anyards Road and 129 Anyards Road

121. No. 129 Anyards Road is located to the east of the proposal site. It comprises a two storey semi-detached dwelling with garden space to the rear which is adjacent to the proposal site. At first floor level the windows on this neighbouring dwelling measure between 6-10m from the proposal site.
122. The proposed southern block would measure 24m from the first floor to the rear windows of this property. From the southern block to the boundary this separation distance would be approximately 18m. The Design and Character SPD advises that separation distances from back to back properties should measure 22m. In relation to the southern block Officers are satisfied the proposal accords with these guidelines. Furthermore the part of the southern block closest to this property at first floor level does not feature windows as it is a plant room. Therefore there would be no loss of privacy overbearing impact or loss of light to this neighbour.
123. In relation to the northern block, the closest element of this building to this dwelling is the plant room at first floor level which features no windows. Habitable accommodation which faces towards this dwelling at first floor level measures

approximately 17.5m from the boundary with this property. The northern block is positioned at an angle to this property and therefore there would be no direct views towards this property from the habitable accommodation at first floor. Officers are therefore satisfied that in relation to no. 129 Anyards Road, the proposal would not result in a loss of privacy, overbearing impact, loss of light or outlook to this building.

124. The proposed bin store would back onto this property and the cycle store would be adjacent to the bin store. The bin store and cycle stores are both single storey in height and therefore, would not have an overbearing impact on this property, loss of light, outlook or privacy.
125. No. 131 Anyards Road is located to the east of the proposal site. It is a two-storey semi-detached dwelling. It features a two storey gable end which extends towards the proposal site and does not feature windows at first floor on this gable facing towards the proposal site.
126. When a straight, direct line is drawn from the gable end to the closest proposed building, this would measure 16m to the northern block. When a line is drawn at an angle the building measures approximately 10m. The Design and Character SPD generally seeks two storey development to be 22m back to back. Whilst this would represent a minor shortfall, the proposed northern block is set at an angle to the existing dwelling and therefore, doesn't directly face towards this building. Officers are therefore satisfied the proposal, owing to the separation distance would not result in an overbearing impact or loss of outlook, light or privacy to this dwelling.
127. In relation to the northern block, the closest element of this building to this dwelling is the plant room at first floor level which features no windows. Unit 12 which is the closest unit at first floor level would measure 16m to the rear of this dwelling. Furthermore, the proposed block is at an angle to this building and does not therefore have direct views towards the rear of no. 131 therefore, Officers are satisfied the proposal would not result in a harmful loss of privacy to this existing neighbouring dwelling.
128. Concern had been raised by neighbours in representations to the County Planning Authority regarding the impact on residential amenity. However, the impact on amenity of residential neighbours has been considered above and Officers are satisfied that through appropriate conditions it would not have a materially harmful impact on the residential amenity of adjoining neighbours.
129. Officers are therefore satisfied that in relation to no. 131 Anyards Road, the proposal would not result in a harmful impact on the residential amenity of this neighbour.

### No. 2 Lavender Cottages

130. No. 2 Lavender Cottages is located to the west of the site. It comprises a two storey semi-detached dwelling.
131. Adjacent to this neighbouring dwelling would be the disabled parking bays, new substation and bin stores.
132. The new substation would be located closer to the dwelling than the existing substation. The Environmental Health Officer at Elmbridge has been

consulted on the proposals and therefore has recommended a condition to ensure that a noise survey is conducted on the substation prior to its use and that should any mitigation be required on the substation that this is installed prior to its operation. Subject to the implementation of this condition, Officers are therefore satisfied the substation would not result in unacceptable noise impacts on Lavender Cottages.

133. The proposed northern block would measure approximately 22m from the boundary of this dwelling. This separation distance would accord with the Design and Character SPD. Therefore Officers are satisfied this element of the proposal would not result in an overbearing impact, harmful loss of light or outlook.
134. The proposed southern block is located to the west of this dwelling. It would measure 15m to the boundary with no.2. At first floor level there would be windows serving the bedroom and lounge area of unit 6 which would have views towards the rear amenity space of no. 2 Lavender Cottages. In order to prevent a loss of privacy the Design and Character SPD generally advises there should be a minimum of 22m back to back distance between dwellings. This would therefore generally require an 11m separation distance to boundaries. The 15m separation distance would therefore meet this requirement and Officers are satisfied there would be no materially harmful loss of privacy to this neighbour. Furthermore, views from these windows would be obscured by the existing boundary fences.
135. Officers are therefore satisfied the proposal would not result in a materially harmful impact on the residential amenity of surrounding neighbours and would accord with Policy DM2 of the Elmbridge Development Management Plan.

## **HIGHWAYS, ACCESS AND PARKING**

### **Elmbridge Development Management Plan 2015**

#### **DM7 – Access and Parking**

#### **Parking Standards SPD**

136. Policy DM7 of the Elmbridge Development Management Plan sets out that access to the site should be acceptable in terms of amenity, capacity, safety, pollution, noise and visual impact. It goes on to say the proposal should minimise the impact of vehicle and traffic nuisance, particularly in residential areas and other sensitive areas.
137. On parking, the Policy says that the proposed parking provision should be appropriate to the development and not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents.
138. The Parking Standards SPD sets out the parking requirements for new development. For one bedroom developments, within town centres, the SPD sets out that there should be a minimum of 1 parking space per unit.
139. The proposal seeks to provide 4 parking spaces and 2 disabled parking spaces. It will also utilise existing accesses to the site. One access adjoins Anyards Road and one access adjoins onto Oakfield Road. Within the submitted transport note, the applicant has described the site operating in a way that traffic will enter on Anyards Road and will leave on Oakfield Road.



140. The Surrey County Council Transport Development Planning team have assessed the application on safety, capacity and policy grounds. They have raised no objection to the scheme subject to the implementation of conditions relating to the modifications to the access onto Anyards Road. These must be completed, prior to the occupation of the flats, with space to be laid out for parking and electric charging to be provided on the site.
141. Concerns have been raised by neighbours in relation to the access to the site particularly during deliveries of materials for construction and for the removal of materials during the demolition stage. The applicant has submitted a Construction Traffic Management Plan (CTMP) in support of the application which has been reviewed by the County Highways Team and is considered to be appropriate.
142. During construction it is proposed that access is taken from Anyards Road using the existing access. The contractor will be responsible for ensuring that good access will be available to and from the site from the start of construction for construction vehicles including adequate visibility and a banksman if required.
143. Neighbour comments concerned the suitability of Oakfield Road for construction traffic and the conflict with users of the recreation ground. The County Highway Team considers this in their consideration of the CTMP and raises no concern. Furthermore, it is not proposed Oakfield Road is used during the construction phase.
144. It has been asked by neighbours whether the former access to Portsmouth Road can be reinstated during the construction/demolition process, however, this access has been closed since 1981 according to the applicant, and the submitted Construction Traffic Management Plan is considered to provide sufficient arrangements to manage access to the site in a way to minimise disruption to the local community.
145. The Construction Traffic Management plan seeks to ensure contractors using the access stagger deliveries and hauling of material offsite throughout the day and that timing of deliveries is carefully managed to avoid peak times.
146. Concern had also been raised in relation to the potential conflict with construction traffic with another planning application: 2021/3243 - Elm Villa, 160 Anyards Road, Cobham, KT11 2LH. This application has now been withdrawn
147. In relation to parking the site would provide an under provision for parking relative to the Parking Standards SPD. However, the site is in a highly sustainable location with bus routes and the town centre in walking distance of the site. Furthermore, the County Council or someone chosen by the Council would be responsible for the management of the site, therefore, parking could be restricted by the management terms. The provision of disabled bays and the parking bays provided would provide parking for visitors to the site.
148. Despite the shortfall in parking the County Council is therefore satisfied that the site is in a highly sustainable location and that parking demand can be managed on site

149. The proposal is therefore considered to provide a suitable access and a suitable level of parking provision in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015 and the Elmbridge Parking Standards SPD.

## **WASTE AND REFUSE**

### **Elmbridge Development Management Plan 2015**

DM8 – Refuse, recycling and external plant

### **Elmbridge Recycling and Waste Provision – Guidance for property developers**

### **Surrey Waste Plan 2019-2033**

Policy 4 – Sustainable Construction and Waste Management in New Development

150. DM8 of the Elmbridge Development Management Plan 2015 states that proposals will be acceptable provided that appropriate waste and recycling facilities are provided on all new developments, the design and siting of bin storage and external plant respect the visual amenities of the host building and the area and storage points for refuse and recycling are accessible for collection vehicles as well as regular users..
151. Policy 4 of the Surrey Waste Plan 2019-2033 states that planning permission for any development will be granted where it has been demonstrated on-site facilities to manage the waste arising during the operation of the development of an appropriate type and scale have been considered as part of the development.
152. As part of the proposals a bin store has been provided on the eastern edge of the site. The Elmbridge Recycling and Waste Provision – Guidance for property developers sets out the requirements for the bins for flats and what is considered appropriate bin storage.
153. The Guidance requires that bin storage is within 10m of the highway for refuse vehicles to ensure that the drag distance for bin workers is not beyond 10m for them to make collections. The proposed bin store would not accord with this guidance. However, the applicant within their supporting statement explains that the bins will be taken to a hard surface area by staff prior to the day of collection which is adjacent to Oakfield Road. This is within the required 10m. The Joint Waste Solutions team which provides refuse for the Elmbridge Area have been consulted on this element of the proposal and have raised no objection subject to the collection area for bins to be taken to being within 10m of the highway. Officers are satisfied this requirement can be met.
154. The applicant also confirms that the space within the bin store will be sufficient to meet the requirements of the Waste and Recycling Guidance in terms of the volume of bins and types of bins required which according to the guidance is 120L of normal waste and 120L of recycling waste per property as well as 24L of food waste.
155. The proposal is therefore considered to provide appropriate bin storage for the proposed development and would through management meet the requirement of the Waste and Recycling Guidance. The proposal is therefore considered to accord with Policy DM8 of the Elmbridge Development Management Plan 2015 and Policy 4 of the Surrey Waste Plan 2019-2033.

## ***DRAINAGE***

### **Elmbridge Development Management Plan 2015**

#### **DM5 – Pollution**

156. Policy DM5 of the Elmbridge Development Management Plan 2015 states that development proposals should be designed and/or located to prevent or limit the input of pollutants into water bodies and the groundwater. Sustainable Drainage Systems (SuDS) should be incorporated wherever practical to reduce the discharge of surface water to the sewer network.
157. In support of the application, the applicant has submitted a Flood Risk Assessment and Drainage Strategy and details. The Surrey County Lead Local Flood Authority has been consulted on the proposals.
158. The site is located within Flood Zone 1. The Lead Local Flood Authority raise no objection to the proposal, subject to the implementation of conditions for a detailed drainage scheme to be submitted prior to commencement of development and for a verification report to be submitted ahead of first occupation.
159. The proposal is therefore considered to accord with Policy DM5 of the Elmbridge Development Management Plan 2015.

## ***CONTAMINATED LAND***

### **Elmbridge Development Management Plan 2015**

#### **DM5 – Pollution**

160. DM5 of the Elmbridge Development Plan states that development affecting contaminated land will be permitted provided that the site is remediated to ensure it is suitable for the proposed use, taking into account the sensitivity of future occupants/users to pollutants, and that remedial decontamination measures are sufficient to prevent harm to living conditions, biodiversity or the buildings themselves.
161. The Borough Council's Environmental Health Officer has been consulted on the proposal and has reviewed the Land Condition Report submitted as part of the Planning Application.
162. They have concluded that there is unlikely to be a significant source of contamination on the site, however, should contamination be found, they have recommended a condition that if contamination is found on the site, that the County Planning Authority be notified and development be halted for an investigation to take place and suitable remediation and verification of any remediation to be submitted to the County Planning Authority.
163. Therefore the proposal is considered to accord with Policy DM5 of the Elmbridge Development Management Plan 2015.

## ***TILTED BALANCE***

164. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development
165. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

166. The reference to policies being out-of-date includes instances in which the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (as clarified by footnote 8), which applies in this case. Accordingly, the so called 'tilted balance' in favour of granting permission is engaged. There is no policy within the Framework which would provide a clear reason for refusing the development proposed (as listed in footnote 7 of the NPPF) and so the appropriate test is to consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

167. It is acknowledged that the Council cannot demonstrate a five-year supply of housing and this currently stands at 4.36 years. Paragraph 11) is engaged in the absence of a five-year housing land supply.

168. The proposal would add 12 new affordable dwellings which is of an acceptable unit mix, officers attribute significant weight to this. The proposal is also considered to accord with development plan in relation to mix, sustainability, impact on the SPA, standard of accommodation, biodiversity, design and visual amenity, landscape and trees, impact on residential amenity, highways, access and parking, waste and refuge and drainage.

169. The County Council has not identified any adverse impacts of the proposal which would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. As such the proposal is recommended for approval.

### ***HUMAN RIGHTS IMPLICATIONS***

170. 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.

171. Officer's view is that the proposal has no human rights implications.

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### **Conclusion**

The proposed development is located in the developed area of Cobham where the principle of development is generally supported. The proposal will provide specialist independent living accommodation within a sustainable location which will provide an

appropriate level of amenity. Officers are satisfied that through the application of appropriate conditions, the proposal would not result in a materially harmful impact on the residential amenity of surrounding neighbours. The layout and design of the proposed development is unique in view of the needs arising from the specialist accommodation it is providing. However it is considered that given the size and nature of the site and the distances retained between the proposed buildings it can be comfortably located. Officers acknowledge the proposal will introduce a different built form that than which predominates however this will not give rise to any adverse impact on the visual appearance of the area.

It is therefore recommended that the application is approved subject to conditions.

### **Recommendation**

That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. EL/2022/2251 be PERMITTED subject to the following conditions:

### **Conditions:**

1. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

Coveham Proposed Site Plan (with dims) – 221104

PEO2-5586-DR-A-90202 Rev C02 Proposed Site Elevations dated 1 April 2022

PEO2-5586-DR-A-90213 Rev C02 South Building - Elevations (2of2) dated 1 April 2022

PEO2-5586-DR-A-90212 Rev C02 South Building - Elevations (1of2) dated 1 April 2022

PEO2-5586-DR-A-90211 Rev C02 North Building - Elevations (2of2) dated 1 April 2022

PEO2-5586-M3-A-90701 Rev C2 Site Aerial View dated 22 July 2022

PEO2-5586-DR-A-90210 Rev C02 North Building - Elevations (1of2) dated 1 April 2022

PEO2-5586-DR-A-90101 Rev C01 Location plan dated 1 April 2022

PEO2-5586-DR-A-90102 Rev C01 Existing Site Plan dated 1 April 2022

PEO2-5586-DR-A-90103 Rev C01 Proposed Site Plan dated 1 April 2022

PEO2-5586-DR-A-90104 Rev C01 Proposed Site Roof Plan dated 1 April 2022

PEO2-5586-DR-A-90110 Rev C01 North Building - Ground Floor Plan dated 22 June 2022

PEO2-5586-DR-A-90111 Rev C01 North Building - First Floor Plan dated 22 June 2022

PEO2-5586-DR-A-90112 Rev C01 North Building - Roof Plan dated 22 June 2022

PEO2-5586-DR-A-90113 Rev C01 South Building - Ground Floor Plan dated 22 June 2022

PEO2-5586-DR-A-90114 Rev C01 South Building - First Floor Plan dated 22 June 2022

PEO2-5586-DR-A-90115 Rev C01 South Building - Roof Plan dated 22 June 2022

PEO2-5586-DR-A-90201 Rev C02 Existing Site Elevations dated 22 July 2022

PEO2-5586-DR-A-90301 Rev C01 Proposed Site Sections dated 1 April 2022

PEO2-5586-DR-A-90310 Rev C01 North Building - Section dated 22 June 2022

PEO2-5586-DR-A-90311 Rev C01 South Building - Section dated 22 June 2022



PE02-5586-DR-A-90312 Rev C01 Apartment Block - Main Entrance Bay Study dated 22 June 2022  
 PE02-5586-DR-A-90313 Rev C01 Apartment Block - Typical Balcony Bay Study dated 22 June 2022  
 PE02-5586-DR-A-90314 Rev C01 Apartment Block - Perforated Wall Bay Study dated 22 June 2022  
 PE02-5586-DR-L-00001 Rev C01 General Arrangement Plan dated 31 March 2022  
 PE02-5586-DR-L-00002 Rev C01 Illustrative General Arrangement Plan dated 31 March 2022  
 PE02-5586-DR-L-00003 Rev C01 Hard Landscape Plan dated 31 March 2022  
 PE02-5586-DR-L-00004 Rev C01 Soft Landscape Plan dated 31 March 2022  
 PE02-5586-DR-L-00005 Rev C01 Tree Removal Plan dated 31 March 2022  
 PE02-5586-DR-L-00006 Rev C01 Sections dated 31 March 2022  
 PE02-5586-DR-L-00007 Rev C01 Planting Palette dated 31 March 2022  
 PEO2-5586-DR-L-00009 Rev C01 Soft Landscape Standard Details dated 31 March 2022  
 PEO2-5586-DR-A-90410 Rev C01 Bin/Bike Store/Substation Plan dated 22 July 2022  
 PEO2-5586-DR-A-90411 Rev C01 Communal Bin and Bike Store dated 22 July 2022  
 PEO2-5586-DR-A-90412 Rev C01 Bin Store/Bike Store/ Substation Section 22 July 2022  
 PEO2-5586-DR-A-90413 Rev C01 Existing Hostel Building Elevations 1 of 2 dated 5 August 2022  
 PEO2-5586-DR-A-90414 Rev C01 Existing Hostel Building Elevations 2 of 2 dated 5 August 2022  
 PEO2-5586-DR-A-90415 Rev C02 Existing Warden House Elevations dated 16 August 2022

2. 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.
3. The potential for significant ground contamination to be present at the subject property is considered likely to be low. However, if, during development, ground contamination is found to be present at the site it must be reported immediately to the County Planning Authority. Development must be halted and an investigation shall be agreed, in writing, with the Council. The investigation shall be carried out by a competent person, to assess the condition of the land with respect to contamination.

In the event that remediation is required, a written method statement detailing how the identified contamination shall be dealt with and risks mitigated shall be submitted to the Council for written approval. The agreed remediation method statement shall be implemented prior to occupation or the development being brought into use.

Upon completion of the remediation, and prior to occupation or the development being brought into use, a written report providing verification that the required works with regards to remediation of contamination have been carried out in line with the agreed

method statement shall be submitted the Council for written approval. The verification shall be carried out and reported by an independent, competent person, stating that remediation was carried out in accordance with the approved remediation scheme and that the site is suitable for the permitted end use.

4. Prior to the Commencement of the Development hereby permitted a Habitat Creation, Management and Enhancement Plan shall be submitted to and approved in writing by the County Planning Authority. The Habitat Creation, Management and Enhancement Plan should be based on the proposed landscaping and the biodiversity net gain assessment specified in the above referenced report and should include, but not be limited to following:
  - a) Description and evaluation of features to be managed
  - b) Ecological trends and constraints on site that might influence management
  - c) Aims and objectives of management
  - d) Appropriate management options for achieving aims and objectives
  - e) Prescriptions for management actions, together with a plan of management compartments
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
  - g) Details of the body or organisation responsible for implementation of the plan
  - h) Ongoing monitoring and remedial measures
  - i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
  - j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme

The development shall be implemented in accordance with the approved details

5. The applicant shall ensure that the proposed development will result in no net increase in external artificial lighting.
6. No part of the development hereby permitted shall be first occupied unless and until the proposed modified vehicular accesses to Anyards Road has been constructed in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
7. No part of the development hereby permitted shall be first occupied unless and until space has been laid out within the site in accordance with the approved plan PEO2-5586-DR-A-90103 Rev C01 Proposed Site Plan dated 1 April 2022 for vehicles and cycles to be parked 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.
8. No part of the development hereby permitted shall be first occupied unless and until each of the proposed parking spaces are provided with a fast-charge Electric

Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with the approved plans and thereafter shall be retained and maintained to the satisfaction of the Local Planning Authority.

9. The flats hereby permitted shall remain as affordable housing (supported independent living accommodation) for rent in accordance with the definition as defined within the glossary of the NPPF 2021 or subsequent Government Guidance.
10. No part of the development hereby permitted shall be first occupied unless and until the BS8233 and BS4142 assessment and its mitigation measures as detailed within the Supported Independent Living: Coveham Hostel Site, RIBA Stage 3 Acoustic Design Report, Surrey County Council 14 March 2022 2022/FEB/05 has been fully implemented in accordance with the approved details. The works and scheme shall thereafter be retained, in accordance with the approved details for the life time of the development.

Before first occupation, post-completion testing shall be carried out to ensure that the sound insulation values have been achieved. This shall be carried out by a suitably qualified person and the results of the assessment shall be submitted to and approved in writing, by the Local Planning Authority.

11. The windows on the west elevation of the southern block serving the first floor flats 4 and 5 as shown on plan PE02-5586-DR-A-90114 shall be obscure glazed as per this plan and shall remain obscure glazed in perpetuity.
12. The western side of the balcony located on the northern elevation of the southern block shall be fitted with solid screening to a height of 1.7m. The screening shall be maintained and remain in place in perpetuity.
13. No part of the development hereby permitted shall be first occupied unless and until the approved hard landscaping has been provided in accordance with the Hard Landscape Plan PE02-5586-DR-L-00003 Rev.
14. No part of the development hereby permitted shall be first occupied unless and until a Landscape Management Plan including, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the County Planning Authority. The landscape management plan shall include five years of aftercare maintenance. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.
15. No part of the development hereby permitted shall be first occupied unless and until a soft landscaping plan shall be submitted to and approved in writing by the County Planning Authority. The soft landscaping plans shall include:
  - details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

- a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- specifications for operations associated with plant establishment and maintenance that are compliant with best practise;

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

16. No part of the development hereby permitted shall be first occupied unless and until details of the types and dimensions of all boundary treatments have been submitted to and approved in writing by the County Planning Authority.
17. The development hereby permitted shall be implemented in accordance with the Arboricultural Appraisal and Impact Assessment dated 22nd September 2022 including all recommended tree protection methods.
18. The development hereby permitted shall be implemented in accordance with the Outline Construction Traffic Management Plan dated 24 June 2022.
19. No above ground development of the flats shall take place until samples of all external facing materials have been submitted to and approved by the County Planning Authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

**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. 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.
3. To ensure that the proposed development will not cause pollution of the environment or harm to human health in accordance with National Planning Policy Framework and Policy DM5 of the Elmbridge Development Management Plan 2015.
4. In order that the proposal provides an adequate biodiversity net gain and the proposal accords with Policy CS15 of the Elmbridge Core Strategy 2011.
5. In order that the proposal would not lead to harm to protected species and accords with Policy CS15 of the Elmbridge Core Strategy 2011.
6. The condition is required in order to meet the objectives of the NPPF (2021), and to satisfy policy CS25 of the Elmbridge Core Strategy (2011), and policy DM7 of the Elmbridge Development Management Plan (2015).
7. The condition is required in order to meet the objectives of the NPPF (2021), and to satisfy policy CS25 of the Elmbridge Core Strategy (2011), and policy DM7 of the Elmbridge Development Management Plan (2015).
8. The conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and are also

required recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021.

9. To ensure the proposal meets the definition of affordable housing and therefore contributes to the Elmbridge affordable housing need in accordance with Policy CS21 of the Elmbridge Core Strategy 2011.
10. To avoid adverse impacts on health and quality of life from noise in accordance with paragraph 180 of the National Planning Policy Framework and the Noise Policy Statement for England.
11. In order to prevent a materially harmful loss of privacy to the adjoining neighbour in accordance with the guidance of the Elmbridge Design and Character SPD and Policy DM2 of the Elmbridge Local Plan 2015.
12. In order to prevent a materially harmful loss of privacy to the adjoining neighbour in accordance with the guidance of the Elmbridge Design and Character SPD and Policy DM2 of the Elmbridge Local Plan 2015.
13. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.
14. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015
15. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015
16. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio diversity benefits and to enhance its setting within the immediate locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.
17. Required to safeguard trees and enhance the character and amenity of the area, to provide ecological, environmental and bio diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.
18. The condition is required in order to meet the objectives of the NPPF (2021), and to satisfy policy CS25 of the Elmbridge Core Strategy (2011), and policy DM7 of the Elmbridge Development Management Plan (2015).
19. In the interests of the character and amenity of the area in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015



## Informatives:

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on landscape/ecology/visual impact and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions and the County Planning Authority has also engaged positively in the preparation of draft legal agreements. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.
2. 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.
3. 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 shown it is absolutely certain that nesting birds are not present.
4. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. [www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
5. In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the County Council as part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT valuation to compensate for the loss of highway amenity.
6. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings,

highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
8. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
9. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
10. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
11. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

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**Contact Chris Turner**

**Tel. no. 07812 776002**

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### **Background papers**

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

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Elmbridge Borough Council planning register for this application can be found under application reference EL/2022/2251.

The following were also referred to in the preparation of this report:

#### **Government Guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

#### **The Development Plan**

[Surrey Waste Local Plan 2019-2033](#)

[Elmbridge Development Management Plan 2015](#)

[Elmbridge Core Strategy 2011](#)

[Elmbridge Design and Character SPD](#)

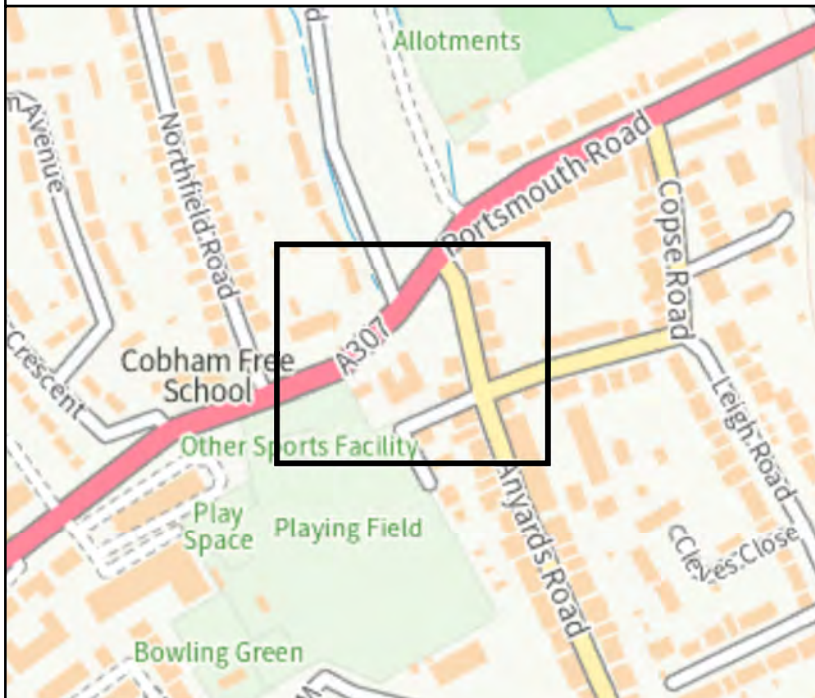
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Site Location:

**Coveham Hostel, Anyards Road, Cobham KT11 2LJ**



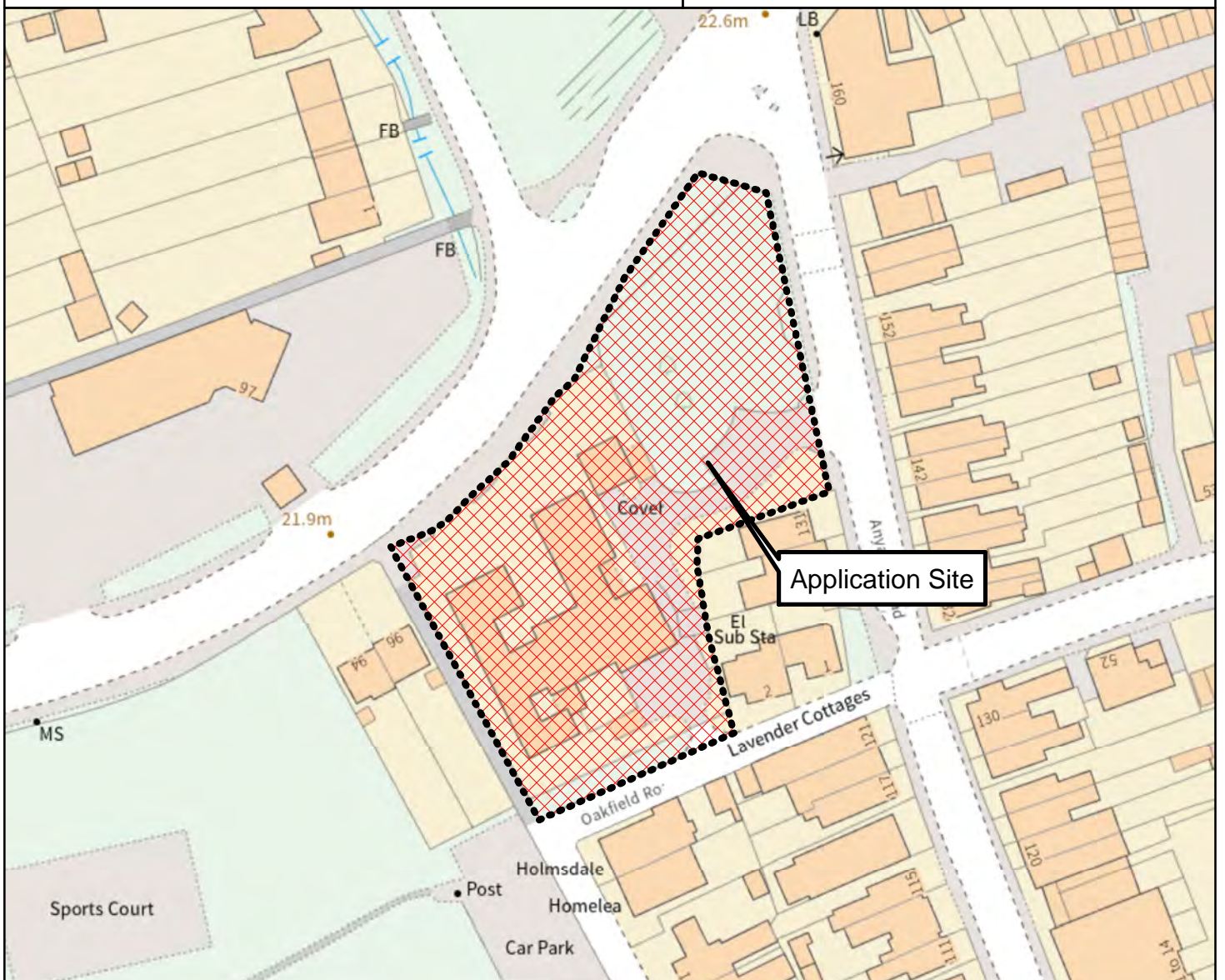
Erection of 2x two storey buildings comprising 6 x 1 bed self-contained flats (12x1 bed flats total) for supported independent living, new substation and associated bin stores, cycle stores and hard and soft landscaping.

Application numbers:  
EL/2022/2251

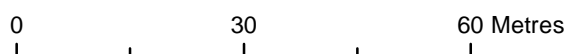
Electoral divisions:  
Cobham

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Note: This plan is for indicative purposes only



Ref No:  
SCC Ref 2022/0090



Scale: **1:1000**  
Printed on: 16/01/2023



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# 2021 Aerial Photos

## Aerial 1: Surrounding area



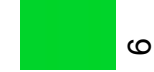
Page 151



All boundaries are approximate

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# 2021 Aerial Photos

## Aerial 2: Application site



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Application Site Area

Portsmouth Road (A307)

Anyards Road



All boundaries are approximate

**To:** Planning & Regulatory Committee

**Date:** 7 June 2023

**By:** Planning Development Manager

**District(s)** Woking Borough Council

**Electoral Division(s):**  
Woking South  
Mr Forster

**Case Officer:**  
Jessica Darvill

**Purpose:** For Decision

**Grid Ref:** 500320 154346

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**Title:** Waste Application Reference WO/2020/0993

### Summary Report

Elm Nursery, Sutton Green Road, Sutton Green, Guildford, Surrey GU4 7QD

The installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective)

The recommendation is to GRANT planning permission ref: WO/2020/0993 subject to conditions.

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### Application details

#### Applicant

Redwood Tree Services

#### Date application valid

28 October 2020

#### Period for Determination

27 January 2021, extension of time agreed until 21 June 2023

### Amending Documents

- Drawing ref: A050, rev.03 'Site Location Plan' dated 25 April 2023
- Drawing ref: A060, rev.03 'Block Plan' dated 25 April 2023
- Drawing ref: A351, rev.03 'Elevations Proposed' dated 25 April 2023
- Drawing ref: A301, rev.03 'Floor Plan Proposed' dated 25 April 2023
- Drawing ref: A800, rev.03 'Drainage System' dated 25 April 2023
- Drawing ref: 08, rev.03 'Barn Drainage System' dated 25 April 2023
- Drawing ref: 09, rev.03 'Sewage System Drainage' dated 25 April 2023
- Drawing ref: 10, rev.03 'Officer Facilities Drainage' dated 25 April 2023
- Drawing ref: 11, rev.03 'Fuel Storage and Drainage Systems as Recommended by EA' dated 25 April 2023
- Drawing ref: A701 'Irrigation and Water Distribution' dated 22 October 2020 – this has been removed as the contents of the drawing were merged with Drawing ref: A800 – Drainage System.

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## Illustrative material

### Site Plan

Elm Nursery Plan 1

### Aerial Photographs

Aerial 1: Surrounding Area

Aerial 2: Application Site

### Site Photographs

Figure 1: Looking at the northern side of the site April 2023

Figure 2: Existing barn building on the eastern side permitted under WO/2015/0605 photo taken April 2023

Figure 3: Looking southwards of the site with the car parking area April 2023

Figure 4: Electricity generator to south of site Jan 2023

Figure 5: Office and welfare buildings to the south of site April 2023

Figure 6: Fuel storage tanks to the west side of site April 2023

Figure 7: Existing permitted open storage bays Jan 2023

Figure 8: Eastern boundary of the site next to Sutton Ridge House April 2023

Figure 9: Entrance Gate to Application Site July 2022

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## Introduction

1. At their meeting on 29 March 2023 the Planning and Regulatory (P&R) Committee resolved that the above planning application be deferred to enable the P&R Committee Members attend a site visit ahead of determining the above planning application.
2. In addition to this, during the P&R Committee a number of points were raised, this included the following:
  - Concern raised regarding this application being a retrospective application.
  - Query regarding land ownership and the application site within the wider setting of the Elm Nursery site, could the office building be accommodated within an existing building on the wider Elm Nursery site e.g. beyond the application site boundary.
  - Query regarding the need for the size of the office building proposed.
  - Query regarding bunding around the fuel storage tanks (as illustrated in Figure 6 presented at P&R Committee on the 29 March 2023) and whether Condition 13 could be strengthened to protect the local environment.
  - Query regarding flooding and surface water drainage on site.
  - Query around the very special circumstances for this application.
  - Query regarding the extension of hours proposed.

Officers will address these points in the **clarifying information** section below.

3. The Officer Report dated 29 March 2023 presented at the Planning and Regulatory (P&R) Committee on the 29 March 2023 is attached to this update report within Annex 3. There is one amendment to make to paragraph 169 of this Officer Report dated 29 March 2023 as outlined below as struck through text:

Original text:

Officers are satisfied that the details submitted to mitigate flood risk and surface water drainage are appropriate for the nature and scale of the proposed development and



~~material change of use~~. The site is 0.39 hectares in site and is located on land within the lowest probability of flooding (Flood Zone 1).

## DRAWINGS

4. Since application reference: WO/2020/0993 was reported to the Planning and Regulatory (P&R) Committee on the 29 March 2023, the applicant has submitted revised plans and drawings to address the layout of the fuel storage tanks and fuels storage containers to the west of the site being incorrectly positioned on the original plans and drawings. Therefore, the following revised plans and drawings have been submitted:

- Drawing ref: A050, rev.03 'Site Location Plan' dated 25 April 2023
- Drawing ref: A060, rev.03 'Block Plan' dated 25 April 2023
- Drawing ref: A351, rev.03 'Elevations Proposed' dated 25 April 2023
- Drawing ref: A301, rev.03 'Floor Plan Proposed' dated 25 April 2023
- Drawing ref: A800, rev.03 'Drainage System' dated 25 April 2023
- Drawing ref: 08, rev.03 'Barn Drainage System' dated 25 April 2023
- Drawing ref: 09, rev.03 'Sewage System Drainage' dated 25 April 2023
- Drawing ref: 10, rev.03 'Officer Facilities Drainage' dated 25 April 2023
- Drawing ref: 11, rev.03 'Fuel Storage and Drainage Systems as Recommended by EA' dated 25 April 2023

In addition:

- Drawing ref: A701 'Irrigation and Water Distribution' dated 22 October 2020 – this has been removed as the contents of the drawing were merged with Drawing ref: A800 – Drainage System.

The Lead Local Flood Authority (LLFA) has reviewed the revised submitted drawings and raise no objection to these proposals or the detail as shown in the drawings.

## STORAGE TANKS AND FUEL STORAGE CONTAINER LOCATION

5. The fuel storage tanks, and fuel storage containers remain to be located to the west of the application site. Drawing ref: A301, rev.03 'Floor Plan – Proposed' dated 25 April 2023 shows the amendments to the positioning of the fuel storage tanks and fuel storage containers. This plan is located in Annex 2 of this update report for reference. No other amendments have been made to the proposal. The Lead Local Flood Authority (LLFA) has been reconsulted on this amendment and drawings and has raised no objection.
6. Officers propose the following amendments are made to Conditions 2, 8 and 11 to reflect the updated plans and drawings. The changes are highlighted in **bold** text to assist.
7. Condition 2  
Proposed amendments to Condition 2 wording:

### Approved Plans

The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing ref: A050, **rev.03** Site Location Plan **dated 25 April 2023**
- Drawing ref: A060, **rev.03** Block Plan dated **25 April 2023**
- Drawing ref: A251 Elevations as Built dated July 2020
- Drawing ref: A201, rev.01 Floor Plan as built dated July 2020

- Drawing ref: A351, **rev. 03 Elevations Proposed dated 25 April 2023**
- Drawing ref: A301, **rev.03 Floor Plan Proposed dated 25 April 2023**
- Drawing ref: A800, **rev.03 Drainage System dated 25 April 2023**
- Drawing ref: 08, **rev.03 Barn Drainage System dated 25 April 2023**
- Drawing ref: 09, **rev.03 Sewage System Drainage dated 25 April 2023**
- Drawing ref: 10, **rev.03 Officer Facilities Drainage dated 25 April 2023**
- Drawing ref: 11, **rev.03 Fuel Storage and Drainage Systems as Recommended by EA dated 25 April 2023**

*Reason: For the avoidance of doubt and in the interest of proper planning.*

8. Condition 8  
Proposed amendments to Condition 8 wording:

### **Office Building Use**

The office building and welfare facilities hereby permitted as shown on Drawing A301 **rev. 03 'Floor Plan Proposed' dated 25 April 2023**, shall be used solely in connection with the waste management activities as permitted by planning permission ref: WO/2015/0605 dated 18 August 2016 site and for no other purpose.

*Reason: To enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area in accordance with Policy 14 of the Surrey Waste Local Plan (2020); Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).*

9. Condition 11  
Proposed amendments to Condition 11 wording:

### **Surface Water Drainage**

Surface water drainage shall be maintained in accordance with the details submitted under the following documents:

- Planning Statement (document ref: FL11437, rev.1) dated 8 May 2020
- Technical Note – Drainage, Mayer Brown dated 18 November 2016 – Approved Strategy under planning permission ref: WO/2017/0102 dated 31 March 2017
- Condition 11 Details dated 6 December 2016 – Approved Strategy under planning permission ref: WO/2017/0102 dated 31 March 2017
- Sustainable Drainage System Details, Fuller Long dated 26 March 2021
- Drainage Cover Note, Redwood Tree Services Ltd dated 21 September 2021
- Drainage Details (email) dated 10 October 2022
- Drawing ref: A800, **rev.03 Drainage System dated 25 April 2023**
- Drawing ref: 08, **rev.03 Barn Drainage System dated 25 April 2023**
- Drawing ref: 09, **rev.03 Sewage System Drainage dated 25 April 2023**
- Drawing ref: 10, **rev.03 Officer Facilities Drainage dated 25 April 2023**
- Drawing ref: 11, **rev.03 Fuel Storage and Drainage Systems as Recommended by EA dated 25 April 2023**

This drainage scheme shall be implemented and maintained for the duration of the development hereby permitted.

*Reason: In accordance with paragraph 167 of the National Planning Policy Framework 2021 to ensure that flood risk is not increased onsite or elsewhere; and in accordance with Policies 13 and 14 from the Surrey Waste Local Plan (2020); Policy CS9 from the*

## **CLARIFYING INFORMATION**

### Retrospective Applications

10. The proposal seeks consent for the installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container. The application is in part retrospective in that the office building, welfare building, CCTV cameras on columns, fuel storage tanks, electricity generator and fuel storage container are already installed /sited on the application site.
11. This retrospective application has occurred from changes in the operation of the site for a variety of reasons, such as changes in the market (supply/demand), and changes in machinery. The purpose of the retrospective application is to assess whether unregulated changes are suitable for the site in regards to national and Development Plan policy. Retrospective applications are assessed in the same manner as to any other application, there is no bias towards approval or granting permission just because it is retrospective. Where applications are refused appropriate enforcement actions can be considered (in accordance with Surrey County Council's Planning Enforcement and Monitoring Protocol).

### Landownership and the Application Site

12. The site description is outlined within the Officers Report dated 29 March 2023 in Paragraphs 1-5. The application site that this proposal relates to is an open yard that is located on the northern half of the wider Elm Nursery site. The application site is a planning unit in its own right and is not part of the surrounding operations (café, horticultural nursery, and petting zoo) that operate at Elm Nursery. The planning unit for the application site is defined by a gate and fencing separating the application site from the wider Elm Nursery site. The applicant (Redwood Trees Ltd) does not own the land and this land is rented. Therefore, the operations that are undertaken by the applicant are required to be undertaken within the planning boundary of the application site. The structures proposed under this application are directly ancillary to the sustainable forestry and waste management operations that take place within the planning unit and are therefore required to be within this planning boundary of the application site and could not be located elsewhere within the wider Elm Nursery site. The site planning boundary is shown on Drawing ref: A050, rev.03 'Site Location Plan' dated 25 April 2023. For ease of reference this has been attached to the Annex 1 of this update report.

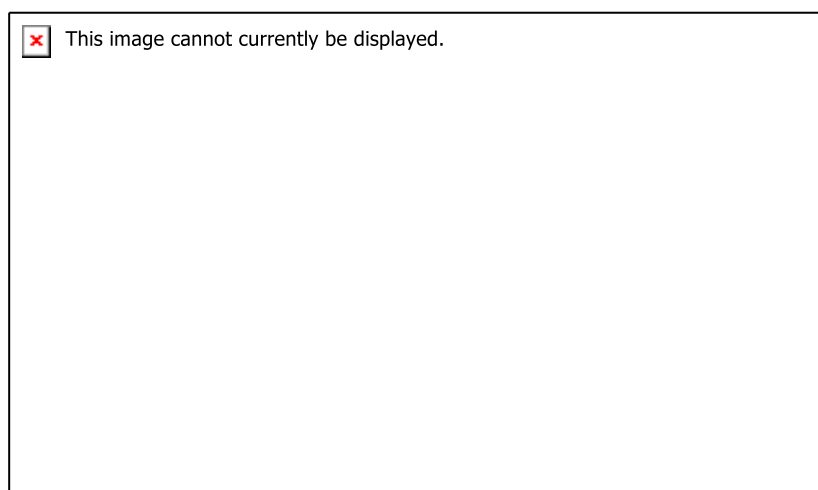
### Office Building Proposed

13. As outlined in the Officers Report dated 29 March 2023 in Paragraph 52, the office building is located to the south of the site and is a container style building which is approximately 6.1 metres (m) in length by 2.4m in width and 2.4m in height. The applicant outlines in the Planning Statement that the office is required to co-ordinate operations on the site and for administrative work to support the objective of sustainable forestry and waste management. The office is currently used by two members of staff in connection with the waste management business. The office building is constructed in a dark green colour and is smaller in height than the existing permitted barn building on site. Officers are satisfied that the office is the minimum requisite required to provide adequate space for two members of staff to work in and that there is no other building in

the planning unit where the office could be provided. Figure 11 presented at the P&R Committee on the 29 March 2023 showed the office building and associated welfare unit.

### Fuel Tank Bunding

14. As illustrated in Figure 6 presented at the P&R Committee on the 29 March 2023 there were various points where the bunding around the fuel tanks were incomplete and therefore this bunding would not function as designed to protect the local environment. Officers visited the site on the 4 April 2023 (see image below) where it was noted that the bunding has since been fixed and this bunding provides the suitable protection to the environment as stipulated by the Environmental Agency's (EA) guidelines. The applicant outlined at the site visit that the reason that the bunding had been incomplete was that a driver had driven into the bund accidentally and weakened specific points of the bund which had led to the bunding being broken in various points. Since January 2023 (when Figure 6 had been taken) this bunding had been mended. The EA has raised no objection during the consultation period for this proposal and recommended an informative on regarding the pollution and the ownership of that pollution.



Fuel Bunding on Officers Site Visit dated 4 April 2023

15. With regards to Condition 13, Officers propose the following amendments

Condition 13 wording presented to March Planning and Regulatory Committee

#### *Fuel Tank and Fuel Storage Containers*

Any oil, fuel, lubricant or other potential pollutant shall be handled in such a manner as to prevent pollution of any watercourse or aquifer. This shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and the walls of the bunded area shall be impervious to both fuel and any liquid stored therein.

*Reason: To prevent pollution of water environment in accordance with Policy 14 of the Surrey Waste Local Plan 2020.*

Proposed amendments to Condition 13 wording:

#### *Fuel Tank and Fuel Storage Containers*

Any facilities for the storage of chemicals and fuels shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

*Reason: To protect groundwater from contaminants and pollution in accordance with Policy 14 of the Surrey Waste Local Plan 2020.*

### Flooding and Surface Water Drainage on Site

16. With regards to flooding and surface water drainage this is addressed within the Officer Report dated 29 March 2023 in Paragraphs 153 to 169. The site is located within flood zone 1 (low probability), however the site is also identified by the Environment Agency (EA) as being at significant risk of surface water flooding. In light of this, the parent permission for use of this site for waste management purposes (WO/2015/0605) was subject to Condition 11 which required approval of a scheme disposing of surface water by means of a sustainable drainage system. In accordance with this condition details of a scheme for disposing of surface water by means of sustainable drainage system was approved under planning permission WO/2017/0102 dated 31 March 2017. As this application is increasing the impermeable area the applicant has put forward proposed changes to the existing soakaway scheme to accommodate for this additional increase in the impermeable area. These are outlined in the following drawings: drawing ref: 08, rev.03 'Barn Drainage Systems' dated 25 April 2023; drawing ref: 09, rev.03 'Sewage System Drainage' dated 25 April 2023; drawing ref: 10, rev.03 'Office Facilities Drainage' dated 25 April 2023; and drawing ref: 11, rev. 03 'Fuel Storage and Drainage Systems as Recommended by the EA' dated 25 April 2023. The soakaway proposed is approximately 19m x 0.5m x 3.5m in size, with the gravel pit by the new office building approximately 15m x 0.3m x 0.3m in size, and the gravel pit by the oil storage building approximately 8m x 0.3m x 0.6m in size. The Lead Local Flood Authority (LLFA) has reviewed the submitted drawings and raise no objection to these proposals, and the EA have also reviewed the documents submitted for the proposed development and raise no objections.
17. Officers acknowledged that the photographs presented to the March committee were taken in January 2023 following a period of intense rainfall of which led to some surface water on site. Officers provided additional figures during the P&R Committee on the 29 March 2023 which showed the site at June 2022 where there was no surface water observed on site.

### Very Special Circumstances

18. The applicant puts forward very special circumstances in Paragraph 195 of the Officer Report dated 29 March 2023. These structures proposed as part of this application are considered ancillary to the existing waste management facility and there is a requirement for them to be co-located on the existing site.
19. As outlined in the Surrey County Council guidance on Alternative Site Assessment (ASA): [Alternative Site Assessment Guidance \(surreycc.gov.uk\)](https://www.surreycc.gov.uk/alternative-site-assessment-guidance) It states:



*To demonstrate compliance with Policy 9 an ASA will be required in most circumstances for waste management development in the Green Belt. However, an ASA may not be relevant to site specific proposals in some instances, including development of or at an existing waste management site.*

As the structures proposed are ancillary to the existing waste management facility, Officers consider in this instance an alternative site assessment is not required.

20. The application site is a separate planning unit within the wider Elm Nursery site separated by gates and fencing from the wider Elm Nursery site. Given the proposed structures are inextricably linked to the sustainable wood and waste management operation, Officers are satisfied that it is both necessary and reasonable for these structures to be sited within the planning unit for those operations and not within the planning unit of the wider Elm Nursery site which are of different uses.
21. In assessing the proposal against the context of the Green Belt, an assessment of what the harm to the Green Belt for this proposal in terms of the harm itself, openness, and whether the very special circumstances presented outweigh the harm as set out in the NPPF is required.
22. Officers recognise this proposal would encroach on the openness of the Green Belt by virtue of the proposed structures and CCTV poles. Officers recognise the proposal would cause harm to the Green Belt by virtue of inappropriateness and harm to the openness given its physical structure and presence, therefore very special circumstances must be demonstrated to outweigh this harm.
23. Officers consider that the factors advanced by the applicant as very special circumstances above demonstrates that the inclusion of the office building, welfare building, electricity generator, fuel tanks and storage, and CCTVs are ancillary to the operational use of the site that is already permitted under planning permission WO/2015/0605 and recognise the need to be located in close proximity to where the waste is arising and to be located within the existing waste management facilities to support the existing operations of the existing waste management facility . There are no other locations for these structures to be located outside of the Green Belt area without leading to further disruption in terms of vehicle movement and development to the local area.
24. With regard to the other purposes of including land in the Green Belt, when considered against the use of the existing site permitted under planning permission WO/2015/0605, Officers consider the proposed development would not encroach on the countryside and therefore would assist in safeguarding the countryside from encroachment. Officers consider the proposal would not cause sprawl of large built-up areas, would not cause neighbouring towns to merge into one another, would not impact on the setting or special character of historic towns; and as no impact on influencing urban regeneration. Consequently, Officers concur that the proposal does not conflict with these purposes of the Green Belt. Regarding permanence, Officers recognise the proposal would be for permanent structures to support an already existing and operational waste management facility.
25. Officers also recognise that this proposal supports opportunities for a sustainable way to move waste up the waste hierarchy. The additional two storage bays allows for the storage of the wood chip to be formalised on site and prevents the development from encroaching beyond the existing boundaries of the site.
26. In terms of other harm, in accordance with Paragraph 148 of the NPPF (2021), the impact of the development needs to be assessed in terms of any other harm resulting from the proposal in addition to the inappropriateness.

27. Paragraph 148 of the NPPF (2021) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances; will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In conclusion, Officers are therefore satisfied the factors advanced by the applicant amount to very special circumstances which outweigh the harm by reason of inappropriateness to the Green Belt and other harm resulting from the proposal. Officers are satisfied that subject to the imposition of conditions there would be no other harm resulting from the proposal. Officers therefore consider that very special circumstances exist which justify permitting the proposed development in the Green Belt. Accordingly, the development would not conflict with Policy 9 of the Surrey Waste Local Plan 2020, Policy CS6 of the Woking Borough Council Core Strategy 2012 and Policy DM13 of the Woking Local Development Management Policies Development Plan Document 2016 and Officers consider that planning permission should be granted subject to Conditions.

### Extension of Hours Proposed

28. As discussed within the Officer report dated 29 March 2023, the applicant is not proposing to change the operational hours on site. As outlined in Condition 4 of the parent permission (WO/2015/0605) vehicles and personnel are permitted to access the site 30 minutes before and 30 minutes after the permitted operational hours. In this application (WO/2020/0993) the applicant is seeking to extend this by an additional 30 minutes Monday to Friday only, to allow personnel to access and exit the site up to an hour before and after the permitted operational hours. This would allow the existing 6 vehicles entering and leaving the site to access and exit the site across an hour, rather than across 30 minutes helping staff to avoid the rush hours in the local area. The proposed Condition 5 of planning application WO/2020/0993 outlines that the running of all other vehicles, and all plant on site shall not be used during this time, and no changes to the operational hours on site are permitted.

### **REPRESENTATIONS**

29. No further representations have been received for this application at the time of Officers writing this update report.

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### **Human Rights Implications**

30. 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.
31. Officers do not consider that this application should interfere with any Convention right. The applicant must of course ensure that all CCTV equipment affects only activities within the application site and in any event complies with the General Data Protection Regulation (GDPR) which applies to video surveillance which may include personally identifiable information. It is mandatory to comply with the GDPR and avoid data privacy violations.

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### **Conclusion**

32. Officers consider that clarifications provided alongside the site visit organised for the 2 June 2023, meet the points raised by Members at the committee meeting of 29 March

2023. The Conditions are those as set out within the original report of 29 March 2023, with the amendment to Conditions 2, 8, and 11 to amend the references to plans which have been updated as outlined above, and Condition 13 has been amended as outlined above regarding the fuel storage tanks and bunds.

## Recommendation

33. Accordingly, Officers recommend that planning permission ref: **WO/2020/0993** is **GRANTED** subject to conditions.

## Conditions:

### Commencement

1. The development to which this permission relates to shall begin no later than the expiration of three years beginning with the date of this permission.

### Approved Plans

2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:
- Drawing ref: A050, rev.03 'Site Location Plan' dated 25 April 2023
  - Drawing ref: A060, rev.03 'Block Plan' dated 25 April 2023
  - Drawing ref: A251 'Elevations as Built' dated July 2020
  - Drawing ref: A201, rev.01 'Floor Plan as built' dated July 2020
  - Drawing ref: A351, rev.03 'Elevations Proposed' dated 25 April 2023
  - Drawing ref: A301, rev.03 'Floor Plan Proposed' dated 25 April 2023
  - Drawing ref: A800 rev.03 'Drainage System' dated 25 April 2023
  - Drawing ref: 08, rev.03 'Barn Drainage System' dated 25 April 2023
  - Drawing ref: 09, rev.03 'Sewage System Drainage' dated 25 April 2023
  - Drawing ref: 10, rev.03 'Officer Facilities Drainage' dated 25 April 2023
  - Drawing ref: 11, rev.03 'Fuel Storage and Drainage Systems as Recommended by EA' dated 25 April 2023

### Permitted Development Rights

3. Notwithstanding any provision to the contrary under Schedule 2 Part 2 (Class A); Part 4 (Class A); and Part 7 (Class I, J and L); of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order: No plant, building or machinery whether fixed or moveable shall be erected or extended on the application site without prior written approval of the County Planning Authority in respect to the location, design, specification and appearance of the installation, such details to include predicted levels of noise emission and their tonal characteristics; and no gates, fences, walls, other means of enclosure, or hard surface shall be installed, constructed or erected at the application site.

### Hours of Operation

4. The development hereby permitted shall only be undertaken between 08:00 hours to 17:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. The application site shall only be accessed by vehicles and personnel 1 hour before the permitted operational times on Monday to Friday and shall be closed in all respects no later than 1 hour after permitted operational times. The application site shall only be

accessed by vehicles and personnel 30 minutes before the permitted operational times on a Saturday and shall be closed in all respects no later than 30 minutes after permitted operational times.

No working shall be undertaken on Sundays or bank, public or national holidays. This condition shall not prevent emergency operations, but these are to be notified in writing to the County Planning Authority within 3 working days of such emergency works commencing.

5. During the additional 2 hours (Monday to Friday, 07:00 to 08:00 hours and 17:00 to 18:00 hours) and additional 1 hour (Saturday 07:30 to 08:00 and 13:00 to 13:30) permitted for staff to access the site, the running of all other vehicles (other than vehicles used by staff to arrive and depart the site) and all plant on site shall not be used.
6. The generator shall only be used between 08:00 to 09:00 hours and 16:00 to 17:00 hours Monday to Friday and then 08:00 to 09:00 and 12:00 to 13:00 hours on Saturdays. The generator shall not be used on Sundays or bank, public or national holidays.

#### Operational Throughput

7. As permitted under planning permission WO/2015/0605 dated 18 August 2015, no more than 1,000 tonnes of arboricultural waste shall be imported to the application site per annum. No other types of waste materials shall be imported to the application site. Accurate records of the volumes of waste imported to the application site shall be maintained for up to 12 months at any one time and shall be submitted to the County Planning Authority on 1 March and 1 September each year for the duration of the development hereby permitted.

#### Office Building Use

8. The office building and welfare facilities hereby permitted as shown on Drawing A301 rev. 03 'Floor Plan Proposed' dated 25 April 2023, shall be used solely in connection with the waste management activities as permitted by planning permission ref: WO/2015/0605 dated 18 August 2016 site and for no other purpose.

#### Electric Generator

9. The metal container that houses the electricity generator hereby permitted shall be provided with a dark green painted external finish (RAL 6009 – Fir Green / RAL 6028 – Pine Green, or equivalent colour agreed in writing with the County Planning Authority) within 3 months of the date of this permission, and shall be retained as such thereafter.

#### Noise

10. The rating of noise arising from any operation, plant or machinery on the application site, when assessed using BS4142:2014 + A1:2019 shall not exceed a level of 5dB above the prevailing background sound level during any 1-hour period. The prevailing background sound level shall be agreed with the County Planning Authority.

#### Surface Water Drainage

11. Surface water drainage shall be maintained in accordance with the details submitted under the following documents:

- Planning Statement (document ref: FL11437, rev.1) dated 8 May 2020
- Technical Note – Drainage, Mayer Brown dated 18 November 2016 – Approved Strategy under planning permission ref: WO/2017/0102 dated 31 March 2017
- Condition 11 Details dated 6 December 2016 – Approved Strategy under planning permission ref: WO/2017/0102 dated 31 March 2017
- Sustainable Drainage System Details, Fuller Long dated 26 March 2021
- Drainage Cover Note, Redwood Tree Services Ltd dated 21 September 2021
- Drainage Details (email) dated 10 October 2022
- Drawing ref: A800, rev.03 'Drainage System' dated 25 April 2023
- Drawing ref: 08, rev.03 'Barn Drainage System' dated 25 April 2023
- Drawing ref: 09, rev. 03 'Sewage System Drainage' dated 25 April 2023
- Drawing ref: 10, rev. 03 'Officer Facilities Drainage' dated 25 April 2023
- Drawing ref: 11, rev. 03 'Fuel Storage and Drainage Systems as Recommended by EA' dated 25 April 2023

This drainage scheme shall be implemented and maintained for the duration of the development hereby permitted.

#### Wood Chip

12. No composting shall take place on the application site. Wood chip shall not be turned mixed or treated in any manner whilst on the application site. All wood chip, and residual waste material generated as a result of the development hereby permitted (branches, leaves, twigs etc.) shall be removed from the application site on a monthly basis. Accurate records of the volumes of wood chip produced on the application site on a monthly basis, and wood chip and residual waste removed from the application site on a monthly basis shall be maintained for up to 12 months at any one time and shall be submitted to the County Planning Authority on 1 March and 1 September each year for the duration of the development hereby permitted.

#### Fuel Tank and Fuel Storage Containers

13. Any facilities for the storage of chemicals and fuels shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

#### Stockpiles

14. No stockpile on the application site, or within the storage bays permitted, shall exceed 3m in height at any time.



## Burning

15. No wood waste shall be burnt on the application site at any time.

## Data Protection

16. The six CCTV cameras installed as part of the development hereby permitted shall only be operated in accordance with the Data Protection Act 2018, the Freedom of Information Act 2000, the Protection of Freedoms Act 2012, the Human Rights Act 1998, the Protection of Freedoms Act 2012 (Code of Practice for Surveillance Camera Systems and Specification of Relevant Authorities) Order 2013, and the UK General Data Protection Regulation (GDPR) or any act or procedures revoking or enacting these.

## Lighting

17. No artificial external lighting shall be installed or used at the site other than in accordance with details first submitted to and approved in writing by the County Planning Authority.

## Reasons:

1. To comply with Section 91(1)(a) of the Town and County 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 interest of proper planning.
3. In the interest of local amenity and the environment, and so as to maintain the openness of the Green Belt in accordance with Policies 9, 13 and 14 of the Surrey Waste Local Plan 2020 and Policy CS6 of Woking Borough Council Core Strategy (2012) and Policy DM13 of Woking Local Development Management Policies Development Plan Document (2016) respectively.
4. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
5. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
6. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
7. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
8. To enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area in accordance with Policy 14 of the Surrey Waste Local Plan (2020); Policy CS21 from the Woking Borough Council Core Strategy

(2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).

9. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; and Policies CS21 and CS24 from the Woking Borough Council Core Strategy (2012).
10. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
11. In accordance with paragraph 167 of the National Planning Policy Framework 2021 to ensure that flood risk is not increased onsite or elsewhere; and in accordance with Policies 13 and 14 from the Surrey Waste Local Plan (2020); Policy CS9 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
12. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
13. To protect groundwater from contaminants and pollution in accordance with Policy 14 of the Surrey Waste Local Plan 2020.
14. In the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020.
15. In the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020.
16. To enable the County Planning Authority to control the development and to ensure that the development is undertaken in accordance with Policy 14 of the Surrey Waste Local Plan (2020); and Policy CS21 from the Woking Borough Council Core Strategy (2012).
17. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).

#### **Informatives:**

1. The applicant is reminded that operations on site regarding wood chipping and wood splitting should be undertaken in accordance with the requirements outlined under Conditions 5, 8, 9 and 10 of the existing planning permission ref: WO/2015/0605 dated 18 August 2016.
2. The applicant is reminded that the noise control on the facilities operations should be in accordance with the requirements under Condition 7, 8, 9, and 10 in respect of noise control of the existing planning permission ref: WO/2015/0605 dated 18 August 2016.
3. The applicant is reminded that the vegetation on site must be maintained in accordance with Condition 13 of planning permission ref: WO/2015/0605 dated 18 August 2016.
4. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

Sub ground structures should be designed so they do not have adverse effect on groundwater.

If there are any further queries please contact the Flood Risk, Planning and Consenting Team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk).

5. The Applicant's attention is drawn to the Environment Agency (EA) advice as set out in their letter dated 13 November 2020 regarding pollution. Businesses have a duty to ensure they do not cause or allow pollution. Pollution is when any substance not naturally found in the environment gets into the air, water or ground.

The EA have a number of publications available to help you do this, including but not limited to;

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

<https://www.gov.uk/dispose-business-commercial-waste>

<https://www.gov.uk/guidance/storing-oil-at-a-home-or-business>

<https://www.gov.uk/oil-storage-regulations-and-safety>

6. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on flooding and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.

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**Contact Jessica Darvill**

**Tel. no. 020 8541 8095**

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### **Background papers**

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

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Woking Borough Council planning register for this application can be found under application reference WO/2020/0993.

### **Other documents**

The following were also referred to in the preparation of this report:

### **Government Guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

[National Planning Policy for Waste \(2014\)](#)

### **The Development Plan**

[Surrey Waste Local Plan 2019-2033](#)

[Woking Borough Council Core Strategy \(2012\)](#)

[Woking Borough Council Development Management Plan Development Plan Document \(2016\)](#)

### **Other Documents**

[Alternative Site Assessment Guidance \(surreycc.gov.uk\)](#)

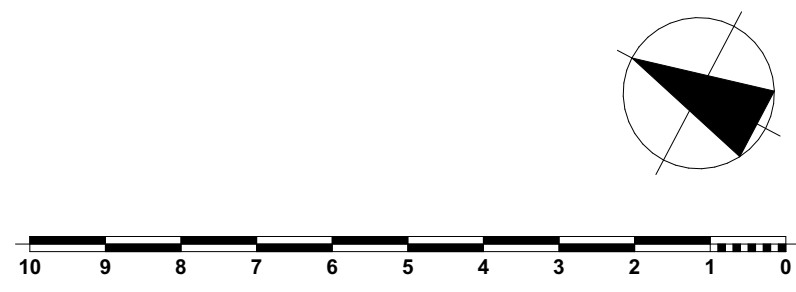
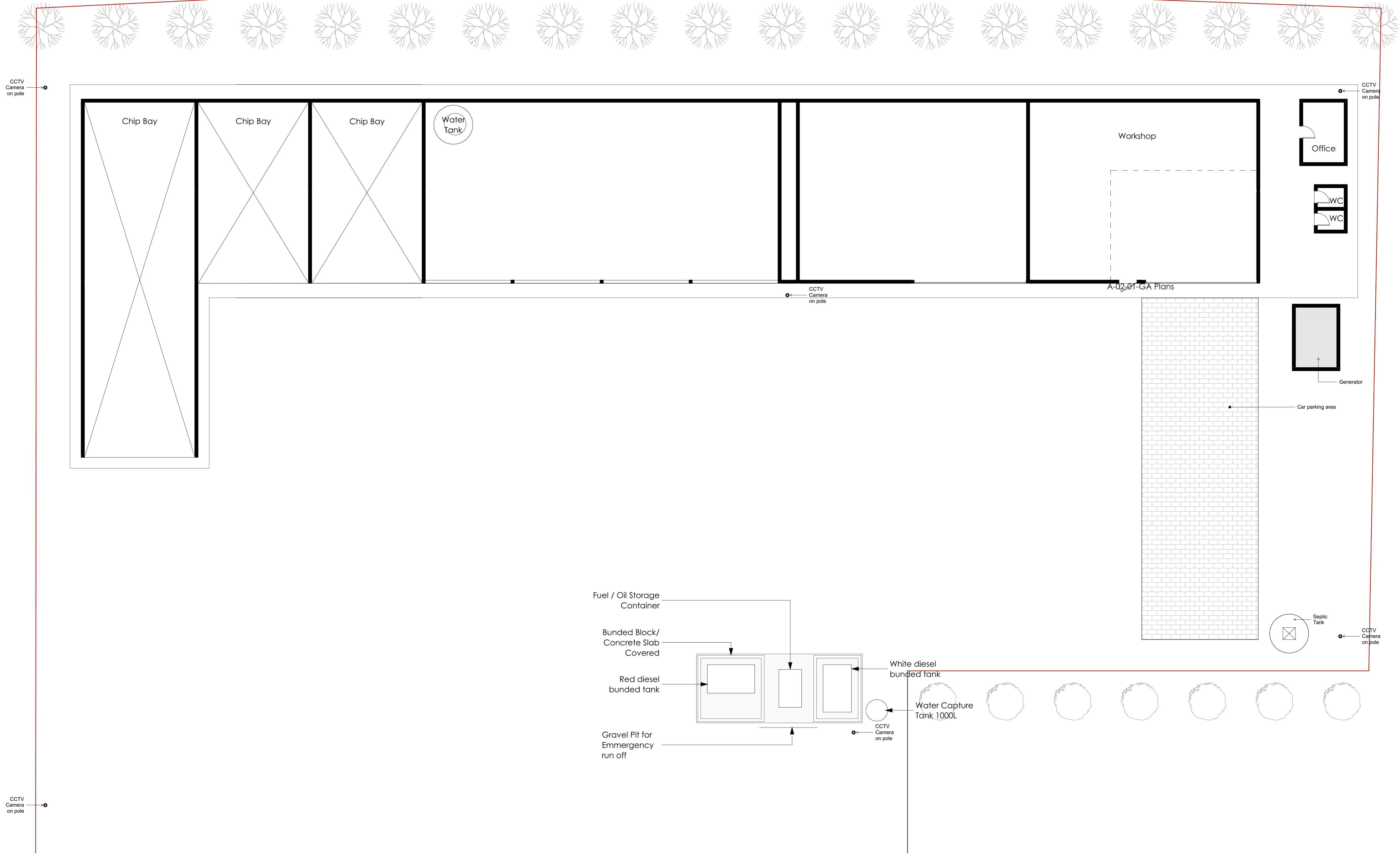
[Surrey County Council's Planning Enforcement and Monitoring Protocol \(2022\)](#)

**Annex 1:** Drawing ref: A050, rev.03 'Site Location Plan' dated 25 April 2023

**Annex 2:** Drawing ref: A301, rev.03 'Floor Plan – Proposed' dated 25 April 2023

**Annex 3:** Officer Report Waste Application (WO/2020/0993) dated 29 March 2023 - Elm Nursery

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<b>PROJECT</b>	ELM NURSERY		
<b>DRAWING</b>	A301 FLOOR PLAN - PROPOSED		
<b>REVISION</b>	03	<b>DATE</b>	25/04/2023
<b>DRAWN</b>	PT	<b>CHECK</b>	
<b>STATUS</b>	Planning	<b>SHEET</b>	A1



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## Elm Nursery, Sutton Green Road, Sutton Green, Guildford, GU4 7QD



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<b>PROJECT</b>	ELM NURSERY		
<b>DRAWING</b>	A050		
	SITE LOCATION PLAN		
<b>REVISION</b>	03	<b>DATE</b>	25/04/2023
<b>DRAWN</b>	PT	<b>CHECK</b>	
<b>STATUS</b>	Planning	<b>SHEET</b>	A3

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**To:** Planning & Regulatory Committee

**Date:** 29 March 2023

**By:** Planning Development Manager

**District(s)** Woking Borough Council

**Electoral Division(s):**

Woking South

Mr Forster

**Case Officer:**

Jessica Darvill

**Purpose:** For Decision

**Grid Ref:** 500320 154346

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**Title: Waste Application Reference: WO/2020/0993**

10

**Summary Report**

**Elm Nursery, Sutton Green Road, Sutton Green, Guildford, Surrey GU4 7QD**

***The installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective)***

The application site, which is located within the Metropolitan Green Belt, measures some 0.39 hectares (ha) and forms part of Elm Nursery which comprises of an area approximately 3.1ha in area. The application site comprises of an open yard area and is an established waste management facility, permitted under planning permission WO/2015/0605 18 August 2016 (the extant permission). The application site is not subject to any international, European, national or local designations with reference to nature conservation, landscape or heritage. It does, however, sit adjacent to the north-western corner of Sutton Park Conservation Area, and Sutton Park which is a Grade II\* Registered Park and Garden located some 0.25 kilometres (km) to the south beyond Sutton Green Road and a block of woodland, and there are ten Grade II Listed Buildings located within some 0.5km of the application site. The application site is within Flood Zone 1.

The application site is located on the northern half of Elm Nursery adjacent to its eastern boundary which is shared with the residential curtilage of Sutton Ridge House. There is an established hedgerow some 2 metres (m) in height between the application site and the residential curtilage.

The proposal seeks consent for the installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container. The application is in part retrospective in that the office building, welfare building, CCTV cameras on columns, fuel storage tanks, electricity generator and fuel storage container are already installed /sited on the application site.

The applicant states that the office use is for the co-ordination of operations at the application site and the associated arboricultural business, and that the adjacent welfare building has been installed as a necessary welfare addition which could not be accommodated within the existing main barn building.

The CCTV cameras (six in total) are located on aluminium poles, which are approximately 5m in height each. The CCTV cameras have been installed for the security purposes and have been positioned so they do not point outside of the application site. The fuel container and fuel storage tanks are required to service vehicles, plant and machinery associated with the permitted use of the land.

The applicant has also identified a need for an electricity generator on site as the shared supply with the adjacent nursery is insufficient for the site's operation. The generator is situated adjacent to the welfare unit to the south of the site and is proposed to be used for power loading equipment for one hour at the start of the day and one hour prior to closure.

An existing external storage bay is situated to the north of the main barn like structure (permitted under planning permission WO/2015/0605), and this application proposes two more open storage bays are to be sited in this location of similar size for additional storage of arboricultural waste-as there is currently insufficient space for machinery and efficient storage of wood within the permitted barn building. The open storage of wood that is currently located to the north of the proposed bays will be stored within the proposed open storage bays.

The applicant is not proposing an increase in the annual throughput of waste to be managed by the existing facility which is limited to 1,000 tonnes of arboricultural waste, and the primary waste management activity associated with the existing facility will remain limited to the storage of waste before its transfer to the end users. No changes to the existing permitted operational hours of the site are proposed.

The existing permission for the site (WO/2015/0605) permits vehicles and personnel access to the site 30 minutes before and after the permitted operational times (from 07:30 hours and until 17:30 hours). As part of this application the applicant is also seeking an additional half an hour relief at the start and end of each weekday (Monday to Friday) to allow staff and cars to enter the site from 07:00 hours and vacate the site by 18:00 hours during the weekday. The applicant explains that this will allow staff to review the day's planned activities and prepare to leave for work sites prior to the commencement of rush hour.

No objections have been received from Woking Borough Council and no objections have been received from any of the technical consultees subject to appropriate conditions regarding use of the site, access hours, noise limits and hours of use for the generator. The County Planning Authority (CPA) has received one representation objecting to this proposal on the grounds of inappropriate use of the site within the site's location in the conservation area and residential area, intensification of the development and protection of local area, request for the material change of use to be dealt with by Woking Borough Council and objection raised against the applicant applying for a retrospective application.

A key issue in determining this application is the need for the development and the Authority must also be satisfied that the potential impacts arising from the development are acceptable in terms of the closest residential properties and the local environment and amenities. The assessment in the report covers such environmental and amenity issues as noise, visual impact, impact on heritage, highways and traffic and drainage alongside impact on the Green Belt. Officers consider that the proposal as it is now submitted should enable high environmental standards to be maintained. Officers are satisfied that the applicant has advanced factors that amount to very special circumstances that clearly outweigh the harm to the Green Belt by virtue of its inappropriateness and any other harm. Officers recommend the application be permitted.

**The recommendation is to GRANT planning permission ref: WO/2020/0993 subject to conditions.**

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## Application details

### Applicant

Redwood Tree Services

### Date application valid

28 October 2020

### Period for Determination

27 January 2021, extension of time agreed until 14 April 2023

### Amending Documents

- Measurements of proposed structures (redacted) dated 9 November 2020
- Drawing ref: A800 'Drainage System Plan' dated 15 February 2021
- Approved Drainage Details Elm Nursery Technical Note- Drainage dated 18 November 2016 (this information is already approved under planning permission WO/2017/0102 dated 31 March 2017 and is just for point of reference)
- Condition 11 Details Letter from Redwood Tree Services dated 6 December 2016 (this information is already approved under planning permission WO/2017/0102 dated 31 March 2017 and is just for point of reference)
- Elm Nursery Sustainable Drainage System Details (PDF) dated 23 February 2021 [SUPERSEDED]
- Elm Nursery Sustainable Drainage Systems Details (PDF) [undated] now been superseded by **Elm Nursery Sustainable Drainage Systems Details dated 26 March 2021**
- Elm Nursery NSL Plant Impact Noise Assessment (document ref: 89955, rev. 00) dated 8 June 2021
- Elm Nursery Drainage Details [undated] now been superseded by **Elm Nursery – Drainage Details dated 21 September 2021**
- Drainage details (email) dated 10 October 2022
- Drawing ref: 08 'Barn Drainage Systems' dated 18 May 2022
- Drawing ref: 09 'Sewage System Drainage' dated 18 May 2022
- Drawing ref: 10 'Officer Facilities Drainage' dated 18 May 2022
- Drawing ref:11 'Fuel Storage and Drainage Systems as Recommended by EA' dated 18 May 2022
- Email from Applicant Confirming Structure Sizes dated 17 November 2022
- Heritage Statement [undated] has now been superseded by **Heritage Statement dated August 2020**

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## 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.

Issue	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Waste Management (Need)	Yes	35 - 65
Landscape and Visual Impact	Yes	66 - 80
Impact on Environment and Amenity (Including Noise)	Yes	81 - 108
Impact on Heritage	Yes	109 - 152

Flood Risk and Drainage	Yes	153 – 169
Highways, Traffic and Access	Yes	170 – 184
Metropolitan Green Belt	Yes	185 – 206

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## Illustrative material

### Site Plan

Elm Nursery Plan 1

### Aerial Photographs

Aerial 1: Surrounding Area

Aerial 2: Application Site

### Site Photographs

Figure 1: Accessing the site from the site entrance Jan 2023

Figure 2: Looking at the northern side of the site Jan 2023

Figure 3: Existing barn building on the eastern side permitted under WO/2015/0605 photo taken Jan 2023

Figure 4: Existing barn building permitted under WO/2015/0605 photo taken Jan 2023

Figure 5: Fuel storage tanks to the west side of site Jan 2023

Figure 6: Fuel storage tanks to the west side of the site Jan 2023

Figure 7: Looking at south east corner of the site with existing barn building Jan 2023

Figure 8: Looking southwards of the site with the car parking area Jan 2023

Figure 9: Electricity generator to south of site Jan 2023

Figure 10: Looking northwards from the south of the site Jan 2023

Figure 11: Office and welfare buildings to the south of site Jan 2023

Figure 12: Existing permitted open storage bays Jan 2023

Figure 13: Looking at the site from the northern boundary Jan 2023

Figure 14: Eastern boundary of the site next to Sutton Ridge House Jan 2023

Figure 15 – Looking at northern boundary June 2022

Figure 16 – Open storage bays June 2022

Figure 17 – Main hard standing area June 2022

Figure 18 – Looking towards south of site June 2022

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## Background

### Site Description

1. The application site, which is located within the Metropolitan Green Belt, measures some 0.39 hectares (ha)<sup>1</sup> and forms part of Elm Nursery which comprises of an area approximately 3.1ha in area. The application site comprises of an open yard area adjacent to greenhouse type structures and other ancillary buildings within the nursery.
2. Elm Nursery ('the nursery') is an existing and longstanding horticultural nursery which includes various buildings, structures and land-uses including several large poly-tunnels, a large greenhouse, a farm shop<sup>2</sup> with a small café, a petting zoo, a number of demountable buildings, a car-park for some 30-40 cars, and a dwelling belonging to the landowner(s).

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<sup>1</sup> Including the access track to and from Sutton Green Road

<sup>2</sup> Which has been operational since 1982

3. The nursery is a rectangular shaped parcel of land which is well defined and enclosed by established planting along its boundaries. Additionally, there are a number of blocks of established planting within the nursery including directly north<sup>3</sup> and north-west of the application site<sup>4</sup>. The land surrounding the nursery is primarily used for agricultural and residential purposes. The nursery itself is bounded by agricultural fields to the north, a dwelling and its curtilage to the east, Sutton Green Road to the south, and an agricultural field with associated buildings to the west with Whitmoor House beyond<sup>5</sup>.
4. The application site is located on the northern half of the nursery adjacent to its eastern boundary which is shared with the residential curtilage of Sutton Ridge House. Sutton Ridge House is some 65m from the south eastern corner of the application site. Public Footpath No. 38, agricultural fields and Tadpole House<sup>6</sup> lie beyond this dwelling to the east. Vehicular access to the application site is gained via Sutton Green Road.
5. The application site is not subject to any international, European, national or local designations with reference to nature conservation, landscape or heritage. It does, however, sit adjacent to the north-western corner of Sutton Park Conservation Area.

### Planning History

6. In August 2016 Surrey County Council granted planning permission ref: WO/2015/0605 dated 18 August 2016 (the extant permission) for the material change of use from agriculture to use involving importation, storage, processing and transfer of wood waste for biofuel. Erection of building for associated storage and welfare facilities.
7. Planning permission ref: WO/2015/0605 was subject to seventeen conditions to control a range of matters, including the appearance of the building, hours of operation, permitted development rights, noise, drainage, plant and waste management. In November 2016, details were submitted by the applicant pursuant to Conditions 8, 11, 13 and 14 of planning permission ref: WO/2015/0605 detailed 18 August 2016. The details included a mitigation scheme to reduce and manage noise from the use of the wood chipper; a scheme for disposing surface water; details of a 'scheme' of screening planting comprised of mature native planting of local provenance across the full extent of the eastern boundary of the application site; and the colours to be used on the external surfaces of all new structures to be constructed on the application site. These details were approved by virtue of decision notice ref: WO/2017/0102 dated 31 March 2017.
8. In May 2020 a Non-material Amendment (NMA) application to planning permission ref: WO/2015/0608 dated 18 August 2016 was approved (planning ref: WO/2020/0018). The approved NMA allowed for a 20cm increase in height to height to the roof pitch of the permitted building, an overall increase of 8cm to the height of the permitted building, alterations to the western façade of the building (removal of one roller-shutter door) and the extension of the roof by 5 metres to cover the entire chip area.

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### The proposal

9. Consent is sought for the installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective). The application is in part retrospective in that the office building, welfare building, CCTV cameras on columns, fuel storage tanks, electricity generator and fuel storage container are already installed /sited on the application site. These structures are detailed below.

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<sup>3</sup> A band of coniferous trees

<sup>4</sup> Mixed woodland coppice

<sup>5</sup> Some 270m distant

<sup>6</sup> Some 185m distant

10. To the east of the application site lies an existing barn like structure which is used for storage purposes (permitted under WO/2015/0605). To the south is a container style building used as an office with an adjacent smaller container style building (welfare building) containing staff toilets. The office is approximately 6.1meters (m) (length) x 2.4m (width) x 2.4m (height) in size, whilst the welfare building measures approximately 3m (length) x 1.8m (width) x 2.4m (height) in size. The applicant proposes that the office use is for the co-ordination of operations at the application site and the associated arboricultural business, and that the adjacent welfare building has been installed as a necessary welfare addition which could not be accommodated within the existing main barn building.
11. To the west of the application site lies a fuel container and two fuel storage tanks (approximately 2.5m in length and 1.75m in height (each)). The fuel container and fuel storage tanks are required to service vehicles, plant and machinery associated with the permitted use of the land.
12. An external storage bay is situated to the north of the barn like structure which was permitted under WO/2015/0605, and this application proposes two more open storage bays are to be sited at this location. The two open storage bays proposed are to be approximately 9.1m (length) x 9.1m (width) x 3m (height); and 18.3m (length) x 9.1 (width) x 3m (height) in size. The applicant states that the two additional open storage bays are proposed for additional storage of arboricultural waste-as there is currently insufficient space for machinery and efficient storage of wood within the permitted barn building. The open storage of wood that is located to the north of the proposed bays will be stored within the proposed open storage bays.
13. The applicant is not proposing an increase in the annual throughput of waste to be managed by the existing facility which is limited to 1,000 tonnes of arboricultural waste (as permitted under planning permission ref: WO/2015/0605), and the primary waste management activity associated with the existing facility will remain limited to the storage of waste before its transfer to the end users.
14. Six CCTV cameras on aluminium poles (approximately 5m in height each) have been installed for the security purposes. The CCTV cameras and poles have been in place on all four corners of the application site, with one also placed in the centre of the application site next to the main barn building and one to the west of the site next to the fuel storage container. The CCTV cameras have been positioned so they do not point outside of the application site.
15. The applicant has also identified a need for an electricity generator on site as the shared supply with the adjacent nursery is insufficient for the site's operation. The generator is to be situated within the south west corner of the existing barn type building and is proposed to be used to power loading equipment for one hour at the start of the day and one hour prior to closure. The electricity generator is housed within a dark green metal container which is approximately 2.5m in length and 2m in height. Further details of the generator's specification have been included as part of the application.
16. In addition, the application site is only permitted to be accessed by vehicles and personnel 30 minutes before the permitted operational times and is required to be closed in all respects no later than 30 minutes after permitted operational times (as per Condition 4 of planning permission WO/2015/0605). The applicant is seeking an additional half an hour relief at the start and end of each weekday (Monday to Friday). This will allow staff and vehicles to enter the site from 07:00 hours and vacate the site by 18:00 hours (on weekdays). The applicant explains that this will allow staff to review the day's planned activities and prepare to leave for work sites prior to the commencement of rush hour. Otherwise, no changes are proposed to the permitted hours of operation associated with the existing use.

## **Consultations and publicity**

### ***District Council***

17. Woking Borough Council No objection, subject to appropriate conditions regarding use of the site and surface water drainage to safeguard neighbouring amenity, and restricting hours of use.

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

18. Woking Borough Health Officer No objection, subject to appropriate conditions regarding restricting hours of access to the site and hours of use of the generator and noise restrictions.
19. Affinity Water Ltd No comments received.
20. Thames Water No comments received.
21. Lead Local Flood Authority (LLFA) No objection.
22. County Historic Building Officer No objection.
23. County Archaeological Officer No objection
24. Historic England No comments to make on the proposal.
25. Environment Agency No objection.
26. County Noise Consultee No objection, recommended that noise conditions brought forward are in line with current legislation and use of the generator is accordance with hours of use, and a condition is introduced to limit hours of use of the generator
27. County Highway Authority No objection.
28. County Landscape Architect No objection.

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

29. Sutton Green Association No comments received.

## **Summary of publicity undertaken and key issues raised by public**

30. The application was publicised by the posting of 2 site notices and an advert was placed in the Surrey Advertiser on the 30 November 2020. A total of 1 of owner/occupiers of neighbouring properties were directly notified by letter. The site notices were erected on the 12 November 2020. To date 1 representation has been received by the County Planning Authority (CPA).
31. The representation received can be summarised as follows:
- a.) Objection to the location of the site and inappropriate use of the site within the context of the Green Belt, the adjacency to a conservation area, residential house, and fields with horses. This goes against Woking Borough Council's approach which focuses on protecting the Green Belt.



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- b.) Previous assessment of the Green Belt under WO/2015/0605 did not interpret the sequential test correctly and did not require the applicant to look at sites that had industrial use or more in keeping with the local environment.
  - c.) Objection to the proposal on multiple grounds previously and would not wish to see the development intensified. Intensification would be out of character with the local environment and Green Belt.
  - d.) Clarity regarding why Surrey County Council are dealing with the request for B1 and welfare facilities which were given consent for in the original consent and these should be handled and determined by Woking Borough Council. Noted that Woking Borough Council originally objected to the original consent on the grounds of protecting the Green Belt and the agricultural and residential nature of the area.
  - e.) Objection to how the applicant is applying for a retrospective application with installing and operating prior to planning consent.
  - f.) Objection raised regarding the actual use of the site, with concern that it is used for vehicle storage and maintenance site, where timber and chipping is temporarily held before loading into vast lorries that are to be chipped and incinerated at a waste energy plant. Therefore, considered a vehicle yard rather than waste processing site.
  - g.) Access on to Sutton Green Road is not appropriate for the type of vehicles using the site, and the access track to the site is adjacent to Elm Nursery where children are present. Further the surrounding roads including Sutton Green Road, Blanchard's Hill and Whitmore Lane are not suitable for the type of vehicles that Redwood have on site or that service their operation. The level of use and number of vehicles has substantially increased, and the access road is sub-standard for the size and nature of the vehicles.
  - h.) Concern raised about the siting of fuel tanks which could cause pollution and contaminate the water courses that flow from the site onto our property and potentially contaminate the artisan pond, which in turn flows into watercourses that flow into areas where protected newts are known to habitat in land adjacent to Frogs Farm.
  - i.) Inclusion of additional lights will affect the night light, impacting the Conservation Area and rural Green Belt location.

In respect of point (a) regarding the appropriateness of the principle of the development within the context of the local area, this has already been assessed and granted within the original planning permission (WO/2015/0605) against local and national policies and guidance and the conditions attached to that consent remain relevant and enforceable and ensures that the development remains appropriate within the context of the local area. This proposal is for the installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, and 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective), in which planning considerations regarding the need for the development, impact on the environment and local amenity, impact on landscape character, heritage and visual amenity, impact on surface water drainage and flood risk, highways and traffic implications, and the impact on the Green Belt have been assessed within this Officer report within the relevant sections. Woking Borough Council, however, are statutory consultees on this application and they have not raised any objection to this proposal subject to appropriate conditions. This is documented on their planning register, and they have provided their own report to support their no objection which is accessible via their planning register.

In terms of point (b) regarding the interpretation of the sequential test and the and the alternative site assessments for the operation of the waste management facility, this concern

predominately relates to how the principle of the development, which was permitted under the extant permission ref: WO/2015/0605, was undertaken and this is not the subject of this report. Officers note the concern to the Green Belt and the need for co-location of the proposed structures and details of this has been assessed within this Officer report within the relevant sections.

With regard to point (c) this application (WO/2020/0993) is not proposing to increase throughput on site or the operational hours, or the number of vehicles accessing the site (intensification). Restrictions on throughput, operational hours and permitted operations are still held by conditions under planning permission ref: WO/2015/0605. The current proposal is to include structures that would assist with the operation of the existing sites consent, including security measures such as CCTV and new fuel container and tanks, as well as more formalised storage in the form of a storage bay for operation, and the provision of an office base, welfare facility and electricity generator. The previous objections to the site that the representation notes relates to the principle of the development which was permitted under ref: WO/2015/0605 which were assessed under planning permission ref: WO/2015/0605 and therefore are not the subject of this application.

With regard to point (d) the original planning permission ref: WO/2015/0605 dated 18 August 2016 was granted for *the material change of use from agriculture to use involving importation, storage, processing and transfer of wood waste for biofuel. Erection of building for associated storage and welfare facilities*. This application did grant permission for office use and welfare facilities within the main barn building, however, the applicant has outlined that there is currently insufficient space within the main barn building to accommodate the office and welfare facilities. As part of this application (WO/2020/0993) the application therefore seeks permission for two separate cabin structures to the south of the main barn building for an office use and welfare facilities.

Officers note that the description of the development for this application was originally for *the change of use to a mixed use comprising Class E(g)<sup>7</sup> Office Use and Sui Generis Waste Management and the erection of 1 x office building, 1 x welfare building, 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective)*. However, the description of the development has subsequently be amended to the following description *'The installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, and 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective)'*. This amendment has removed the *'material change of use to a mixed use comprising of Class E(g) Office Use and Sui Generis Waste Management'* as it is considered that the proposed structures are ancillary to the existing waste management facility on site only, and this proposal is therefore now not considered a material change of use. No other changes to the proposed structures have been made and no changes to the existing throughput of existing permitted operations are proposed as part of this application.

The use of land wholly or mainly for purposes of recovery, treating, storing, processing, sorting, transferring or depositing of waste are prescribed as county matters by the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003. Therefore, Surrey County Council are the Planning Authority for this waste application. Woking Borough Council, however, are statutory consultees on this application and they

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<sup>7</sup> The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories of 'Use Classes'. Since the submission of this application there has been changes to the Use Classes and the Class B1 was revoked on 1 September 2020 and has been effectively replaced with a new Class E (g).

have not raised any objection to this proposal subject to appropriate conditions. This is documented on their planning register, and they have provided their own report to support their no objection which is accessible via their planning register. Woking Borough Council Environmental Health Officer (EHO) have also been consulted as part of this and have raised no objection subject to suitable conditions.

Regarding point (e) part of this retrospective application has occurred from changes in the operation of the site for a variety of reasons, such as changes in the market (supply/demand), and changes in machinery. The purpose of the retrospective application is to assess whether changes that have not been permitted but are on site are suitable for the site in regards to national and local policy and development guidelines. Retrospective applications are assessed in the same manner as to any other application, there is no bias towards approval or granting permission just because it is retrospective. Where applications are refused appropriate enforcement actions can be taken. For further clarifications on this, please refer to the Governments guidelines [Enforcement and post-permission matters - GOV.UK \(www.gov.uk\)](http://www.gov.uk) (Paragraph: 012, Reference ID 17b-012-20140306, Revision date 06 03 2014).

With regard to point (f) the operations are subject to planning permission ref WO/2015/0605 dated 18 August 2016 which was subject to a number of conditions. Routine site monitoring at this site is undertaken by Site Monitoring Officers, where the applicant is seen to be in breach of planning permissions and/or conditions appropriate enforcement action will be undertaken.

Regarding point (g) whilst Officers note the objection raised, these concerns relate to the existing arrangements for the access to/from this site and the permitted vehicle movements was permitted under the extant planning permission (WO/2015/0605). This proposal does not seek amendments to the access routes to/from the site nor does it propose an increase in vehicle movements that what is already permitted.

Officers do note that as part of this proposal the applicant is seeking an additional half an hour relief at the start and end of each weekday (Monday to Friday) to allow staff and cars to enter the site from 07:00 hours and vacate the site by 18:00 hours during the weekday. The applicant explains that this will allow staff to review the day's planned activities and prepare to leave for work sites prior to the commencement of rush hours. Although the applicant is seeking an additional half an hour relief at the beginning and end of the day, the applicant is not proposing to change the number of vehicles accessing the site. The County Highway Authority (CHA) has raised not objection to this proposal. Further details of highways and traffic implications have been discussed within the highways and traffic implication section of this report.

With regard to point (h) the applicant has outlined that the fuel is stored in steel tanks and is located on a concrete slab with a block wall surrounding the tanks. The block walls are 1 block high at the sides and front and are 6 blocks high at the back in line with the environmental protocols stipulated by the Environmental Agency to prevent spillage of diesel oil on site and to protect the fuel tanks from impact. The walls are designed to hold water which can be drained off or allowed to evaporate naturally. There is a tap installed in the wall to enable controlled drainage in the event of a spillage. No objection has been raised by the Lead Local Flood Authority (LLFA) or the Environment Agency (EA) on this proposal. In line with advice from the EA the applicant is reminded that businesses have a duty to ensure that they do not cause or allow pollution further details of this are outlined in the pollution control informative attached to this Officer Report.

Regarding point (i), there is no lighting proposed as part of this application and therefore is not considered as part of this application.

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## Planning considerations

### Introduction

32. 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.
33. In this case the statutory development plan for consideration of the application consists of the Surrey Waste Local Plan (SWLP) (2020); Woking Borough Council Core Strategy (WBCCS) (2012); and Woking Local Development Management Policies Development Plan Document (WDPD) (2016). No relevant neighbourhood plans have been identified.
34. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. 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 need for the development, landscape and visual impact, impact on the environment and amenity, impact to heritage, impact on surface water drainage and flood risk, highways and traffic implications, and the impact on the Green Belt.

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## WASTE POLICY AND NEED FOR THE DEVELOPMENT

### Surrey Waste Local Plan – Part 1 Policies (2020) SWLP

Policy 1 – Need for Waste Development

Policy 2 – Recycling and Recovery (other than inert C, D & E and soil recycling facilities)

Policy 8 – Improvement or Extension to Existing Facilities

Policy 10 – Areas Suitable for Development of Waste Management Facilities

### Woking Borough Council Core Strategy (WBCCS) (2012)

No Relevant Policies Identified

### Woking Local Development Management Policies Development Plan Document (WDPD) (2016)

No Relevant Policies Identified

### *Planning Policies*

35. In England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, which is enshrined in law through the Waste (England and Wales) Regulations 2011. The waste hierarchy, which ranks options for waste management, has driven some progress towards better use of our resources. Priority goes to preventing the creation of waste in the first place, followed by preparing waste for re-use, recycling and then recovery, and last of all disposal (e.g. landfill). The focus is upon moving up the waste hierarchy, to minimise the amount of waste produced by improving resource efficiency and keeping products in circulation longer so that they do not become waste.
36. The National Planning Policy Framework (NPPF) (2021) does not contain policies specifically relating to waste management. Instead, the national waste management policies are contained within the Waste management Plan for England (WMP) (2021) and set out by the National Waste Planning Policy for Waste (NPPW) (2014).
37. The WMP (2021) is a high-level document which is non-site specific. It provides an analysis of the current waste management situation in England and evaluates how the WMP will support the implementation of the objectives and provisions of the Waste (England and

Wales) Regulations 2011. This is supplemented by a Waste Prevention Programme for England (WPPE) which sets out a plan for preventing products and materials from becoming waste, including greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily. At present the WPPE has not yet been published and Defra are currently analysing feedback from the consultation held in 2021.

38. The WMP advocates that the dividends of applying the waste hierarchy will not just be environmental but explains that we can save money by making products with fewer natural resources, and we can reduce the costs of waste treatment and disposal, landfill or incineration should usually be the last resort for waste whilst waste can and should be recovered or recycled whenever possible.
39. The WMP envisages that the resulting benefits of such sustainable waste management will be realised in a healthier natural environment for future generations and reduced impacts on climate change well as in the competitiveness of our businesses through better resource efficiency and innovation.
40. The NPPW (2014) provides the planning framework to enable local authorities to put forward, through waste local plans, strategies that identify sites and areas suitable for new or enhanced facilities to meet the waste management needs of their areas. The NPPW (2014) also puts a strong emphasis on the application and promotion of the waste hierarchy. The NPPW (2014) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource management; and explains that planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and the wider climate change benefits, by driving waste management up the waste hierarchy.
41. In addition, the NPPW (2014) states that when determining planning applications, the County Planning Authority (CPA) should:
  - a. Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW (2014) and the location implications of any advice on health from the relevant health bodies but that the CPA should avoid carrying out their own detailed assessments in these respects.
  - b. Ensure that waste management facilities in themselves are well-designed so that they contribute positively to the character and quality of the area in which they are located.
  - c. Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. The CPA should work on the assumption that the relevant pollution control regimes will be properly applied and enforced.
42. Appendix B of the NPPW (2014) states that in determining planning applications the CPA should consider the following factors having regard to the nature and scale of the development proposed: a) protection of water quality and resources and flood risk management; b) land instability; c) landscape and visual implications; d) nature conservation; e) conserving the historic environment; f) traffic and access; g) air emissions (including dust); h) odours; i) vermin and birds; j) noise, light and vibration; k) litter; and l) potential land-use conflict. These factors, where relevant to the development proposed, will be considered in the appropriate sections of this report.
43. The Surrey Waste Local Plan – Part 1 Policies (SWLP) (2020) aims to ensure that the future waste needs of Surrey can be appropriately met through waste facilities situated in the most appropriate locations and with minimal impact on communities and the environment.



44. Policy 1 from the SWLP (2020) states that planning permission for the development of new waste facilities will be granted where it can be demonstrated that the proposed development will contribute to achieving targets for recycling, recovery and the diversion of the waste away from disposal in a manner that does not prevent management of the waste at the highest point practical in the waste hierarchy.
45. Policy 2 from the SWLP (2020) states in part (A) that planning permission for development of recycling or recovery facilities (other than inert C, D & E and soil recycling facilities) and any associated development will be granted where;
- (i) The site is allocated in the Surrey Waste Local Plan for waste development (Policy 11a and Policy 11b).
  - (ii) The activity involves the redevelopment of a site, or part of a site, in existing waste management use.
  - (iii) The site is otherwise suitable for waste development when assessed against Policy 10 and other policies in the Plan.
46. Policy 10 from the SWLP (2020) states that planning permission will be granted for the development of facilities (excluding permanent deposit) at the following locations:
- (i) Site allocated under Policy 11a – Strategic Waste Site Allocations, not in the Green Belt.
  - (ii) On land identified as an ‘Industrial Land Area of Search’ as shown in the policies maps.
  - (iii) On any other land identified for employment uses or industrial and storage purposes by district and borough councils.
  - (iv) On land considered to be previously developed and/or redundant agricultural and forestry buildings and their curtilages.
  - (v) On land that is otherwise suitable for waste development when assessed against other policies in the Plan.
47. Officers recognise that the site is not allocated in the Surrey Waste Local Plan. However, the proposal involves development of parts of an existing site in waste management use and the suitability of the principle of the use of the site for waste management has already been determined within the extant planning permission WO/2015/0605 dated 18 August 2016; therefore, the proposal meets the requirements of Policy 2 part (A)(ii) and (iii).
48. In Part B of Policy 2 of the SWLP (2020) it states that development of waste recycling and recovery activities co-located with other waste and non-waste development will be supported where it can be demonstrated that there are benefits from the co-location which may include:
- (i) More efficient production, in terms of quantity or quality, or recycle and waste derived fuels.
  - (ii) Fewer lorry movements would be required as a result of co-location.
  - (iii) An additional beneficial use to associated with waste recycling and recovery operations at the site (e.g. efficient contribution to an energy network).
49. Policy 8 from the SWLP (2020) states that planning permission for the improvement or extension (physical or temporal) of existing waste management facilities will be granted where:

- (i) Any resulting change to the type and/or quantity of waste managed at the site is consistent with this Plan's requirements for the management of waste and that the quantity of waste to be managed is equal to or greater than the quantity of waste currently managed on the site.
- (ii) Benefits to the environment and the local amenity will result.
- (iii) The improvement or extension of a recycling and recovery facility (other than inert C, D & E and soil recycling facilities) is consistent with Policy 2.

50. Paragraph 81 of the NPPF (2021) expresses the Government's commitment to ensuring the planning system operates to encourage and not act as an impediment to sustainable growth and does everything it can to support sustainable economic growth which should be afforded significant weight in determining planning applications. Furthermore, Paragraph 84 outlines that planning decisions should support a prosperous rural economy by enabling (a) the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings; and (b) the development and diversification of agricultural and other land-based rural businesses; and (d) enable the retention and development of accessible local services and community facilities. Paragraph 85 of the NPPF (2021) goes on to state that the use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

#### *Details Submitted*

- 51. The proposal includes the installation and use of an office use and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective). The application is in part retrospective in that the office building, welfare building, CCTV cameras on columns, fuel storage tanks, electricity generator and fuel storage container are already installed /sited on the application site.
- 52. The office building is located to the south of the site and is a container style building which is approximately 6.1 meters (m) in length by 2.4m in width and 2.4m in height. The applicant outlines in the Planning Statement that the office is required to co-ordinate operations on the site and for administrative work to support the objective of sustainable forestry and waste management. The office is currently used by two members of staff in connection with the waste management business.
- 53. Adjacent to the office building lies the welfare building, containing staff toilets which is a smaller container style building. The welfare building has been installed as a necessary welfare addition which could not be accommodated within the existing main barn building permitted under planning permission ref: WO/2015/0605. The welfare building is approximately 3m in length by 1.8m in width by 2.4m in height.
- 54. The two fuel storage tanks and fuel container lie to the west of the site and are required to service vehicles, plant and machinery associated with the permitted use of the land. The fuel storage tanks are of a cylinder shape approximately measuring 1.75m in height and 1.25m in radius (2.5m in length) each. The fuel container lies adjacent to the fuel storage tanks and is a cube shape measuring approximately 1.2m in height by 1.2m in length.
- 55. The electricity generator is a super silent electricity generator (model: SSDK16M) which is located to the southwest of the existing barn building. The generator is used for power loading equipment for one hour (60 minutes) at the start of the day and on hour prior to closure. This additional electricity generator is required as the existing electricity on site is a shared supply with the adjacent nursery which is insufficient for the operation for the application site. The electricity generator is housed within a dark green metal container

which is approximately 2m in height and 2.5m in length. Super silent diesel generators are generators that have been enclosed to lower noise levels offering lower noise level performance compared to standby power sources.

56. Six CCTV cameras on aluminium poles (approximately 5m in height each) have been installed for the security purposes. The CCTV cameras and poles have been in place on all four corners of the application site, with one also placed in the centre of the application site next to the main barn building and one to the west of the site next to the fuel storage container. The CCTV cameras have been positioned so they do not point outside of the application site and are required by the applicant for security purposes.
57. The proposal also includes the erection of two open storage bays, of which one is proposed to be 9.1m (length) x 9.1m (width) x 3m (height) in size; and one is proposed to be 18.3m (length) x 9.1 (width) x 3m (height) in size. As outlined in the Planning Statement the applicant states that the two additional open storage bays are required for additional storage of arboricultural waste as there is currently insufficient space for machinery and the efficient storage of wood within the permitted barn building. The open storage of wood that is currently located to the north of the proposed bays will be stored within the proposed open storage bays. The applicant is not proposing an increase in the annual throughput of waste to be managed by the existing facility which is limited to 1,000 tonnes of arboricultural waste (as per Condition 6 of planning permission ref: WO/2015/0605), and the primary waste management activity associated with the existing facility will remain limited to the storage of waste before its transfer to the end users.
58. The hours of operation permitted on site are stipulated within Condition 4 of planning permission ref: WO/2015/0605. The permitted operational hours include 08:00 hours to 17:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays. The applicant currently has permission under this Condition 4 of WO/2015/0605 for staff to access the site up to 30 minutes before the permitted operational times and to exit the site up to 30 minutes after the permitted operational times. As part of this application the applicant is seeking an additional 30 minutes on top of this for staff to access the site up to a total of 60 minutes before and after the permitted operational times during Monday to Friday only. The applicant explains that this will allow staff to review the day's planned activities and prepare to leave for work sites prior to the commencement of rush hour. Otherwise, no changes are proposed to the permitted hours of operation associated with the existing use.

### *Evaluation*

59. The principle of the development has already been determined under planning permission WO/2015/0605 dated 18 August 2022 and there is no proposed increase in annual throughput of waste to be managed by the existing facility which is limited to 1,000 tonnes of arboricultural waste or the primary waste management activity associated with the existing facility will remain limited to the storage of waste before its transfer to the end use. Officers recognise that the proposal would continue to support the ongoing permitted development on site and assist in contributing to Surrey's waste ambition with securing the re-use and recovery of waste by moving waste up the waste hierarchy and is considered as an improvement to the existing waste operations on site in line with supporting the objectives of the NPPW (2014) and WMP (2021).
60. Officers consider that the proposed office building to facilitate the coordination of operations on site and for administrative work (currently used by two members of staff) and the welfare building are ancillary to the existing permitted waste management operations on site. Officers consider that these structures are acceptable given they are small in scale and are only to be used in connection with the permitted development on site and would not change the principal use of the site as a waste development site. These structures would seek to assist with the ongoing activities on site in a safe and secure location, supporting the

objectives of the NPPW (2014) and WMP (2021), and therefore would be acceptable. Officers consider these changes accord with Policy 2(ii) of the SWLP (2020).

61. The proposal also includes the introduction of two new storage bays to the north of the site for the additional storage of arboricultural waste as there is currently insufficient storage of wood within the existing permitted barn building. The proposed open storage bays would serve as a formalised area to store the additional arboricultural waste which would allow the existing site operations to work effectively and efficiently on site and would prevent the encroachment of the development onto undeveloped land on site. In this respect, Officers consider that the proposal supports the NPPW (2014) in terms of ensuring that waste management facilities are well designed so that they contribute positively to the character and the quality of the area that they are located in and is a positive enhancement to an existing waste management site to ensure that the waste operations on site continue to contribute to promoting waste up the waste hierarchy.
62. As outlined above, the two new storage bays would not increase the operational throughput of the site which is currently limited to 1,000 tonnes of arboricultural waste. Officers consider that the storage of the wood benefits from being co-located on the same site as the existing established waste management use of the site, supporting the management of the county's demands for the management of arboricultural waste and would benefit from being stored in a formalised manner, supporting Part B of Policy 2 from the SWLP (2020).
63. Officers consider that the proposed two open storage bays would be development of an existing site in waste management use of which the principle of the use of the site as a waste development has already been determined and therefore would meet the criteria outlined in Policy 2 from the SWLP (2020). Furthermore, as the proposal does not propose to increase the annual of throughput of waste the proposed improvements to the site to accommodate better storage of arboricultural waste is considered to be consistent with Policy 8 from the SWLP (2020).
64. As per Condition 4 of planning permission ref: WO/2015/0605, vehicles and personnel are permitted to access the site 30 minutes before, and 30 minutes after the permitted operational times of 08:00-17:00 Monday to Friday and 08:00-13:00 hours on a Saturday. The applicant seeks to increase this by an additional 30 minutes before and after the permitted operational times to allow for staff to review the day's planned activities and prepare to leave for work sites prior to the commencement of rush hour. No further changes are proposed to the permitted hours of operation associated with the existing use. The applicant also states in the Planning Statement that there would be a maximum of 6 cars any one time. Officers consider this would help to stagger personnel accessing the site and as it is limited to a maximum of six vehicles at any one time, it would not lead to an increase in activity on site as operational hours would remain as currently permitted under planning permission ref: WO/2015/0605.
65. Officers consider that the proposal is appropriate in terms of the existing permitted development on site and seeks to improve the existing permitted operations on site both in terms of operation and security. The proposed development is considered to be an appropriate scale, form and character in relation to its location within the existing waste management site. Officers are satisfied that the proposal accords with the Development Plan Policies in regards to need for the development.

## **LANDSCAPE AND VISUAL IMPACT**

### **Surrey Waste Local Plan – Part 1 Policies (2020) SWLP**

Policy 13 – Sustainable Design

Policy 14 – Development Management

## **Woking Borough Council Core Strategy (WBCCS) (2012)**

Policy CS21 – Design

Policy CS24 – Woking’s Landscape and Townscape

## **Woking Local Development Management Policies Development Plan Document (WDPD) (2016)**

No relevant policies identified.

## **Surrey Landscape Character Assessment – Woking (2015)**

SS12: Wyke to Mayford Settled and Wooded Sandy Farmland

### *Planning Policies*

66. Paragraph 130 of the NPPF (2021) states that planning decisions should ensure that developments:

- a.) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b.) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c.) Are sympathetic to local character and history, including the surrounding build environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

67. Paragraph 174 from the NPPF (2021) outlines that planning decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status of identified quality in the development plan).
- e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should wherever possible, help to improve local environmental conditions such as air and water quality taking into account relevant information such as river basin management plans.

68. Paragraph 185 of the NPPF (2021) states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a.) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life<sup>8</sup>.
- b.) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- c.) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

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<sup>8</sup> See Explanatory Note to the *Noise Policy Statement for England* (Department for environment, Food & Rural Affairs, 2010)



69. Policy 14 Part (b) of the SWLP (2020) states that the planning permission for waste development will be granted where it can be demonstrated that it would result in significant adverse impacts on communities and the environment, which includes part (v) including impacts on the appearance quality and character of the landscape and any features that contribute to its local distinctiveness including character areas defined at nation and local levels.
70. Policy CS21 of the WBCCS (2012) outlines that proposals should incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value, and other significant landscape features of merit, and provide for suitable boundary treatment/s.
71. Policy CS24 of WBCCS (2012) states that all development proposals will provide a positive benefit in terms of landscape and townscape character, and local distinctiveness and will have regard to landscape character areas.

#### *Details Submitted*

72. The applicant has provided details of the dimensions and specification of the plant and machinery that are associated with the proposal. This includes the following:
- **Office Building** – Located to the south of the site, a container style building approximately 6.1m in length by 2.4m in width, and 2.4m in height, constructed in a dark green colour.
  - **Welfare Building** – Comprised of staff toilets, adjacent to the officer building (south of the site). A container style building approximately 3m in length by 1.8m in width and 2.4m in height, constructed in a dark green colour.
  - **Electricity Generator** – Located to the south west of the existing barn building. The electricity generator is housed within a dark green metal container which is approximately 2m in height and 2.5m in length.
  - **Two fuel storage tanks and fuel container** - Located to the west of the site. The fuel storage tanks are of a cylinder shape approximately measuring 1.75m in height and 1.25m in radius (2.5m in length) each. The fuel container lies adjacent to the fuel storage tanks and is a cube shape measuring approximately 1.2m in height by 1.2m in length.
  - **Six CCTV Cameras** - The CCTV cameras and poles have been in place on all four corners of the application site, with one also placed in the centre of the application site next to the main barn building and one to the west of the site next to the fuel storage container. The CCTV cameras have been positioned so they do not point outside of the application site and are required for security purposes. The CCTV cameras are located on aluminium poles (approximately 5m in height each).
  - **Two Open Storage Bays** – Proposed to be located to the north of the site to store wood. The bays are proposed to be approximately 9.1m (length) x 9.1m (width) x 3m (height); and 18.3m (length) x 9.1 (width) x 3m (height) in size. The applicant is not proposing an increase in the annual throughput of waste to be managed by the existing facility which is limited to 1,000 tonnes of arboricultural waste (as per Condition 6 of planning permission ref: WO/2015/0605), and the primary waste management activity associated with the existing facility will remain limited to the storage of waste before its transfer to the end users. The storage bays are proposed to be designed similar to the existing bay on site as a barn like structure.
73. The applicant states within the Planning Statement that the site is not subject to any international, European, nation or local designations with reference to nature conservation,

landscape or heritage. However, it is recognised that the site is located within the Metropolitan Green Belt and is adjacent to the north western boundary of Sutton Park Conservation Area. Sutton Place a Grade II\* listed park and garden is located 250m to the south. The application site's eastern perimeter is shared with a rear garden boundary of a residential dwelling. A mature hedgerow separates the site from the residential land. To the north boundary of the site already has established vegetation, and vegetation also exists beyond a field to the west of the site. The applicant does not propose to change the existing hedgerows and landscaping adjacent or within the site.

74. The surrounding land is largely agricultural in character with areas of woodland and some residential use. The application site lies within the SS12 Wyke to Mayford Settled and Wooded Sandy Farmland Landscape Character Area as set out in Surrey's Landscape Character Assessment – Woking (SLCAW) (2015) and is part of the green gap between Woking and Guildford. As discussed in the SLCAW (2015) the Landscape Character Area SS12, as associated with Elm Nursery, it is defined by gentle undulating landscape, underlain by Bagshot formation Sand, Camberley sand Formation Sand, Windlesham formation sand, silt and Clay solid geology. The landscape is comprised of a mosaic of land uses including areas on intact pastoral and arable field pattern, frequent woodland, including 19<sup>th</sup> Century plantations and copses and a number of wooded and heathland commons. There is mixed woodland, tree belts and copses of Oak, Scots Pine and birch, create a varied and enclosed landscape. Views of the landscape are often obscured by tree cover, but there are intermittent framed views. Specifically to the south east of the Landscape Character Area, where Elm Nursery is located near, is the large, cultural and historically important, Sutton Place, with a Tudor Manor House grade I listed and its grade II\* listed grounds. The rural area contains rural traditional settlements which are often enclosed by the variety of woodland, with a sense of tranquillity and farmsteads and agricultural buildings are scattered across the character area.
75. The landscape strategy guidance outlined within the SLCAW (2015) for SS12 is to conserve peaceful enclosed areas with their mosaics of heathland, woodland and pastoral farmland, and to conserve historic villages and small-scale settlement set around greens and commons, including careful consideration of the impact from any further development and enhancement of recreation opportunities. There are opportunities for enhancement include management of the open heathlands and pastures to prevent encroachment by woodland and restocking hedgerows, as well as reducing visual impact of transport corridors locally. Specially, when considering the built development it is recommended that the development control should be maintained to ensure that new development is sympathetic to the wider pattern of settlement.

### *Evaluation*

76. The County Landscape Architect (CLA) notes that the site is situated within the SS12 Wyke to Mayford Settled and Wooded Sandy Farmland Landscape Character Area, and the Metropolitan Green Belt. It is not in close proximity to any designated landscapes; however it is circa 135m to the north-west of the Grade II\* Sutton Place Registered Park and Garden. The site is also adjacent to the Sutton Park Conservation Area, which lies to the immediate south and east. The CLA understand that the proposed development is similar to that permitted in 2016 under ref: WO/2015/0605, with the exception of some additional, predominantly low-level structures including extended chip bays. The CLA also considers that the site is relatively well-screened, and is set well back from Sutton Green Road. The CLA considers that the additional structures are unlikely to be seen from outside the site, except potentially the CCTV poles. The CLA also notes that the new screening planting along the eastern boundary (which formed part of the 2016 permission) appears to be establishing to an acceptable degree. In addition, the CLA raised that the applicant should continue to apply annual mulching, along with regular watering during dry spells and adjustment to tree ties, as their stems increase in girth. The tree ties should be removed when it becomes clear that the trees can support themselves.

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77. The CLA have reviewed the proposal and considers in the context of the 2016 permission (Ref: WO/2015/0605), the additional structures forming this application is considered not to result in a significant harm to the local landscape character or visual amenity. The proposals are too distant and modest in scale to affect the landscape and visual amenity of the Sutton Place Registered Park and Garden. The CLA does not consider the proposal requires any additional visual and landscape mitigation, over and above that already implemented as part of the 2016 permission, which is continuing to establish and provide increased screening and biodiversity, and therefore raise no objection to the proposal. Officers recognise that whilst the proposal would introduce further development to the application site, given their scale and location within the application site, they would not impact the landscape character both in the immediate and wider context.
78. Officers recognise that whilst there is some visual impact observed with the proposal to introduce new structures onto the site, when assessing the proposal within the backdrop of the existing waste management facility on site, the visual impact is limited. The site benefits from established trees which provides a screening to the site from the surrounding area. The proposed office block, welfare facilities, and container housing the generator are proposed to be in a dark green colour which is in keeping with the existing structures on site, and the proposed additional open storage bays are also in keeping with the existing storage bay on site and are designed to complement agricultural characteristics found in the surrounding area. Apart from the CCTV cameras and associated poles, all of the proposed structures are no greater in height or size than the existing structures on site, and therefore this proposal would not introduce any features that are taller or have a greater massing than has previously been permitted for the waste management facility. In this respect, Officers, consider that the design and scale of the proposal will therefore seek to minimise their visual impact to the surrounding area, and therefore in this respect consider that the proposed new structures on the existing waste management site is consistent with the guidance outlined in the SLCAW (2015).
79. In terms of the CCTV cameras and associated poles, Officers recognise that they are contained within the existing site boundary and are required to provide suitable security for the site and although have some visual impact to the local surrounding area, are unlikely to have a significant impact to the overall visual impact of the site as the existing structures on site and the surrounding vegetation will provide an adequate screening to these CCTV cameras and poles. In this regard, Officers do not consider that the proposed CCTV would have a significant impact to the visual appearance of the site or cause a significant visual impact to the surrounding landscape and are appropriate within the guidance outlined in the SLCAW (2015).
80. Overall. Officers therefore consider that the proposal accords with the Development Plan policies for the protection and enhancement of the landscape.

## **ENVIRONMENT AND AMENITY (Including Noise)**

### **Surrey Waste Local Plan – Part 1 Policies (2020) SWLP**

Policy 14 – Development Management

### **Woking Borough Council Core Strategy (WBCCS) (2012)**

Policy CS21 – Design

### **Woking Local Development Management Policies Development Plan Document (WDPD) (2016)**

Policy DM5 – Environmental Pollution

Policy DM7 – Noise and Light Pollution

## General Planning Policies

81. Paragraph 174 of the NPPF (2021) advises that planning policies and decisions should contribute to and enhance the local environment by preventing new and existing developments from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of air and noise pollution. When determining applications planning authorities should encourage opportunities to incorporate biodiversity in and around developments (Paragraph 180 part (d)).
82. The NPPF (2021) Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a.) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life<sup>9</sup>.
  - b.) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
  - c.) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
83. Accordingly, the National Planning Policy for Waste (NPPW) (2014) states in paragraph 5 that an assessment of cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on the environmental quality, social cohesion and inclusion of economic potential. The NPPW also states in Paragraph 3 that consideration to the extent to which the capacity of the existing operational facilities would satisfy any identified need.
84. The NPPW also includes a Locational Criteria (Appendix B) which provides guidance on testing the suitability of sites. Appendix B Criteria J states that considerations will include the proximity of sensitive receptors.
85. Policy 14 part (b) of the SWLP (2020) states that planning permission for waste development will be granted where it can be demonstrated that it would not result in significant adverse impacts on communities and the environment, which includes (i) public amenity and safety including impacts caused by noise, dust, fumes, odour, vibration and illumination; (v) impact on appearance, quality and character of the landscape and any features that contribute to its distinctiveness; and also (vi) impacts on the natural environment, including biodiversity and geological conservation interests including sites of local importance (SNCI) for biodiversity or geodiversity, irreplaceable habitats and protected species.
86. Policy CS21 from the WBCCS (2012) states that proposals for new development should:
- Create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
  - Achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk proximity or outlook.

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<sup>9</sup> See Explanatory Note to the *Noise Policy Statement for England* (Department for environment, Food & Rural Affairs, 2010)

- Incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity values, and other significant landscape features of merit, and provide for suitable boundary treatment/s.
- Protect and where possible enhance biodiversity within new developments (in line with Policy CS7 of WBCCS 2012).
- Create a safe and secure environment, where the opportunities for crime are minimised.
- Be designed to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases.

87. Policy DM5 from the WDPD (2016) states that when assessed individually or cumulatively, development proposals should ensure that there will be no unacceptable impact on: air quality, surface and ground water quality. Land quality and condition, health and safety of the public. Development which has the potential, either individually or cumulatively, for an unacceptable impact on environmental amenity, biodiversity, or water quality by reason of pollution but is considered desirable for reasons of economic or wider social need will be expected to provide an appropriate scheme of mitigation. In assessing a scheme of mitigation, account will be taken of:

- The location, design and layout of the proposed development.
- Measures to bring levels of pollution to an acceptable level.
- Measures to control run-off and other diffuse pollution.
- Hours of operation.

Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites.

#### *Noise Planning Policies*

88. Specifically, in regards to noise, the NPPF (2021) refers to the Noise Policy Statement for England (NSPE) (2010) which states in Paragraph 2.3 that the broad aim of noise management has been to separate noise sources from sensitive noise receivers and to 'minimise noise as far as reasonably practical', as contained within the Environmental Protection Act 1990.

89. Surrey County Council has produced its own noise guidance under The Surrey Guidelines for Noise and Vibrations Assessment and Control (dated January 2020) to assist in assessing noise impacts from waste development proposals. These guidelines are designed to ensure that noise (including vibration) from new developments does not have an unacceptable adverse effect on the natural environment, human health or quality of life. The guidelines state in part 4.2 that noise from waste facilities should be addressed following methodology in BS414:2014, which includes also the evaluation of the residual and background sound levels and evaluation of specific sound levels from the facility.

90. The BS414:2014 states that the following factors are pertinent when considering the context:

- The absolute level of sounds.
- The character and level of residual sound compared to the character and level of specific sound,



- The sensitivity of the receptor and whether dwellings or other premises used for residential purposes will already incorporate design measures that secure good internal and/or outdoor acoustic conditions.

The above factors should be evaluated at each receptor and, where adverse impact is identified mitigation as reasonably practical must be established.

91. Part 5.10 of the Surrey guidelines for Noise and Vibration Assessment and Control (dated January 2020) states that fixed plant sources should be assessed in accordance with BS4142:14, and recommends that normal working hours (weekdays between 07:00 and 19:00), that the difference between the rating levels and the background sound level should be no greater than +5dB depending on the context. Lower differences may be appropriate at other sensitive times of the day, depending upon the context.
92. Policy DM7 from the WDPD (2016) states that the Council will require noise generating forms of development or proposals that would affect noise sensitive uses to be accompanied by a statement detailing potential noise generation levels and any mitigation measures proposed to ensure that all noise is reduced to an acceptable level.

In assessing such a scheme of mitigation, account will be taken for noise generating development, of:

- The location, design and layout of the proposed development.
- Existing levels of background noise.
- Measures to reduce or contain generated noise.
- Hours of operation and servicing.

Development will only be permitted where mitigation can be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites.

#### *Details Submitted*

93. Whilst the proposal includes a number of different components, Officers consider the elements that could give rise to noise would be the generator and potential use of the storage bays. In addition to this the applicant is seeking an additional 30 minutes for staff to access the site Monday – Friday to review activities and for preparation purposes above that already permitted. This would not be for the movement of plant or machinery or receipt/export of waste materials.
94. The proposal includes the erection of two open storage bays on the northern end of the existing barn for additional storage of arboricultural waste as there is currently insufficient space for machinery and efficient storage of wood within the permitted barn building. The open storage of wood that is currently located to the north of the proposed bays will be stored within the proposed open storage bays. As outlined above, the applicant is not proposing an increase in the annual throughput of waste to be managed by the existing facility which is limited to 1,000 tonnes of arboricultural waste and the primary waste management activity associated with the existing facility will remain limited to the storage of waste before its transfer to the end users.
95. The electricity generator is a super silent electricity generator (model: SSDK16M) which is located to the southwest of the existing barn building. The applicant outlines in paragraph 3.4 of the Planning Statement that it was necessary to install an electricity generator on site as the shared supply with the adjacent nursery was insufficient for the applicant's needs.

The generator is currently situated in a dark green metal container (approximately 2m in height and 2.5m in length) adjacent to the office block and welfare unit. The generator is used for power loading equipment for one hour at the start of the day and for one hour prior to closure. Paragraph 5.2 of the Planning Statement states that there is no proposed changes to the hours of operation or the number of vehicle movements than what is already permitted under planning permission ref: WO/2015/0605.

96. The applicant has submitted specification details of the Super Silent Generator (Model SSDK16M) providing details of the specification in relation to noise. Following initial consultation with the County Noise Consultant (CNC) the applicant submitted additional details in the form of a Noise Impact Assessment (document: 'Plant Noise Impact Assessment' document ref: 89955/NIA, rev.00 dated 8 June 2021) to provide further information to demonstrate that the electricity generator on its own and/or in combination with other plant or machinery in use on site at the same time can operate in accordance with Condition 7 of planning permission ref: WO/2015/0605.
97. The applicant states that the generator is installed within an acoustic enclosure near to the eastern boundary of the property it serves and is set back approximately 135m from the road. The nearest noise sensitive property is the residential property located immediate east of Elm Nursery (Sutton Ridge House), located along Sutton Green Road approximately 65m southeast of the generator. Other residential properties are located along Frog Lane to the east and Whitmore Lane to the west and are located substantially further away from the generator than Sutton Ridge House.
98. As part of this noise impact assessment an environmental sound survey was undertaken to establish the prevailing background sound pressure levels at a location representative of sound levels outside the nearest noise sensitive receptors on site. The applicant states within the noise impact assessment that noise emissions from the generator were measured and assessed in accordance with BS4142:2014 in order to determine compliance with Condition 7 of planning permission ref: WO/2015/0605, and assessments of the specific noise levels were undertaken using both  $L_{Aeq}$  and  $L_{A90}$  parameters to ensure the results were not affected by extraneous sources. The results demonstrated that the generator would comply with the requirements of Condition 7 of planning permission ref: WO/2015/0605 of not exceeding 55dB.
99. The applicant has also stated within the Planning statement that there is no wood processing currently occurring on site which has reduced the creation of dust and bioaerosols and there is no burning of waste or composting on site further minimising environmental impacts. A dust suppression spray pump is already available on site as per the dust management plan as part of WO/2015/0605.

### *Evaluation*

100. Officers note that the scale and design of the proposal is congruous with the previous development on site. The overall building designs respects the surrounding scale, height, proportion of the existing buildings and is sympathetic in design to the surrounding area. The external finishes of officer building, welfare unit and container housing the generator are in a dark green colour which is consistent with the finishes on the existing buildings in site, and the proposed open storage bays are also in consistent design with the existing storage bay on site. Officers are therefore satisfied that the design of the proposal is in keeping with other buildings on site and therefore meets Policy 14 from the SWLP (2020); Policy CS21 from the WBCCS (2012); and Policy DM5 from the WDPD (2016).
101. With regards to the six CCTV cameras on aluminium poles (approximately 5m in height each) have been in place on all four corners of the application site, with one also placed in the centre of the application site next to the main barn building and one to the west of the site next to the fuel storage container. The CCTV cameras have been positioned so they do

not point outside of the application site and are required for monitoring the site for security purposes. Officers consider that the CCTV equipment is for the purpose of monitoring and the applicant has outlined within the Validation Response Letter dated 1 July 2020 that this data is to be stored for 31 days before it is automatically deleted, with the applicant only having access to the camera data. Officers consider that the CCTV cameras are in line with Policy CS21 from the WBCCS (2012) which outlines that proposal should create a safe and secure environment, where the opportunities for crime are minimised. Officers therefore consider that should planning permission be granted, a condition is imposed on the relevant permission to require compliance with Data Protection Codes of Practice and Act.

102. With regards to noise, the County Noise Consultant (CNC) has reviewed the documents submitted and considers that the proposed extended the arrival and departure times of personnel by an additional 30 minutes (e.g. 1 hour before and 1 hour after the permitted hours of operation) is acceptable providing that there are no noisy activities taking place during these periods of time.
103. The CNC has reviewed the Noise Impact Assessment and notes that the assessment has been carried out in accordance with BS4142:2014 'Methods for Rating and Assessing Industrial and Commercial Sound'. The CNC recognises that a newer version was published in 2019 which included minor changes, such as correcting typos and improving working. However, as the noise assessment was carried out in accordance with Condition 7 of WO/2015/0605 which refers to the 2014 version, the use of BS4142:2014 is considered an acceptable method in this instance.
104. The CNC considers that the noise impact assessment indicates that the electricity generator can comfortably operate within the requirements of Condition 7 of planning permission ref: WO/2015/0605, but it doesn't demonstrate that it can operate in combination with any other plant or machinery in use on the site at the same time within the criteria. However, given the generator is likely to operate at least 10 dB below the criteria, the CNC considers it is unlikely to significantly contribute to the overall rating level from the site.
105. The CNC therefore raises no objection to the proposal, subject to Condition 7 of planning permission ref: WO/2015/0605 is brought forward and reworded to reflect the current version of BS4142:2014 + A1:2019, and a condition is included to restrict the use of the generator in accordance with the applicants proposed hours of use, such as 08:00 to 09:00 and 16:00 to 17:00 hours Monday to Friday and 08:00 to 09:00 and 12:00 to 13:00 hours on Saturday. Furthermore, the CNC has based this response on the basis that should planning permission be granted for the proposed development, the processing of waste by chipping and splitting will remain subject to conditions as outlined in planning permission ref: WO/2015/0605.
106. Officers consider that noise generated from this proposal predominately relates to the introduction of an electricity generator on site. The generator is a super silent generator which is proposed to be housed within a container to further assist with minimising noise impact. The generator is proposed to be limited to power loading equipment which will involve using the generator for an hour in the morning and an hour in the evening in line with the existing permitted operational hours of use of the site under planning permission ref: WO/2015/0605 and also in line with the noise limitations outlined in Condition 7 of planning permission ref: WO/2015/0605. As such Officers therefore consider that, subject to the imposition of appropriate conditions, the proposed development would not result in a significant adverse effect with regards to noise and would comply with the Development Plan with regards to noise and neighbouring amenity.
107. In regard to the additional opening and closing time for staff, Officers recognise that the scale of this (up to six small vehicles) is not significant in size within the context of the surrounding area, and has received no objection from the County Highway Authority. Woking Borough Council have raised no objection to this proposal other than no changes to the existing operational times of the site are maintained and that the additional opening and closing time for staff is conditioned to only Monday to Friday as there is insufficient need to

require this during a Saturday, where rush hour does not exist. Officers, therefore, consider that providing additional access time for staff would not cause further adverse impacts to residential amenity in line with Policy 14 from the SWLP (2020) and Policy DM5 from the WDPD (2016).

108. Overall, Officers consider that the proposal meets Policy 14 from the SWLP (2020); Policy CS21 from the WBCCS (2012); Policy DM5 from the WDPD (2016); Paragraphs 174, 180 and 185 of the NPPF (2021) in terms of its impact on the amenity of local occupants and supports the need for co-locating structures that are ancillary to waste facilities on site within a suitable location as outlined in the NPPW (2014) Locational Criteria (Appendix B). Furthermore, Officers consider that the noise generated from this proposal would not result in significant adverse impacts to local amenity subject to appropriate conditions, including meeting noise limitations as outlined in Condition 7 of planning permission ref: WO/2015/0605 and limiting the hours of operational use of the generator. In this regard, Officers consider that the proposal would not cause significant adverse impacts to residential and visual amenity.

## **IMPACT TO HERITAGE**

### **Surrey Waste Local Plan – Part 1 Policies (2020) SWLP**

Policy 13 – Sustainable Design

Policy 14 – Protecting Communities and the Environment

### **Woking Borough Council Core Strategy (WBCCS) (2012)**

Policy CS20 – Heritage and Conservation

Policy CS21 – Design

### **Woking Local Development Management Policies Development Plan Document (WDPD) (2016)**

Policy DM20 – Heritage Assets and their Settings

#### *Planning Policies*

109. Paragraph 194 of the NPPF (2021) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
110. Paragraph 195 of the NPPF (2021) further goes on to state that the County Planning Authority (CPA) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
111. Paragraph 199 of the NPPF (2021) 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 asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the NPPF (2021) goes on further state that any harm, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its

setting), should require clear and convincing justification. Substantial harm to or loss of: (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional<sup>10</sup>.

112. Paragraph 201 of the NPPF (2021) states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 outlines that 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, where appropriate, securing its optimum viable use.
113. The National Planning Policy Guidance (NPPG) provides further guidance on the assessment of heritage assets when considering planning applications. Paragraph 007 (Reference ID: 18a-007-20190723 dated 23 July 2019) states that heritage assets may be affected by direct physical change or by change in their setting. This paragraph goes on to state that being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.
114. Paragraph 013 (Reference ID: 18a-013-20190723 dated 23 July 2019) of the NPPG explains that setting is the surroundings in which a heritage asset is experienced. It outlines that although views of or from an asset will play an important part in the assessment of impacts on settings, the way in which an asset is experienced it is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity. This paragraph goes on to clarify that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting and that the contribution may vary over time. The NPPG goes on to further state that when assessing any applications which may affect the setting of a heritage asset, the CPA may need to consider the implications of cumulative change.
115. Accordingly, paragraph 018 (Reference ID: 18a-018-20190723 dated 23 July 2022) of the NPPG is clear that what matters in assessing whether a proposal causes substantial harm is the impact on the significance of the heritage asset which derives not just from its physical presence but also its setting. This paragraph also makes plain that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
116. Historic England has published a series of guidance notes to assist in the determination of planning applications that could have an impact on heritage assets. These include: 'Good Practice Advice in Planning: 2 Managing Significance in Decision-Taking in the Historic Environment – July 2015'; 'Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2<sup>nd</sup> Edition) – December 2017'; and 'Good Practice Advice in Planning: 4 Enabling Development and Heritage Assets – June 2020'. Hereafter these advice notes are referred to 'Advice Note 2 (2015)'; 'Advice Note 3 (2<sup>nd</sup> Edition 2017)', and 'Advice Note 4 (June 2020)' respectively.
117. In paragraphs 7 and 8 of Advice Note 3 (2<sup>nd</sup> edition 2017) it is recognised that the extent of a setting cannot have a fixed boundary and may alter over time due to changes in circumstance. Furthermore, paragraph 11 explains that views can contribute to setting of heritage assets. For example, where a view is a fundamental aspect of the design of the

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<sup>10</sup> Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.



asset, is part of a viewing point, or where assets were meant to be seen by one another for aesthetic, functional, ceremonial or religious reasons (paragraph 12).

118. Advice Note 2 (2015), at paragraph 4, explains that the first step in assessing the impact a development proposal may have on a designated heritage is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. The significance of a heritage asset is the sum of its archaeological, architectural, historic and artistic interest.
119. Advice Note 4 (2020) outlines the balanced approach to assessing when to enable development against Paragraph 202 of the NPPF (2021). It states in paragraph 20 that considerations in the assessment will include the importance and significance of the heritage assets(s), the nature of the planning policies that would be breached, the severity of the breach or breaches, whether the asset(s) have been subject to deliberate neglect and giving great weight to the asset's conservation. Paragraph 21 goes on further to state that a decision-maker can only properly decide if the development is justified if they can assess the full scale of the enabling development needed to deliver the necessary benefits to secure the future of the heritage asset.
120. Within Appendix B of the NPPW (2014) it states that in testing the suitability of sites the CPA should consider the factors listed in the appendix and bear in mind the envisaged waste management facility in terms of its nature and scale. In respect of heritage assets, the NPPW (2014) Appendix B Criteria E requires consideration of the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.
121. Policy 13 from the SWLP (2020) states that planning permission for waste development will be granted where it can be demonstrated that the development is of a scale, form and character appropriate to its location. Policy 14 from the SWLP (2020) goes on further to state that planning permission for waste development will be granted where it can be demonstrated that it (A) it would be consistent with relevant national planning policy with respect to the following key environmental assets nationally important heritage assets, including Scheduled Monuments, Listed Buildings, and Registered Parks and Gardens where those located within the county or could be affected by development located within the county. Part (B) of Policy 14 from the SWLP (2020) goes on further to state that planning permission for waste development will be granted where it can be demonstrated that it would not result in unacceptable impacts on communities and the environment including:
- (v) The landscape including impacts on the appearance, quality and character of the landscape and any features that contribute to its distinctiveness, including character areas defined at the national and local levels.
  - (vii) The historic landscape, on sites or structures of architectural and historic interest and their settings, and on sites of existing or potential archaeological interest or their settings.
122. Policy CS20 from the WBCCS (2012) outlines that new development must respect and enhance the character and appearance of the area in which it is proposed whilst making the best use of land available. New development should also make a positive contribution to the character, distinctiveness and significant of the historic environment, including heritage assets at risk through neglect, decay or other threats. The heritage assets of the Borough will be protected and enhanced in accordance with relevant legislation and national guidance as set out in the NPPF. There will be presumption against any development that will be harmful to a listed building. Policy DM20 from the WDPD (2016) outlines that a proposal affecting the character or setting of heritage assets will be required to show that the works are in harmony with and, where appropriate, enhance the heritage asset and/or its setting in

terms of quality of design and layout, and that it would not have an adverse impact on views of or from the heritage asset.

123. Policy CS21 from the WBCCS (2012) outlines that proposals for new development that should be designed to create buildings and places that are attractive in their own distinct identity and should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

#### *Planning (Listed Buildings and Conservation Areas) Act 1990*

124. Surrey County Council's Historic Building Officer notes that there is no legislative requirement for assessing the impact on a Registered Park and Garden. As the site is outside of a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply.
125. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a "General duty as respects listed buildings in exercise of planning functions". Subsection (1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess". Section 66 of the Act gives a ruling on how planning applications are to be considered in cases affecting listed buildings, and also includes an obligation to protect the setting of listed buildings. The legislation has been assessed by the Courts on various occasions, invariably finding that, if there would be harm to a listed building or its setting, that harm must be given considerable importance and weight and not treated merely as a 'material consideration' to which decision-makers can attach such weight as they think fit. The courts have confirmed that following the process set out in the NPPF for assessing the impact on heritage assets corresponds with the duty set out in section 66 of the Act.

#### *Details Submitted*

126. The applicant has submitted a Heritage Statement dated August 2020 which outlines the application site and its contribution to the surrounding area and the proposals impact upon the character and appearance of both the Sutton Green Conservation Area and Sutton Place Parks and Gardens.
127. The applicant goes on to state within the Heritage Statement that the Sutton Green Conservation Area is a largely rural area containing a number of historic buildings and structures the setting of which contributes to the areas character. The applicant considers that the proposed development is well screened by established and new planting which was required by conditions attached to the extant permission and existing structures on site. Furthermore, the applicant goes on to outline that the structures within the application site are of an agricultural character similar to those found in the surrounding rural locality, and therefore would assist in minimising the adverse effect on the character of the conservation area nor cause harm to the setting of the listed Sutton Place gardens to the south of the site.
128. The applicant acknowledges that the setting of a heritage asset includes the surrounding in which it is experienced, and that noise can have a detrimental impact on the setting. The applicant states within the Heritage Statement that the noise is limited as wood is mainly prepared off site and the number of HGV vehicles is restricted by the extant planning conditions. The applicant goes on further to state that the application site is separated from the conservation area by the nursery and the existing road of Sutton Green Road and therefore this proposal would not alter the existing levels or vehicles number that are already permitted on this site and thus the impact on the setting of the identified heritage assets

would be limited. The silent generator (SSDK16M model) which is proposed as part of this application is also encased within a storage unit which further assists in minimising the noise produced from the generator. A noise assessment has also been submitted as part of this application which is discussed within the noise section of this Officer report.

### *Sutton Green Conservation Area*

129. The application site is not located within a Conservation Area, however it does sit adjacent to the north-western corner of Sutton Park Conservation Area. The Sutton Park Conservation Area contains numerous buildings which are nationally listed for their architectural and historic interest, together with a number of ancient monuments scheduled for their national importance.
130. The proposal introduces new structures which are proposed to be located within the existing permitted site and does not encroach beyond the existing site boundary and all, except the CCTV poles, would be below the height of the existing barn. Whilst there would not be any physical impact on the Sutton Park Conservation Area, due to the proximity of the proposal to Sutton Park Conservation Area it may have the potential to undermine the prevailing characteristics of the conservation area which Officers consider to be of a rural and agricultural nature.
131. Officers note that the proposed new structures are to improve existing functionality of the site and do not propose to alter the existing level of activity or vehicle numbers on site than what is already permitted under the extant planning permission (WO/2015/0605). In this respect therefore Officers do not consider that the proposal would adversely affect the conservation area by way of noise or material increase in vehicle movements along this part of the highway.
132. In respect of views to and from the conservation area, Officers recognise that the site benefits from screening from both native planting on site and adjacent horticultural nursery along the boundaries of the site, which Officers consider are appropriate and provide adequate screening to and from the conservation area. The design of the new structures are in keeping with the existing permitted structures on site and are of a small scale and the proposed new storage bays in keeping with the visual appearance and character of structures often found within the surrounding agricultural land. Officers recognise that the new silent generator could generate noise that could affect the setting of the Conservation Area. However, the County Noise Consultant (CNC) has confirmed that the generator proposed to be used as part of the development are within the margins that would be acceptable with respect to the guidance in BS 4142:2014 + A1:2019<sup>11</sup> and given the generator would be used for specified hours at the beginning and end of the permitted operational times, Officers do not consider that the development proposed as part of this application, including the generator, would materially alter the existing noise environment.
133. Officers therefore consider that the potential impact to the prevailing characteristics of the conservation area are limited and are not increased than what is already permitted under the extant permission. Thus, in respect of the Sutton Park Conservation Area the proposed development in terms of structures would not undermine the character or cause harm to the setting or significance by way of views to and from the conservation area, and the proposed development aligns with Policies 13 and 14 from the SWLP (2020) and Policies CS20 and CS21 from WBCCS (2012) with making best use of the land available whilst maintaining the development respects the character and appearance of the area, whilst being of a suitable scale.
134. The County Historic Building Officer has reviewed the proposal with regard to the Conservation Area and has commented that while the site maybe glimpsed from buildings

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<sup>11</sup> Methods for rating and assessing industrial and commercial sound.

on the north side of Sutton Green Road, the proposed buildings are of a sufficiently small scale that they will no result in harm to the setting of the Conservation Area. Historic England wish to make no comments on this matter.

### *Listed Buildings*

135. The proposal would not result in any direct impact on listed buildings themselves by either altering or demolishing them. As such, it is appropriate to assess whether this proposal would harm the setting of any of the listed buildings and thereby affect their significance. The setting of a Heritage Asset is defined in the NPPF Glossary as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Officers have identified ten heritage assets in the vicinity of the application site. These are detailed below.

### *Schedule Ancient Monument The 'Old Manor House (site of) west of Roman Catholic Church Sutton Park' – Historic England List ID 1005933*

136. This monument is located approximately 500m away to the south of the application site beyond buildings and structures within the nursery, Sutton Green Road, a block of woodland to the south of the application site which runs parallel to Sutton Green Road, hedgerows, fields and buildings. This monument is also located 50m west of St Edward's Roman Catholic Church, Sutton Park. The monument comprises of the site of a medieval manor house, which was designated as an ancient monument as manorial centres were important foci of medieval rural life. The monument includes a medieval manor house, believed to date to the 12<sup>th</sup> or 13<sup>th</sup> century, surviving as upstanding and buried remains.

### *The 'Disc Barrow on Whitmoor Common' – Historic England List ID 1011599*

137. This monument is situated to the south-west of the application site beyond buildings and structures within the nursery, Sutton Green Road, the block of woodland to the south of Sutton Green Road, Clay Lane, hedgerows, fields and buildings (approximately 800m away). Disc barrows are the most fragile type of round barrow being funerary monuments of the Early Bronze Age with most examples dating to the period between 1400 and 1200 BCE. Disc barrows are rare nationally, and their richness in terms of grave goods provides importance evidence for chronological and cultural links amongst prehistoric communities. Despite partial excavation, the disc barrow on Whitmoor Common survives well and is a fine example of this rare form.

### *The Grade II\* Registered Park and Garden at 'Sutton Place' – Historic England List ID 1001554*

138. Sutton Place is Grade II\* listed and extends to approximately 90 hectares (ha) in size and lies adjacent to the north west of the A3 London to Portsmouth Road and is bounded to the east and south by flood meadows through which the River Wey runs. The estate is bounded by agricultural land to the west and north, which includes land occupied by Elm Nursery and residential dwellings.

139. The park and garden at Sutton Place is located some 250m south of the application site beyond buildings and structures within the nursery, Sutton Green road, the block of woodland to the south of Sutton Green Road, and a field. Apart from an access off Blanchards Hill, the park and garden at Sutton Place is largely enclosed by dense, mature and established planting.

140. The principal building within the gardens is the Grade I Listed Building Sutton Place constructed between 1520 and 1540, and stands towards the centre of the estate. This two-

storey mansion is brick built with stone and terracotta dressings, and is a fine example of Tudor domestic architecture. An irregular shaped service wing is attached to the north-west of the building beyond which stands the U-shaped Grade II Listed Stable Block constructed in the 18<sup>th</sup> Century. The mansion is partly enclosed by a further area of formal and informal gardens, which are arranged around a spinal terrace lawn which runs parallel and adjacent to the south west front. To the south and west of these gardens lie the informal pleasure grounds, partly enclosed by a circuit walk and bounded to the south west by the unimproved arm of the Wey.

*Grade II Listed Whitmoor House (including cottage to the rear) – Historic England List ID 1236958*

141. This building is listed for its special architectural or historic interest. It is located some 270m west of the application site beyond buildings and structures within the nursery, a mature field hedgerow, and the adjacent agricultural field and associated buildings. The house comprises three sections – 16<sup>th</sup> Century construction to the rear; 18<sup>th</sup> Century addition to the front; and 19<sup>th</sup> Century addition in similar style to the left end.

*Grade II Listed Granary 15 yards south west of Whitmoor House – Historic England List ID 1236959*

142. This building is listed for its special architectural or historic interest. It is located approximately 290m west of the application site beyond buildings and structures within the nursery, a mature field hedgerow, the adjacent agricultural field and associated buildings, and Whitmoor House. It is a 17<sup>th</sup> Century timber framed Granary with brick infill and underbuilt in brick.

*Grade II Listed Sutton Green House – Historic England List ID 1236803*

143. This building is listed for its special architectural or historic interest. It is located approximately 340m east of the application site off Foxes Path, beyond Sutton Ridge House, a field and the block of woodland east of Sutton Green Road. The building is a 16<sup>th</sup> Century house encased in 18<sup>th</sup> and 20<sup>th</sup> Century additions.

*Grade II Listed Oak House – Historic England List ID 1236805*

144. This building is listed for its special architectural or historic interest. The building comprises a 16<sup>th</sup> Century house with a 19<sup>th</sup> Century addition to its rear. It is located about 380m south of the application site beyond Sutton Green Road and the block of woodland which runs parallel to the southern side of the same.

*Grade II Listed The Manor House – Historic England List ID 1236932*

145. This building is listed for its special architectural or historic interest. It is an 18<sup>th</sup> Century house with a 19<sup>th</sup> Century parallel range beyond. The Manor House is located some 390m south east of the application site beyond Sutton Ridge House, a field, and the block of woodland on the southern side of Sutton Green Road.

*Grade II Listed Frog Land Farmhouse – Historic England List ID 1378244*

146. This building is listed for its special architectural or historic interest. The building comprises a 16<sup>th</sup> Century house with a 19<sup>th</sup> Century cross wing to left and extension to the right. It is located some 400m north of the application site beyond the curtilage of Sutton Ridge House, mature hedgerows, and two fields.



*Grade II Listed The Old Post Office – Historic England List ID 1236801*

147. This building is listed for its special architectural or historic interest. It is a 16<sup>th</sup> Century timber framed house located approximately 430m north east of the application site beyond Sutton Ridge House, a field, Frog Lane, a block of woodland, New Lane, Sutton Ridge Garage, and several residential dwellings.

*Grade II Listed Bull Lane Cottages – Historic England List ID 1044714*

148. 1 and 2 Bull Lane Cottages is a 16<sup>th</sup> Century building listed for its special architectural or historic interest. The building is located some 470m south of the application site beyond buildings and structures within the nursery, Sutton Green Road, the block of woodland parallel to the southern side of Sutton Green Road, fields and further planting.

*Evaluation*

149. The suitability of the site for use as a waste management facility within the context of the heritage setting has already been established as being acceptable in the extant planning permission ref: WO/2015/0605. This proposal does not fundamentally change the existing use of the site but it does introduce an increase in the built form on site from that which is already permitted and therefore the cumulative impact needs to be assessed.

150. The County Archaeological Officer (CAO) has reviewed the proposal and notes that the original grant of permission under WO/2015/0605 had no requirement for archaeological mitigation attached. As the site does not lie within an Area of High Archaeological Potential, and nor does the boundary of site application cover more than 0.4ha in total area, it therefore does not meet the requirements under Woking Local Plan to have to consider the impacts of development on as-yet unknown heritage assets. The CAO consider the works at this site are reasonably small in scale and there are no nearby heritage assets that suggest the site has significant potential for archaeological remains. The CAO is satisfied that there are no archaeological concerns regarding these proposed changes.

151. The County Historic Building Officer has also assessed the proposal in accordance with Paragraphs 195 and 199 of the NPPF and has commented the application site is close to Sutton Park which is a Grade II\* Registered Park and Gardens. The County Historic Building Officer comments that the boundary on Sutton Green Road is predominately wooded with hedges and there is no intervisibility between the park and garden and the application site and as such there is no impact on this heritage asset.

152. The County Planning Authority in the form of the County Historic Building Officer, have identified heritage assets in the vicinity of the application site and have assessed the particular significance of these heritage assets in accordance with Paragraph 195 of the NPPF. The County Historic Building Officer considers there will be no material impact on the significance of the Conservation Area or Registered Park and Garden. Officers consider that the proposal would not harm the setting or significance of Sutton Park Conservation Area or any heritage assets within the vicinity of the application site. The proposal does not seek to amend the principle of the development as a waste management site, rather it seeks to improve the operational functionality of the existing waste management facility that was considered acceptable within the heritage context in planning permission ref: WO/2015/0605. As such Officers consider that the development proposed satisfies the requirements of Policies 13 and 14 of the SWLP (2020), Policies CS20 and CS21 from WBCCS (2012) and Policy DM20 from the WDPD (2016).

## **SURFACE WATER DRAINAGE AND FLOOD RISK**

### **Surrey Waste Local Plan – Part 1 Policies (2020) SWLP Policy 13 – Sustainable Design**

**Woking Borough Council Core Strategy (WBCCS) (2012)**

Policy CS9 – Flooding and Water Management

**Woking Local Development Management Policies Development Plan Document (WDPD) (2016)**

Policy DM5 – Environmental Pollution

*Planning Policies*

153. Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
154. Paragraph 167 of the NPPF (2021) states that when determining planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment<sup>12</sup>. It goes on to state that development should only be allowed in areas at risk of flooding where, in light of this assessment it can be demonstrated that:
- a.) Within the site the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
  - b.) The development is appropriately flood resistant and resilient such that, in the event of a flood, it can be quickly brought back to use without significant refurbishment.
  - c.) It incorporates a sustainable drainage system, unless there is clear evidence that this would be inappropriate.
  - d.) Any residual risk can be safely managed.
  - e.) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
155. Paragraph 174 of the NPPF (2021) states that the planning decisions should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
156. In respect of the protection of water quality and resources and flood risk management the National Planning Policy for Waste (NPPW) (2014) Appendix B Criteria A requires consideration of the proximity of vulnerable surface and groundwater or aquifers and the suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination.
157. Policy 14 from the SWLP (2020) states that planning permission for waste development will be granted where it can be demonstrated that it would not result in significant adverse impacts on communities and the environment which include the water environment, such as flood risks (including impacts on, and opportunities to provide enhance flood storage and surface water drainage capacity); and water resources. Policy 13 also seeks to ensure that

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<sup>12</sup> A site-specific flood risk assessment should be provided for all development in Flood Zone 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more, land which has been identified by the Environment Agency as having critical drainage problems, land identified in a strategic flood risk assessment as being increased flood risk in the future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

development is resilient to the effects of climate change including the management of flood risk.

158. Policy CS9 of the WBCCS explains that the Council will expect development to be in Flood Zone 1 and will require all significant forms of development to incorporate appropriate sustainable drainage systems as part of any proposal. It goes on to state that a Flood Risk Assessment will be required for development proposals within or adjacent to areas at risk of surface water flooding. Moreover, to further reduce the risk from surface water flooding, all new development should work towards mimicking Greenfield run-off situations.
159. Policy DM5 of the WDPD (2016) states that when assessed individually or cumulatively, development proposals should ensure that there will be no unacceptable impacts on surface and ground water quality. Development which has the potential, either individually or cumulatively, for an unacceptable impact on water quality by reason of pollution but is considered desirable for reasons for economic or wider social needs will be expected to provide an appropriate scheme of mitigation. The aims of the Water Framework Directive should be taken into account in planning decisions affecting water quality and management. In assessing a scheme of mitigation, account will be taken of: the location, design and layout of the proposed development; measures to bring levels of pollution to an acceptable level, measures to control run-off and other diffuse pollution; and hours of operation. Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites.

#### *Details Submitted*

160. The application site is located within Flood Zone 1 and therefore is at low risk of flooding, however the site is identified by the Environment Agency as being at significant risk of surface water flooding. In light of this, the parent permission for use of this site for waste management purposes (WO/2015/0605) was subject to Condition 11 which required approval of a scheme disposing of surface water by means of a sustainable drainage system. In accordance with this condition details of a scheme for disposing of surface water by means of sustainable drainage system was approved under planning permission WO/2017/0102 dated 31 March 2017. The approved scheme comprised of two rainwater harvesting tanks (a combined volume of 35,000 litres) collecting rainwater. In the event of the two tanks reaching capacity an overflow soakaway has been designed to contain all runoff for up to the 1 in 100 year flood event, including a 30% allowance for climate change. These approved details have also been submitted as part of this application for information purposes.
161. As outlined in the Sustainable Drainage System Details submitted by the applicant directing water from the rainwater collection tank to the toilets was found to be unfeasible in practice and the position of the water tanks were amended. The rest of the approved drainage details have been fully implemented on site. The current drainage system on site is outlined the following plan A800 'Drainage System' dated 15 February 2021. The applicant states within the Sustainable Drainage System Details that the drainage system allows rainwater to be collected from the roof of the main barn building into a 10,000 litre capacity internal water tank. This tank is connected to four outlets, which includes an outlet for an irrigation system watering trees planted along the site boundary for screening, an outlet for a dust suppression system which operates within the open storage bays to minimise pollution when loading and unloading, an outlet for washing down equipment, and on the rare occasion that the water tank is full an overflow an outlet for an overflow to the sites soakaway. Two WCs are located on site which are connected to a septic tank.
162. The applicant outlines that the soakaway is an underground holding tank with a water holding capacity of 19,000 litres which then in turn allows water to soak away into the natural ground water in a controlled manner. The holding capacity is sufficient to accommodate a 1 in 100 year flood event plus a 30% climate change allowance. The groundwater table is

known to be approximately 1.4m below ground level with a 1m clear ground between the soakaway base and the water table.

163. The areas of the site covered by buildings is impermeable and therefore the rainwater is collected and managed. The rest of the site is permeable area, and the topography of the land is not proposed to be altered, therefore allowing the rainwater to drain naturally.
164. The new chip bays proposed are proposed to be walled in and have a slight slope in the centre. The bays are to be filled with wood chip for a majority of the time which will absorb water. It is proposed that concrete panels around the bays will be constructed to prevent water from escaping.
165. The fuel is stored in steel tanks and is located on a concrete slab with a block wall surrounding the tanks. The block walls are 1 block high at the sides and front and are 6 blocks high at the back in line with the environmental protocols stipulated by the Environmental Agency to prevent spillage of diesel oil on site and to protect the fuel tanks from impact. The walls are designed to hold water which can be drained off or allowed to evaporate naturally. There is a tap installed in the wall to enable controlled drainage in the event of a spillage.
166. Following initial review by the Lead Local Flood Authority (LLFA), additional information was submitted regarding the increase in the impermeable area and proposed changes to the existing soakaway scheme to accommodate for this additional increase in the impermeable area. These are outlined in the plans 08 'Barn Drainage Systems' dated 18 May 2022; 09 'Sewage System Drainage' dated 18 May 2022; 10 'Office Facilities Drainage' dated 18 May 2022; and 11 'Fuel Storage and Drainage Systems as Recommended by the EA' dated 19 May 2022. The soakaway proposed is approximately 19m x 0.5m x 3.5m in size, with the gravel pit by the new office building approximately 15m x 0.3m x 0.3m in size, and the gravel pit by the oil storage building approximately 8m x 0.3m x 0.6m in size.

### *Evaluation*

167. The LLFA have reviewed the surface water drainage strategy proposed for the development and the additional information submitted against the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems. The LLFA are satisfied that the proposed drainage scheme meets the requirements set out in the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems and raise no objection with the development proposed. The applicant is reminded that if proposed site works affect an Ordinary Watercourse, Surrey County Council as the LLFA should be contacted to obtain prior written consent. Furthermore, if proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater.
168. The Environment Agency (EA) have also reviewed the documents submitted for the proposed development and raise no objections.
169. Officers are satisfied that the details submitted to mitigate flood risk and surface water drainage are appropriate for the nature and scale of the proposed development and material change of use. The site is 0.39 hectares in site and is located on land within the lowest probability of flooding (Flood Zone 1). It is proposed that the existing sustainable drainage system that was approved under planning permission WO/2017/0102 dated 31 March 2017 will continue to be deployed and appropriate adjustments have been made to accommodate for the increase in the impermeable area proposed by including a new soakaway and gravel pits for additional drainage. Officers therefore consider that the proposal meets the requirements of the NPPF and satisfy the local development plans and national guidance.

## HIGHWAYS AND TRAFFIC IMPLICATIONS

### Surrey Waste Local Plan – Part 1 Policies (2020) SWLP

Policy 14 – Protecting Communities and the Environment

Policy 15 – Transport and Connectivity

### Woking Borough Council Core Strategy (WBCCS) (2012)

Policy CS18 – Transport and Accessibility

### Woking Local Development Management Policies Development Plan Document (WDPD) (2016)

No Relevant Policies Identified.

170. The proposal does not seek to increase the throughput of the site, the vehicular or pedestrian access into/from the site or the number of HGVs access in the site. The only change proposed relating to highway matters is the applicant seeking an additional amount of time for staff to come and go from the site at the beginning and end of the day to plan site logistics for the day. There are no other changes proposed to operations at the site as part of this proposal.

#### *Planning Policies*

171. Paragraph 110 of the NPPF (2021) states that it should be ensured that for specific applications for development that safe and sustainable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF (2021) further states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 113 of the NPPF (2021) states that all developments that generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

172. Appendix B of the NPPW (2014) states that in testing the suitability of sites the CPA should consider the factors listed in the appendix and bear in mind the envisaged waste management facility in terms of its nature and scale. In terms of highways, traffic and access, Criteria F of Appendix B explains that such considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.

173. Part (b) of Policy 14 of the SWLP (2020) states that planning permission for waste development will be granted where it can be demonstrated that it would not result in unacceptable impacts on communities and the environment.

174. Policy 15 of the SWLP (2020) states that planning permission for waste development will be granted where it can be demonstrated that transport links are adequate to serve the development or can be improved to an appropriate standard; the distance and number of vehicle movements associated with the development are minimised; the residual cumulative impact on the road network of vehicle movements associated with the development will not be severe and there is safe and adequate means for access to the highway network and the vehicle movements associated with the development will not have an unacceptable impact on the highway safety when compared against current national and local guidance.

175. Policy CS18 of the WBCCS (2012) outlines that the Council is committed to developing a well integrated community connected by a sustainable transport system which connects to jobs, services and community facilities and minimised impacts on biodiversity and that this is to be achieved by taking the following steps:



- a.) Joint working with key stakeholders through the Transport for Woking Partnership to ensure that the principal objectives and overall vision of the Surrey Local Transport Plan are met.
- b.) Locating most new development in the main urban areas, served by a range of sustainable transport modes, such as public transport, walking and cycling to minimise the need to travel and distance travelled.
- c.) Ensuring development proposals provide appropriate infrastructure measures to mitigate the adverse effects of development traffic and other environmental safety impacts (direct or cumulative).
- d.) Requiring development proposals that generate significant traffic or have significant impact on the strategic road network to be accompanied by a travel plan, clearly setting out how the travel needs of occupied and visitors will be managed in a sustainable manner.

176. The Surrey Transport Plan (LTP4) (2022) outlines the plan for transforming the transport network from 2022-2032 and beyond. The LTP4 aims to significantly reduce carbon emission from transport to meet the commitment to net zero emissions in 2050, in line with the Government's national legal commitment. This will be achieved through (i) avoiding unnecessary travel by reducing the number and length of trips needed; (ii) shifting travel choices to more sustainable modes of transport, including public transport, walking and cycling, away from car use; and (iii) improving the energy efficiency of vehicles and operational efficiency of roads through technology improvements.

#### *Details Submitted*

177. No changes to the permitted hours of operation or levels of vehicle movements as permitted under Conditions 4 and 5 of planning permission WO/2015/0605 dated 18 August 2016 are proposed as part of this proposal. Under Condition 4 of the extant planning permission (WO/2015/0605) vehicles and personnel are permitted to enter or vacate the site 30 minutes before or after the hours. The applicant has proposed this is increased to 60 minutes before or after the hours to allow sufficient time for staff to review the day's planned activities and to prepare to leave for work sites prior to the commencement of rush hour. The vehicles required would be small in size with a maximum of six vehicles at any one time. Vehicles are proposed to continue to be parked in the existing car parking arrangements located to the western side of the site.

178. The applicant states within the Planning Statement that although the application site is in a rural location, it is easily accessible by the local road network and the applicant's customer sites are principally local to the site minimising road transport miles.

#### *Evaluation*

179. As outlined above in the NPPF (2021) which states that *development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* Officers consider in this regard that the proposal to allow access to and from the site for vehicles and personnel, in small vehicles, up to 60 minutes before and after the permitted operational times would not result in significant residual cumulative impacts to the road. A maximum of six cars at any one time is proposed. The proposal for small vehicles and personnel to access and leave the site 60 minutes prior to the operational hours allows staff to avoid the local commuting times where traffic is likely to be congested, helping to reduce the impact to the local road network during Monday to Friday.

180. The principle of this development has already been found acceptable in terms of highway safety and capacity under planning permission WO/2015/0605. This proposal does not propose any changes to the existing permitted hours of operation, or the permitted operational throughput (1,000 tonnes of agricultural waste imported per annum), and therefore this proposal would not increase traffic levels beyond the levels already permitted by the existing planning permission WO/2015/0605. Due to the small scale of the proposal, additional details regarding a transport statement and travel plan are not required.

181. The proposed development has been considered by the County Highway Authority (CHA), who have undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The CHA therefore have no highway requirements for this application.

182. Woking Borough Council raised no objection to the proposal but consider that the whilst no objection is raised to the additional hour in the evening, Monday-Fridays only, it is considered that the additional hour in the morning would only be acceptable on a Monday-Friday and not Saturdays and propose that a suitable condition worded to specify the additional hour is only for use on a Monday-Friday.

183. In addition, Woking Borough Council also recommended that a condition is included to exclude the running of all other vehicles (other than vehicles used for staff arrivals and departures) and all plant on the site, during the additional hour. Officers note that there is no proposed changes to the existing operational hours permitted under planning permission ref: WO/2015/0605 and this condition regarding operational hours would remain intact and enforceable.

184. Officers are satisfied that as there are no proposed changes in terms of traffic and highway implications to what already exists as part of the operation of the site that is already permitted under planning permission WO/2015/0605 dated 18 August 2016, that this proposal will not result in an adverse impact to the highways, and as such would accord with development plan policies and the NPPF in this regard.

## **GREEN BELT**

### **Surrey Waste Local Plan – Part 1 Policies (2020) SWLP**

Policy 9 – Green Belt

### **Woking Borough Council Core Strategy (WBCCS) (2012)**

Policy CS6 – Green Belt

Policy CS24– Woking’s Landscape and Townscape

### **Woking Local Development Management Policies Development Plan Document (WDPD) (2016)**

Policy DM13 – Buildings in and Adjacent to the Green Belt

### *Planning Policies*

185. Elm Nursery is located within the Metropolitan Green Belt where policies of restraint apply. The protection of Green Belts around urban areas is one of the key planning principles of the NPPF (2021). Paragraph 137 of the NPPF (2021) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. Paragraph 138 of the NPPF (2021) states that the Green Belt serves five purposes. Of those five purposes, purpose (c) which seeks to assist in safeguarding the

countryside from encroachment, is relevant to this planning application. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and Paragraph 148 goes on to state that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt when considering any planning application and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

186. Paragraph 149 outlines that the construction of new buildings should be regarded as inappropriate development except in certain circumstances. Of the exceptions given in Paragraph 149, this proposal does not fall within these. Paragraph 150 sets out that certain forms of development are not inappropriate in the Green Belt provided these preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Waste-related development is not included and therefore, waste-related development is considered to be inappropriate development in the Green Belt.
187. Furthermore Paragraph 7 of the NPPW (2014) states that when determining waste planning applications, waste planning authorities should consider the local environment on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from relevant health bodies. In addition, it should be ensured that waste management facilities are well-designed so that they contribute positively to the character and quality of the area in which they are located.
188. Surrey Waste Local Plan (2020) (SWLP) Policy 9 states that planning permission will not be granted for inappropriate waste management development in the Green Belt unless it is shown that very special circumstances exist. 'Very special circumstances' will not exist unless the potential harm caused to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations associated with the proposal, either on their own or in combination. In addition, the SWLP (2020) outlines that other considerations which need to be weighted when determining whether very special circumstances exist may include:
- i.) The need to find locations well related to the source of waste arisings.
  - ii.) The characteristics of the waste development including scale and type of facility.
  - iii.) The wider environment and economic benefits of sustainable waste management.
189. Policy CS6 from the WBCCS (2012) outlines that development should ensure that the Green Belt continues to serve its fundamental aim and purpose and maintains its essential characteristics, it will be protected from harmful development.
190. Policy CS24 of the WBCCS (2012) states that all development proposals will provide a positive benefit in terms of landscape and townscape character, and local distinctiveness and will have regard to the landscape character areas. To protect local landscape and townscape character development will be expected to conserve and where possible enhance existing character.
191. Policy DM13 of the WDPD (2016) states that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings and forms of development other than those specifically identified on allocated sites in the Site Allocations DPD as inappropriate in the Green Belt. However, the policy also states that subject to other Development Plan policies, exceptions to this are detailed in Section 9 of the NPPF<sup>13</sup> and Policy CS6 of the Core Strategy. As such Policy DM13 goes on to state that extensions and alterations of buildings within the Green Belt where the proposal does not result in

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<sup>13</sup> Now replaced by Section 13 in the NPPF (2021) version

disproportionate additions over and above the size of the original building as it exists at the 1 July 1948 or if it was constructed after the relevant date, as it was first built.

### *Harm*

192. The proposal includes the installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container.
193. Under planning permission ref: WO/2015/0605 the existing structures amount to approximately 489m<sup>2</sup> in area<sup>14</sup>. This proposal would bring onto the application site structures amounting to approximately 338m<sup>2</sup> in area of development in addition to the existing structures on site. In addition to the area there is a need to consider the height of the structures within the Green Belt. The tallest structures would be the CCTV poles at 5m in height. The other elements of the proposal are 2.4m in height or less.
194. Officers consider that the built form of the proposal amounts to harm to the Green Belt by virtue of inappropriateness and visual impact on the openness of the Green Belt and may only be permitted where very special circumstances are demonstrated which clearly outweigh the harm caused. In line with policy it is for the applicant to demonstrate very special circumstances exist in order to justify the inappropriate development.

### *Very Special Circumstances*

195. The applicant outlines factors which they consider constitute very special circumstances within the Green Belt Statement dated 3 July 2020, these include:
- The proposal is to be sited on an existing waste management facility in which its principal use as a waste management facility was considered acceptable under planning permission WO/2015/0605 dated 18 August 2016. The existing waste management facility is now well established and instrumental in managing the county's huge demand for the management of arboricultural waste. The improvements to the site proposed provide ancillary support to the existing waste management and are not of a sufficiently large scale to justify the relocation of the established facility to another location. Therefore, the waste management facility cannot be located off site an alternative location as outside of the Green Belt.
  - The additions to the site do not extend beyond the existing boundary on the site, and the proposal helps to support the ongoing processing of waste close to its source providing sustainable advantages and environmental benefits. In accordance with this aim, the applicant states that 90% of the arboricultural waste is sourced from sites within 15km of the application site demonstrating that local demand for the service is strong. The proposal does not increase the volume of waste associated with the site and the primary use remains for the storage of waste before it is transferred to its end users. The proposed office is to be used for the coordination of works on and off site.
  - The structures proposed have been designed to be in keeping with the existing nature of the established waste management use and the existing permitted structures. The design has also been considered in accordance with the visual appearance and character of structures found within the surrounding agricultural land. The site will continue to benefit from screening of established planting and the adjacent horticultural nursery, assisting with limiting the visual impact on the openness of the greenbelt.

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<sup>14</sup> As outlined in WO/2015/0605 Officer report, the existing barn building is approximately 404m<sup>2</sup> and the concrete storage pit is approximately 85m<sup>2</sup> in size (a total of 489m<sup>2</sup>)

### *Conclusion on Green Belt*

196. In assessing the proposal against the context of the Green Belt, an assessment of what the harm to the Green Belt for this proposal in terms of the harm itself, openness, and whether the very special circumstances presented outweigh the harm as set out in the NPPF is required.
197. Officers recognise this proposal would encroach on the openness of the Green Belt by virtue of the proposed structures and CCTV poles. Officers recognise the proposal would cause harm to the Green Belt by virtue of inappropriateness and harm to the openness given its physical structure and presence, however when considered against the use of the existing site permitted under planning permission WO/2015/0605, the proposed development would not be more intrusive beyond what is already permitted.
198. With regard to the other purposes of including land in the Green Belt, Officers consider the proposal would not cause sprawl of large built-up areas, would not cause neighbouring towns to merge into one another, would not impact on the setting or special character of historic towns; and as no impact on influencing urban regeneration. Consequently, Officers concur that the proposal does not conflict with these purposes of the Green Belt. Regarding permanence, Officers recognise the proposal would be for permanent structures to support an already existing and operational waste management facility.
199. Officers consider that the factors advanced by the applicant as very special circumstances above demonstrates that the inclusion of the office building, welfare building, electricity generator, fuel tanks and storage, and CCTVs are ancillary to the operational use of the site that is already permitted under planning permission WO/2015/0605 and recognise the need to be located in close proximity to where the waste is arising. There are no other locations for these structures to be located outside of the Green Belt area without leading to further disruption in terms of vehicle movement and development to the local area.
200. Officers also recognise that this proposal supports opportunities for a sustainable way to move waste up the waste hierarchy. The addition to the two storage bays allows for the storage of the wood chip to be formalised on site and increasing the efficiency of the site and waste management. It is considered that the additional two storage bays would enhance the operation of the existing site.

### Other Harm to Green Belt

201. In accordance with Paragraph 148 of the NPPF (2021) the impact of the development needs to be assessed in terms of any other harm to the Green Belt in addition to the inappropriateness of the proposal. The extent of harm to the Green Belt, and in particular the impact the proposal has on the purpose of including land in Green Belts through its impact on openness is influenced by scale and location of the proposed development.
202. The location of the additional structures will be within the existing site. It does not extend the physical area of the site and would not increase the activities or throughput permitted on site. The proposal is relative low level in scale and other than the CCTV poles is no greater in height than existing structures on site. The site benefits from screening of existing vegetation and from the adjacent horticultural nursery and therefore it is considered that the impact of the CCTV poles will not significantly alter the landscape. Given the limited physical nature of the proposal and that the proposal would not lead to encroachment beyond the existing site boundaries, alongside it being in keeping with the existing site in terms of scale, style, and use, Officers are satisfied that the proposal would not lead to greater impact on the openness or other harm.



## Conclusion

203. Officers recognise that the presence of the office building, welfare building, CCTV cameras on columns, fuel storage tanks, open storage bays, electricity generator, and fuel storage, within the Green Belt will impact upon the openness of the Green Belt. However, Officers consider that these buildings and structures serve as ancillary functions to the existing operation of the site and the proposed addition of two new storage bays supports moving waste up the waste hierarchy which is required by local and national development plan policies. There is a need to be co-located next to where the waste is arising and is being stored, and therefore there are no other locations for which these structures could be effectively located at. The structures would be within the confines of the existing site and thus would not encroach on the Green Belt beyond the existing site and therefore would not conflict with the purposes of including land within the Green Belt.
204. Officers consider that the proposed development is in keeping with the existing site facilities and the size of the proposed structures is small in comparison to the wider site. The impact on the visual amenities of the Green Belt from the height of the structures associated with the proposal is lessened as it sits within the boundaries of the existing site and the location of the site benefits from screening of existing vegetation that runs along the eastern boundary of the site and the existing horticultural nursery beyond the western boundary of the site. Therefore, Officers consider that the impact on openness is limited.
205. Overall, whilst Officers recognise that any waste development is inappropriate development within the Green Belt, there are factors including the need to effectively manage waste arising up the waste hierarchy and manage waste close to the source that it is arising. The proposal is recognised to be seeking to make best use of an existing site and maximise the efficiency of already permitted development. In this regard the proposal meets the requirements of the NPPF and policy 9 of the SWLP (2020) very special circumstances and with regard to the Surrey waste hierarchy.
206. Officers consider that none of the factors identified in the application and considered above can, on their own be considered to constitute very special circumstances and clearly outweigh the harm by virtue of inappropriateness and the loss of openness and encroachment on the countryside. However, Officers consider that the factors identified above when taken collectively can amount to very special circumstances that outweigh the harm to the Green Belt by virtue of its inappropriateness, any other harm and impact to the openness to the Green Belt. The proposal is considered to not cause any greater level of harm to the Green Belt in terms of openness or potential harm from the proposed development on the local environment and amenity with regards to lighting, noise, surface drainage and flooding, and traffic and highways matters (which have been assessed above within this report) than the current extant planning permission permitted. Consequently, Officers consider that the proposal can be permitted as a departure to the Development Plan in this regard.

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## Human Rights Implications

207. 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.
208. Officers do not consider that this application should interfere with any Convention right. The applicant must of course ensure that all CCTV equipment affects only activities within the application site and in any event complies with the General Data Protection Regulation (GDPR) which applies to video surveillance which may include personally identifiable information. It is mandatory to comply with the GDPR and avoid data privacy violations.
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## Conclusion

209. The purpose of this planning application is for the installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective). The application is largely in part retrospective in that the office building, welfare building, CCTV cameras on columns, fuel storage tanks, electricity generator and fuel storage container are already installed /sited on the application site. The applicant proposes that the office use is for the co-ordination of operations at the application site and the associated arboricultural business, and that the adjacent welfare building has been installed as a necessary welfare addition which could not be accommodated within the existing main barn building.
210. One representation has been received objecting to this proposal, on the grounds of inappropriate use of the site within the sites location in the conservation area and residential area, intensification of the development and protection of local area, request for the material change of use to be dealt with by Woking Borough Council and issues raised about the use of a retrospective application.
211. Officers consider that the proposed office building to facilitate the coordination of operations on site and for administrative work (currently used by two members of staff) and the welfare building are ancillary to the existing permitted waste management operations on site. Officers consider that these structures are acceptable given they are small in scale and are only to be used in connection with the permitted development on site and would not change the principal use of the site as a waste development site as permitted under planning permission ref: WO/2015/0605. These structures would seek to assist with the ongoing activities on site in a safe and secure location, supporting the objectives of the NPPW (2014) and WMP (2021), and therefore would be acceptable. Officers consider these changes accord with Policy 2(ii) of the SWLP (2020).
212. The CCTV cameras on aluminium poles have been installed for the security purposes and have been positioned so that they do not point outside of the application site. No objections have been received from statutory consultees regarding the implementation of the CCTV cameras, and Officers consider these are acceptable subject to a relevant condition to be imposed to address the data protection issue for the use of CCTV equipment.
213. The fuel container and fuel storage tanks are required to service vehicles, plant and machinery associated with the permitted use of the land. The electricity generator is to be used to power loading equipment for one hour at the start of the day and one hour prior to closure. The two additional open storage bays are proposed for additional storage of arboricultural waste-as there is currently insufficient space for machinery and efficient storage of wood within the permitted barn building.
214. In addition to the proposed structures the applicant is also seeking an additional half an hour (30 minutes) relief at the start and end of each weekday (Monday to Friday) to allow staff and associated vehicles to access the site before and after permitted operational times. The applicant explains that this will allow staff to review the day's planned activities and prepare to leave for work sites prior to the commencement of rush hour. Otherwise, no changes are proposed to the permitted hours of operation associated with the existing use.
215. Officers acknowledge that this proposal does not seek to increase the annual throughput of waste to be managed by the existing facility which is limited to 1,000 tonnes of arboricultural waste (as per Condition 6 of planning permission ref: WO/2015/0605), and the primary waste management activity associated with the existing facility will remain limited to the storage of waste before its transfer to the end users. The site is considered to be a relatively small-scale waste management facility and the additional structures seek to further support the efficiency of this site and assist in contributing to the County's net sustainable waste management capacity and driving waste management up the waste hierarchy. In this respect the development meets the criteria outlined within the National Planning Policy for

Waste (2014); the Waste Management Plan for England (2013), and the Surrey Waste Local Plan 2020.

216. Officers recognise that introducing new structures onto the site will cause harm to the Green Belt due to it being inappropriate development, however the proposed development is contained within the existing site boundaries and does not further encroach into the Green Belt. The structures are ancillary to the existing waste management activities at Elm Nursery and therefore cannot be reasonably located elsewhere and require to be co-located with the waste management activities. Officers consider that the design of the proposed structures are in keeping with the existing permitted structures on site and are where possible agricultural in nature representing the structures commonly found on agricultural land within rural Surrey. The application site also benefits from well-defined and established planting along its boundaries which provides screening to the site and the County Landscape Architect (CLA) raises no objection on landscape character or visual amenity grounds. Officers and the County Historic Building Officer are satisfied that the proposal would not harm the setting of Sutton Park Conservation Area, Sutton Park or any other listed building within the vicinity of the application site.
217. The proposal does not seek to increase vehicles accessing/egressing the site, and the County Highway Authority raises no objections to this proposal. The increase in seeking an additional half an hour (30 minutes) for staff and associated vehicles to access the site before and after permitted operational times Monday to Friday is considered acceptable against Development Management Policies. Woking Borough Council and Woking Borough Environmental Health Officer have raised no objection to this proposal subject to this is conditioned appropriately.
218. The applicant has demonstrated in the Noise Impact Assessment that the electrical generator proposed would meet the criteria of noise limitations as outlined in the extant permission WO/2015/0605 (Condition 7). The County Noise Consultant (CNC) has reviewed the information submitted and raises no objection to the proposal on the grounds of noise, subject to the provision of a noise limitation condition and a condition limiting the hours of operation of the electrical generator. Furthermore, it is considered that other operations permitted under WO/2015/0605 such as wood chipping and splitting are still to be held in accordance with the conditions stipulated in WO/2015/0605. Officers acknowledge that character of the sound arising from the generator would lead to an increase in noise on site.
219. In relation to the drainage on site, the applicant has put forward drainage details including a soakaway. The Lead Local Flood Authority (LLFA) has raised no objection to this proposal and the Environment Agency has confirmed that they have no comments to make about the proposal. Officers therefore considered it to accord with development plan policies and the NPPF in this regard.
220. Consequently, Officers recognise that a need has been demonstrated to co-locate these ancillary structures on site to allow for efficient operation of the existing permitted waste management facility at Elm Nursery, which supports achieving sustainable waste management within the County. Officers consider that these structures are ancillary to the operation of the existing waste site facility which require to be located on site, and these factors amount to very special circumstances that clearly outweigh harm by virtue of inappropriateness and the harm to openness. Officers consider the proposal can be permitted as an exception to policy and are satisfied that the proposal can be permitted as a departure from the Development Plan and should be permitted subject to relevant conditions.

### Recommendation

221. Accordingly, Officers recommend that planning permission ref: **WO/2020/0993** is **GRANTED** subject to the following conditions.

## Conditions:

### Commencement

1. The development to which this permission relates to shall begin no later than the expiration of three years beginning with the date of this permission.

### Approved Plans

2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:
  - Drawing ref: A050, rev. 2 'Site Location Plan' dated July 2020
  - Drawing ref: A060 'Block Plan' dated July 2020
  - Drawing ref: A251 'Elevations as Built' dated July 2020
  - Drawing ref: A201, rev.01 'Floor Plan as built' dated July 2020
  - Drawing ref: A351, rev. 02 'Elevations Proposed' dated August 2020
  - Drawing ref: A301, rev.02 'Floor Plan Proposed' dated August 2020
  - Drawing ref: A701 'Irrigation and Water Distribution' dated 22 October 2020
  - Drawing ref: A800 'Drainage System' dated 15 February 2021
  - Drawing ref: 08 'Barn Drainage System' dated 18 May 2022
  - Drawing ref: 09 'Sewage System Drainage' dated 18 May 2022
  - Drawing ref: 10 'Officer Facilities Drainage' dated 18 May 2022
  - Drawing ref: 11 'Fuel Storage and Drainage Systems as Recommended by EA' dated 18 May 2022

### Permitted Development Rights

3. Notwithstanding any provision to the contrary under Schedule 2 Part 2 (Class A); Part 4 (Class A); and Part 7 (Class I, J and L); of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order: No plant, building or machinery whether fixed or moveable shall be erected or extended on the application site without prior written approval of the County Planning Authority in respect to the location, design, specification and appearance of the installation, such details to include predicted levels of noise emission and their tonal characteristics; and no gates, fences, walls, other means of enclosure, or hard surface shall be installed, constructed or erected at the application site.

### Hours of Operation

4. The development hereby permitted shall only be undertaken between 08:00 hours to 17:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. The application site shall only be accessed by vehicles and personnel 1 hour before the permitted operational times on Monday to Friday and shall be closed in all respects no later than 1 hour after permitted operational times. The application site shall only be accessed by vehicles and personnel 30 minutes before the permitted operational times on a Saturday and shall be closed in all respects no later than 30 minutes after permitted operational times.

No working shall be undertaken on Sundays or bank, public or national holidays. This condition shall not prevent emergency operations, but these are to be notified in writing to the County Planning Authority within 3 working days of such emergency works commencing.

5. During the additional 2 hours (Monday to Friday, 07:00 to 08:00 hours and 17:00 to 18:00 hours) and additional 1 hour (Saturday 07:30 to 08:00 and 13:00 to 13:30) permitted for staff to access the site, the running of all other vehicles (other than vehicles used by staff to arrive and depart the site) and all plant on site shall not be used.
6. The generator shall only be used between 08:00 to 09:00 hours and 16:00 to 17:00 hours Monday to Friday and then 08:00 to 09:00 and 12:00 to 13:00 hours on Saturdays. The generator shall not be used on Sundays or bank, public or national holidays.

#### Operational Throughput

7. As permitted under planning permission WO/2015/0605 dated 18 August 2015, no more than 1,000 tonnes of arboricultural waste shall be imported to the application site per annum. No other types of waste materials shall be imported to the application site. Accurate records of the volumes of waste imported to the application site shall be maintained for up to 12 months at any one time and shall be submitted to the County Planning Authority on 1 March and 1 September each year for the duration of the development hereby permitted.

#### Office Building Use

8. The office building and welfare facilities hereby permitted as shown on Drawing A301 rev 02 'Floor Plan Proposed' dated August 2020, shall be used solely in connection with the waste management activities as permitted by planning permission ref: WO/2015/0605 dated 18 August 2016 site and for no other purpose.

#### Electric Generator

9. The metal container that houses the electricity generator hereby permitted shall be provided with a dark green painted external finish (RAL 6009 – Fir Green / RAL 6028 – Pine Green, or equivalent colour agreed in writing with the County Planning Authority) within 3 months of the date of this permission, and shall be retained as such thereafter.

#### Noise

10. The rating of noise arising from any operation, plant or machinery on the application site, when assessed using BS4142:2014 + A1:2019 shall not exceed a level of 5dB above the prevailing background sound level during any 1-hour period. The prevailing background sound level shall be agreed with the County Planning Authority.

#### Surface Water Drainage

11. Surface water drainage shall be maintained in accordance with the details submitted under the following documents:
  - Planning Statement (document ref: FL11437, rev.1) dated 8 May 2020
  - Technical Note – Drainage, Mayer Brown dated 18 November 2016 – Approved Strategy under planning permission ref: WO/2017/0102 dated 31 March 2017
  - Condition 11 Details dated 6 December 2016 – Approved Strategy under planning permission ref: WO/2017/0102 dated 31 March 2017
  - Drawing ref: A701 'Irrigation and Water Distribution' dated 22 October 2020



- Drawing ref: A800 'Drainage System' dated 15 February 2021
- Sustainable Drainage System Details, Fuller Long dated 26 March 2021
- Drainage Cover Note, Redwood Tree Services Ltd dated 21 September 2021
- Drainage Details (email) dated 10 October 2022
- Drawing ref: 08 'Barn Drainage System' dated 18 May 2022
- Drawing ref: 09 'Sewage System Drainage' dated 18 May 2022
- Drawing ref: 10 'Officer Facilities Drainage' dated 18 May 2022
- Drawing ref: 11 'Fuel Storage and Drainage Systems as Recommended by EA' dated 18 May 2022

This drainage scheme shall be implemented and maintained for the duration of the development hereby permitted.

#### Wood Chip

12. No composting shall take place on the application site. Wood chip shall not be turned mixed or treated in any manner whilst on the application site. All wood chip, and residual waste material generated as a result of the development hereby permitted (branches, leaves, twigs etc.) shall be removed from the application site on a monthly basis. Accurate records of the volumes of wood chip produced on the application site on a monthly basis, and wood chip and residual waste removed from the application site on a monthly basis shall be maintained for up to 12 months at any one time and shall be submitted to the County Planning Authority on 1 March and 1 September each year for the duration of the development hereby permitted.

#### Fuel Tank and Fuel Storage Containers

13. Any oil, fuel, lubricant or other potential pollutant shall be handled in such a manner as to prevent pollution of any watercourse or aquifer. This shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and the walls of the bunded area shall be impervious to both fuel and any liquid stored therein.

#### Stockpiles

14. No stockpile on the application site, or within the storage bays permitted, shall exceed 3m in height at any time.

#### Burning

15. No wood waste shall be burnt on the application site at any time.

#### Data Protection

16. The six CCTV cameras installed as part of the development hereby permitted shall only be operated in accordance with the Data Protection Act 2018, the Freedom of Information Act 2000, the Protection of Freedoms Act 2012, the Human Rights Act 1998, the Surveillance Camera Code of Practice issued under the Protection of Freedom Act 2012, and the General Data Protection Regulation (GDPR) or any act or procedures revoking or enacting these.

## Lighting

17. No artificial external lighting shall be installed or used at the site other than in accordance with details first submitted to and approved in writing by the County Planning Authority.

### **Reasons:**

1. To comply with Section 91 (1)(a) of the Town and County 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 interest of proper planning.
3. In the interest of local amenity and the environment, and so as to maintain the openness of the Green Belt in accordance with Policies 9, 13 and 14 of the Surrey Waste Local Plan 2020 and Policy CS6 of Woking Borough Council Core Strategy (2012) and Policy DM13 of Woking Local Development Management Policies Development Plan Document (2016) respectively.
4. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
5. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
6. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
7. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
8. To enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area in accordance with Policy 14 of the Surrey Waste Local Plan (2020); Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
9. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; and Policies CS21 and CS24 from the Woking Borough Council Core Strategy (2012).
10. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
11. In accordance with paragraph 167 of the National Planning Policy Framework 2021 to ensure that flood risk is not increased onsite or elsewhere; and in accordance with Policies 13 and 14 from the Surrey Waste Local Plan (2020); Policy CS9 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).

- 10
12. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).
  13. To prevent pollution of water environment in accordance with Policy 14 of the Surrey Waste Local Plan 2020.
  14. In the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020.
  15. In the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020.
  16. To enable the County Planning Authority to control the development and to ensure that the development is undertaken in accordance with Policy 14 of the Surrey Waste Local Plan (2020); and Policy CS21 from the Woking Borough Council Core Strategy (2012).
  17. To comply with the terms in the application and in the interests of the local environment and amenity in accordance with Policy 14 of the Surrey Waste Local Plan 2020; Policy CS21 from the Woking Borough Council Core Strategy (2012); and Policy DM5 from the Woking Local Development Management Policies Development Plan Document (2016).

#### **Informatives:**

1. The applicant is reminded that operations on site regarding wood chipping and wood splitting should be undertaken in accordance with the requirements outlined under Conditions 5, 8, 9 and 10 of the existing planning permission ref: WO/2015/0605 dated 18 August 2016.
2. The applicant is reminded that the noise control on the facilities operations should be in accordance with the requirements under Condition 7, 8, 9, and 10 in respect of noise control of the existing planning permission ref: WO/2015/0605 dated 18 August 2016.
3. The applicant is reminded that the vegetation on site must be maintained in accordance with Condition 13 of planning permission ref: WO/2015/0605 dated 18 August 2016.
4. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

Sub ground structures should be designed so they do not have adverse effect on groundwater.

If there are any further queries please contact the Flood Risk, Planning and Consenting Team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk).

5. The Applicant's attention is drawn to the Environment Agency (EA) advice as set out in their letter dated 13 November 2020 regarding pollution. Businesses have a duty to ensure they do not cause or allow pollution. Pollution is when any substance not naturally found in the environment gets into the air, water or ground.

The EA have a number of publications available to help you do this, including but not limited to;

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

<https://www.gov.uk/dispose-business-commercial-waste>

<https://www.gov.uk/guidance/storing-oil-at-a-home-or-business>

<https://www.gov.uk/oil-storage-regulations-and-safety>

6. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on flooding and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.

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### Contact Jessica Darvill

Tel. no. 020 8541 8095

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### Background papers

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

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Woking Borough Council planning register for this application can be found under application reference WO/2020/0993.

### Other documents

The following were also referred to in the preparation of this report:

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

[Waste Management Plan for England \(2021\)](#)

[National Planning Policy for Waste \(2014\)](#)

[Noise Policy Statement for England \(2010\)](#)

### The Development Plan

[Surrey Waste Local Plan 2019-2033](#)

[Woking Borough Council Core Strategy \(2012\)](#)

[Woking Borough Council Development Management Plan Development Plan Document \(2016\)](#)

## **Other Documents**

[Surrey Landscape Character Assessments – Woking Borough \(April 2015\)](#)

[Surrey 2015 Landscape Character Assessment – Woking Map](#)

[Surrey Transport Plan – LTP4 \(2022\)](#)

[Surrey County Council Guidelines for Noise and Vibration Assessment and Control \(2020\)](#)

[Methods for Rating and Assessing Industrial and Commercial Sound \(2019\) \(BS4142:2014 +A1:2019\)](#)

[Good Practice Advice In Planning: 2 Managing Significance in Decision-Taking in the Historic Environment \(2015\)](#)

[Good Practice Advice in Planning: 3 The Setting of Heritage Assets \(2<sup>nd</sup> Edition\) \(2017\)](#)

[Good Practice Advice in Planning: 4 Enabling Development and Heritage Assets \(2020\)](#)

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Site Location: **Elm Nursery, Sutton Green Road, Sutton Green, Guildford, Surrey GU4 7QD**



The installation and use of an office building and welfare building ancillary to the permitted waste operations at Elm Nursery and the erection of 6 x CCTV cameras on columns, 2 x fuel storage tanks, 2 x open storage bays, 1 x electricity generator, and 1 x fuel storage container (part retrospective)

Application numbers:  
WO/2020/0993

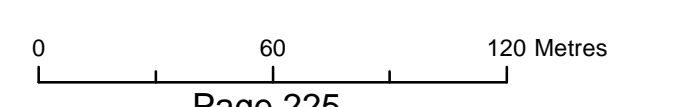
Electoral divisions:  
Woking South

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Note: This plan is for indicative purposes only



Ref No:  
SCC Ref 2020/0076



Scale: **1:1940**  
Printed on: 10/03/2023

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# Aerial 1: Surrounding area



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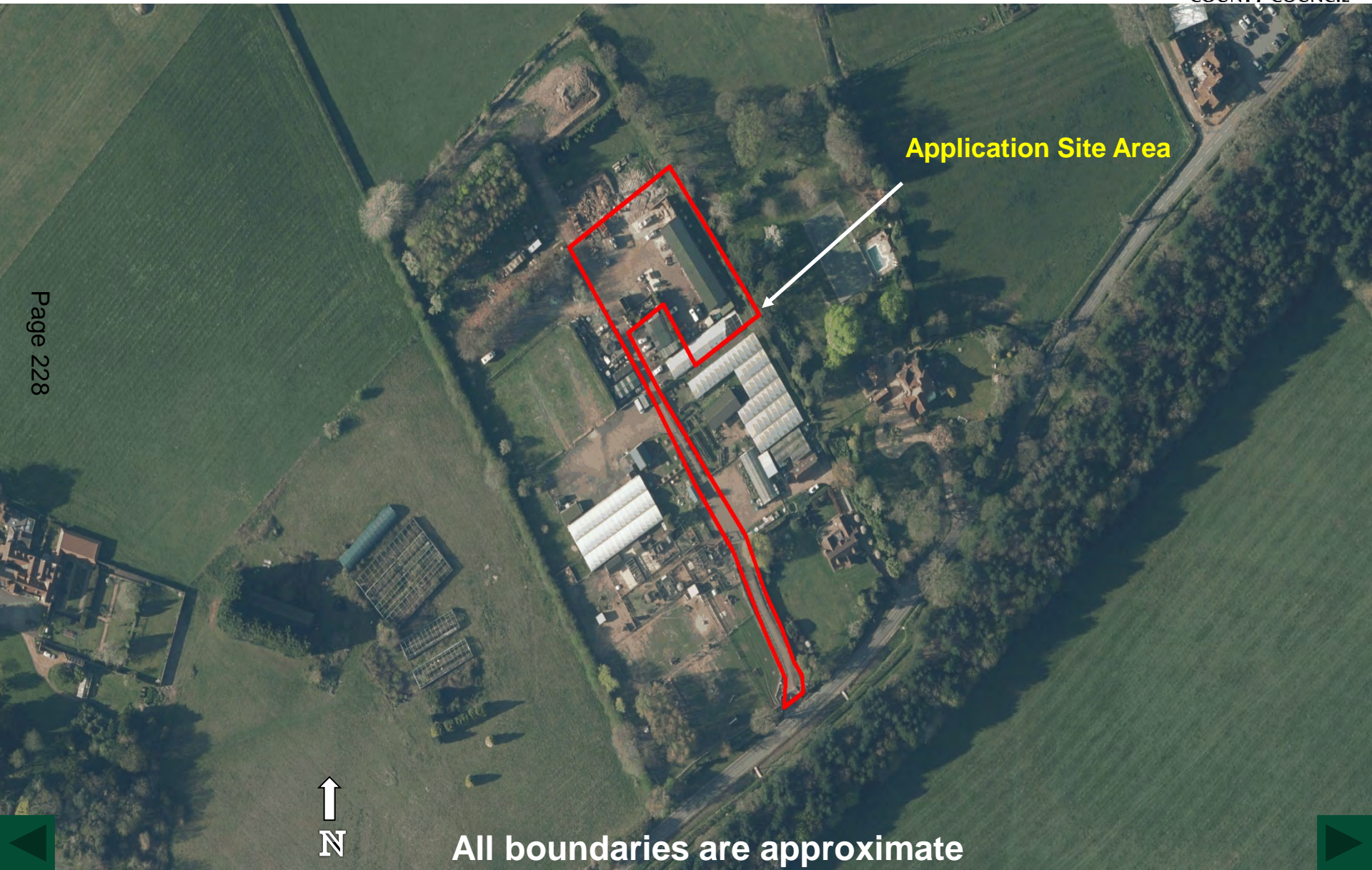
All boundaries are approximate

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# 2021 Aerial Photos

## Aerial 2: Application site



**Application Site Area**

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All boundaries are approximate

**To:** Planning & Regulatory Committee

**Date:** 7 June 2023

**By:** Planning Development Manager

**District(s)** Mole Valley District Council

**Electoral Division(s):**  
**Dorking Rural**  
**Mrs Clack**

**Case Officer:**  
**Samantha Murphy**

**Purpose:** For Decision

**Grid Ref:** 516987 138862

**Title:** Minerals/Waste MO/2017/0953/SCC

**Auclaye Brickworks, Horsham Road, Capel, Surrey, RH5 5JH**

**Review of planning permission ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995 so as to determine full modern working and restoration conditions.**

## **INTRODUCTION**

1. At their meeting on 26 October 2022 the Committee resolved to approve new modern planning conditions subject to the prior completion of a Section 106 Legal Agreement (S106 Agreement) (a copy of the 26 October 2022 report is attached and the Update sheet for that meeting at Annex 2 and 3 alongside a completed Section 106 Legal Agreement at Annex 1). The S106 Agreement required the submission of details of a Landscape and Ecological Management Plan (LEMP), a scheme of works for the management of geological conservation for the Auclaye geological Site of Special Scientific Interest (SSSI) and the establishment and running of a liaison committee. The S106 Agreement has been completed and is attached at Annex 1 to this report.
2. A period of six months has passed between the October Committee. In line with the Constitution of the Council (21 March 2023) Part 3- Section 3 Part 3A “Specific Delegations to Officers” EAI78, consideration was given by Officers as to whether the application should be referred back to the Planning and Regulatory Committee due to the time elapsed.
3. Due to the time elapsed, Officers undertook an assessment to check if new issues had arisen following the Committee’s resolution to approve modern conditions, but before the decision notice has been issued. The Court of Appeal have given guidance on this in R. (on the application of Kides) v South Cambridgeshire DC [2003] 1 P. & C.R. 19 (at paragraph 124-6 of that judgement). The judgement says:
 

“125. ....where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, s.70(2) requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore, the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty.



126 In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a “material consideration” for the purposes of s.70(2) , it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority *would reach* (not *might reach*) the same decision”.

4. Officers consider the following below is a material consideration warranting referring the application back to the Planning and Regulatory Committee for reconsideration.
5. Officers have carried out an assessment on all other matters that were reported in the October 2022 Officer report and are of the opinion that there are no other material changes.

### PROPOSED CONDITION 3 AS SET OUT IN OFFICER REPORT OCTOBER 2022

6. Officers set out within the October 2022 report 51 conditions with regards to this planning application. One of which was Condition 3 which stated:

*The development hereby permitted shall begin before the expiration of 3 years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within 7 working days of the commencement of development.*

7. Planning application MO/2017/0953 has been submitted under Schedule 13 of the Environment Act 1995 as an application for Review of Old Mining Consents (ROMP). Auclaye Brickworks was granted planning permission in 1976 and is classified as a dormant site as works at the site ceased in the mid-1980s. The Environment Act 1995 defines ‘dormant’ as

*a Phase I or Phase II site in, on or under which no minerals development has been carried out to any substantial extent at any time in the period beginning on 22nd February 1982 and ending with 6th June 1995 otherwise than by virtue of a planning permission which is not a relevant planning permission relating to the site [...]*

8. Paragraph 180 of the NPPG states that minerals development cannot lawfully commence at a dormant site until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the mineral planning authority.
9. Once the modern conditions have been approved by the mineral planning authority however, there is nothing in the legislation that requires commencement/ recommencement within a specified period for dormant sites. Any conditions that are imposed as part of this application would be the subject of further periodic reviews in accordance with Schedule 14 of the Environment Act 1995 which are expected to occur every 15 years.
10. Consequently, the MPA consider that Condition 3 **as set out in the October 2022 Officer report** should not have been included and the MPA **wish to remove it**. All other conditions would remain and have been **re-numbered** to take account of this. These are set out below.
11. Removing Condition 3 would not impact on the method of working or restoration of the application site or other conditions as worded and proposed. Removing Condition 3 would not alter the start date of mining at the application site as this is not a requirement of the legislation or NPPG; and it would not affect the end date for working and restoring the site

as this is set out in Condition 3 (of the revised numbering) which are not proposed to be changed.

## REPRESENTATIONS

12. Since October 2022, two letters of representation have been received. One is dated as received 15 December 2022 but the actual representation says 7 October 2022. This representation wishes to register their *ongoing* concerns about the A24 being dangerous and the additional heavy vehicle use with wet clay being deposited on the road presenting a hazard to vehicles. With regards to this representation's concerns, Condition 11 requires the submission of a Traffic Management Plan prior to any enabling works, works to the access, works for ecological mitigation and translocation, bund creation works and the extraction of clay; is submitted and approved is to ensure that appropriate traffic management measures (including appropriate wheel washing facilities) are in place before quarry related traffic uses Knoll Farm Road and its junction with the A24/Horsham Road; and the Knoll Farm Road/A24 bellmouth junction. As such there would be wheel washing facilities present on site to prevent wet clay being deposited on the road.
13. The second wishes to oppose the proposal due to traffic the site would generate having an impact on the A24, the noise pollution, putting mud on the highway, safety concerns given the number of accidents on the highway and disruptive impact. These matters were all raised within other representations received and were covered within the officer report to the October committee. This representation does not raise any new issues that were not considered as part of the October report. Removing Condition 3 (as set out in the October committee report) would not affect these concerns.

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## CONCLUSION

14. Officers consider that previous Condition 3 and previous Reason 3 should be removed from the list of conditions for approval for the reasons set out above; and in doing so this does not materially change any of the other conditions, method of working or restoration of the site.

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## RECOMMENDATION

The recommendation is that following the identification of a new material consideration, the removal of the previous Condition 3 and previous Reason 3 from the list of Conditions and the APPROVAL of new modern conditions as set out below and be subject to a Section 106 Legal Agreement as specified in Annex 1.

## CONDITIONS

### Copy of Decision Notice

1. From the date that any works commence in association with this decision notice until the cessation of the development/completion of the operations to which it refers, a copy of this notice including all documents hereby approved and any documents subsequently approved, shall be available to the site manager, and shall be made available to any person(s) given the responsibility for the management or control of operations.

### Approved Plans

2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing Ref. AB/90 rev. 1 Land Ownership dated March 2015
- Drawing Ref. 2015/25/6/004 rev A Land Ownership & Public Right of Way Plan dated October 2016
- Drawing Ref. AB/99 Existing Contours dated January 2017
- Drawing Ref. AB/102 rev. D Site Location Plan dated 27 February 2017
- Drawing Ref. AB/103 rev. G Excavation and Restoration Phasing Plan dated 21 December 2017
- Drawing Ref. AB/103 rev 00 Location Plan Slope Stability and Proposed GI dated 19 October 2017
- Drawing Ref. AB/104 rev. A Quarry Cross Sections dated 10 January 2017
- Drawing Ref. AB/105 rev. B Proposed Restoration Contours dated 24 April 2017
- Drawing Ref. AB-107 rev. C Location of 2m High Bund With 2m High Fence dated 3 October 2017
- Drawing Ref. rev. E AB-108 Site Compound and Stockpile Location dated 22 February 2018
- Drawing Ref. AB/201 Ecological Phasing Plan Rev 6 dated 7 November 2017
- Drawing Ref. DR-L-0001 rev. P03 Proposed Sections dated 18 December 2017
- Drawing Ref. 3440/DR/001 rev. B Sketch Landscape Masterplan dated 28 October 2015
- Drawing Ref. 3440\_DR\_002 rev. A Tree Survey Drawing Sheet 1 of 2 dated 29 October 2015
- Drawing Ref. 3440\_DR\_003 rev. A Tree Survey Drawing Sheet 2 of 2 dated 29 October 2015
- Drawing Ref. 3440\_DR\_004 Indicative Landscape Restoration Cross Sections dated 28 October 2015
- Drawing Ref. 3440\_DR\_005 rev. B Tree Protection Plan dated 20 October 2017
- Drawing Ref. 2016-D1153-SK301 Drainage Strategy Excavation Phasing Plan dated 2 December 2016
- Drawing Ref. 2016-D1153-SK302 rev. B Drainage Strategy Reinstatement Phasing Plan dated 2 December 2016
- UK16087-DRG-02 rev 0 Fig 8.1 Stability Cross Section Locations dated 28 November 2016
- Drawing Ref. 2015/2516/010 rev G Proposed Access Arrangement and Highway Works dated April 2019
- Drawing Ref. 2015/2516/012 rev D Swept Path Analysis dated April 2019.

### **Duration**

3. Extraction of minerals and operations involving the deposit of waste hereby permitted shall cease and all buildings (with the exception of those shown on Drawing Ref. 3440/DR/001 rev. B Sketch Landscape Masterplan dated 28 October 2015), plant, machinery, sanitary/welfare/office facilities and their foundations and bases, together

with any internal haul roads and vehicle parking shall be removed and the site shall be restored in accordance with the plans and documents listed in Condition 2 above and subsequently approved pursuant to Condition 29 below by no later than 21 February 2042.

4. In the event of a cessation of winning and working of minerals prior to the achievement of restoration or part restoration, which in the opinion of the County Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, or subsequent versions or similar replacement legislation; or where the developer has written to the County Planning Authority giving written notice of their intention of cease operations; a scheme including details of restoration, landscaping and aftercare shall be submitted for approval to the County Planning Authority within 3 months of the County Planning Authority issuing an order of suspension of winning and working of minerals or the cessation of working. The approved scheme shall be fully implemented and maintained within 2 years of its written approval.
5. In the event that mineral working is temporarily suspended for a period exceeding 2 years, within 3 years from the date of suspension an interim reclamation scheme for the site and timetable for its completion shall be submitted to the County Planning Authority for approval in writing. The approved interim reclamation scheme shall be implemented and maintained within 2 years of its written approval.
6. If mineral working is suspended for a period of 6 months or more, within 7 months of the date of suspension of mineral working, the operator shall give written notification to the County Planning Authority of the date upon which mineral working was suspended.

#### **Programme of Working**

7. Prior to the commencement of clay winning and working and the restoration of any individual Phase (1, 2, 3 and 4) as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, a scheme of working and restoration of that individual phase shall be submitted for approval in writing to the County Planning Authority for that individual phase. The scheme should include:
  - a. volumes of material to be extracted (clay and overburden);
  - b. volumes of infill material to be used and settlement rate with the detail of likely broad locations of any stockpiling delineated on a drawing to be provided as part of the submitted scheme;
  - c. Unless otherwise provided for under the provisions of the Environmental Permit, the Scheme of Working and Restoration shall include, for all areas outside the Environmental Permit boundary, a scheme using off site and onsite inspection, testing, and verification, that demonstrates all materials imported on to the site for any purpose including capping, cover, landscaping, drainage and growing media during restoration are suitable for their intended purpose in respect of their chemical characteristics and the site environmental conditions and proposed after-use, and also in consideration of the baseline condition of the ground and groundwater chemistry on or below the site;
  - d. method of working;
  - e. cross section profile drawings;
  - f. detailed plans showing final pre-settlement levels for that phase
  - g. methods of soil handling (movement, storage and replacement (including topsoil and subsoil depths and remedial treatments e.g. ripping and drainage));

- h. locations and heights of topsoil, subsoil, mineral waste and excavated clay stockpiles and imported waste materials as referred to in Condition 43 within the quarry associated with working and restoring of each individual phase;
- i. details of what overburden and subsoil ripping would take place within that phase and where within that phase;
- j. a plan showing the locations or positions of any screen bunding alongside any phasing and repositioning of the screening bunds during any individual phase, the shape and angles of the screen bunding, the grassing up of the screening bunds including seed mix and application rates, weed control and any other maintenance; and information on their duration; and
- k. a timeframe for implementation and completion of each individual phase.

The winning, working and restoration of each phase shall be carried out in accordance with the scheme as approved.

- 8. No operations hereby approved shall take place except in accordance with the details of working, filling, restoration, and aftercare comprised in the application and the conditions in this decision notice.

**Hours of Operation**

- 9. No lights shall be illuminated nor shall any other operation or activities authorised or required by this decision notice be carried out except between the following times:

0730 to 1800 hours Monday to Friday

0800 to 1300 hours on Saturday

No operations or activities shall be undertaken on a Sunday or Public, Bank or National Holiday.

Notwithstanding the above times, HGV access to and egress from the application site shall only be between the following times:

HGV access

0900 to 1600 hours Monday to Friday

0900 to 1300 hours on Saturday

HGV egress

0900 to 1630 hours Monday to Friday

0900 to 1300 hours on Saturday

This condition shall not prevent the emergency operations including (a) operation of pumps necessary for the control of water; (b) operation of electrical generating equipment in the event of mains supply interruption; and (c) emergency repairs to plant and machinery. Such emergency operations are to be notified to the County Planning Authority in writing within five (5) working days.

**Highways, Traffic and Access**

- 10. There shall be no more than a total of 42 HGV movements (21 in and 21 out) to or from the site in any one day for the duration of the works. The site operator shall maintain accurate records of the number of HGVs accessing and egressing the site daily for a period of up to 12-months at any one time and shall submit these to the County Planning Authority on a quarterly basis in April, July, October and January each year.



11. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and Drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, a Traffic Management Plan containing a package of measures for the safe management of vehicle movements to and from the site via Knoll Farm Road shall be submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented and maintained for the duration of quarrying operations and until completion of restoration operations.
12. With the exception of vehicles associated with the construction of the A24 junction and visibility splays, and vehicles directly associated with the carrying out of surveys required for Conditions 26, 27 and 38; no vehicle associated with the development shall access Knoll Farm Road from the A24 unless and until the junction of Knoll Farm Road and the A24 has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented and maintained together with the visibility zones which shall be kept permanently clear of any obstruction over 0.6m high.

**General Permitted Development Order**

13. Notwithstanding any provision to the contrary under Schedule 2, Part 17, Class A and Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order:
  - No plant, building, machinery or structure whether fixed or moveable shall be erected on the application site without the prior written approval of the County Planning Authority in respect of the location, design, specification and appearance of the installation, such details to include predicted levels of noise emission and their tonal characteristics.

**Noise**

14. For normal day-to-day activities, the level of noise arising from any operation, plant or machinery on site, when measured at, or recalculated at, a height of 1.2m above ground level at any residential property or other noise sensitive building shall not exceed the existing background noise level by more than 10dB, up to a maximum noise level of 55dB(A) LAeq, 1 hour (free-field) during normal working hours as set out in Condition 10 above.
15. For temporary activities (bund construction, emergency operations etc.), the level of noise arising from any operation, plant or machinery on site, when measured at, or recalculated at, a height of 1.2m above ground level at any residential property or other noise sensitive building shall not exceed 70dB(A) LAeq, 1 hour (free-field), for period of up to 8 weeks in a year, during normal working hours as set out in Condition 10 above.
16. All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers in accordance with the manufacturer's recommendations at all times. Any damage, breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be carried out within a reasonable period, the equipment affected should be taken out of service.
17. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation

works, bund creation works; and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and Drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018 a Noise Management Plan (NMP) shall be submitted to and approved in writing by the County Planning Authority. The NMP shall detail the measures required to meet the limits set out for normal day-to-day and temporary activities (likely temporary activities to be listed), proposed monitoring, and mitigation procedures to be put in place where the limits are exceeded or complaints are received.

The approved NMP shall be implemented and maintained for the duration of the development hereby permitted.

18. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, details of the noise attenuation and screening bund (2m high bund with 2m high acoustic fence on top located along the eastern boundary of the quarry as shown on plan AB-107 rev C Location of 2m bund with 2m high fence dated 3 October 2017) shall be submitted to and approved in writing by the County Planning Authority. Such details to include:

- (a) The location and dimensions of bund (including a gradual increase in total height of the bund [including fence] from 'Rosemead' to the south of 'Knoll Bungalow' from 4m to between 5/6.5m;
- (b) Timings and method of bund construction ;
- (c) Details of material used to construct bunds;
- (d) Details of bund seeding and planting including maintenance measures;
- (c) The specification (including colour) and height of acoustic fencing to be installed on top of bunds; and
- (b) Phased deconstruction programme during restoration operations.

The approved details shall be implemented and maintained for the duration of the development hereby permitted.

### **Environmental Protection**

19. Clay excavation shall take place only within the upper layer of Weald Clay present at the site and shall cease at the top of the first layer of siltstone identified in the 2016 boreholes as shown on Drawing Ref. AB/103 Location Plan Slope Stability and Proposed GI dated 19 October 2017. The nominal base of the excavation shall not be deeper than 80.50m AOD in the area of BH A; 81.00m AOD for BH B; and 84.80m AOD for BH C; or as revealed by local geological variation in the depth of the top of the first siltstone layer.

### **Dust**

20. Prior to commencement of any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, a Dust Management Plan (DMP), in general accordance with Section

10.6 of Regulation 22 Request Addendum to EIA Ref. 2017/0004 dated February 2018, shall be submitted to and approved in writing by the County Planning Authority. The approved DMP shall be implemented and maintained for the duration of the development hereby permitted.

### **Drainage**

21. Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 a scheme of works for the management of surface water and drainage shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall cover the extraction, restoration and aftercare phases of the development and include but not be limited to:
- (a) A drainage design that satisfies the SuDS Hierarchy and follows the principles set out in the Flood Risk Assessment Ref. 2016/D1153/FRA1.3 dated October 2017;
  - (b) The current drainage arrangements including the point of discharge to any receiving watercourse;
  - (c) Drawings and details clearly showing the proposed phasing of the works and the proposed drainage strategy for each phase including details of the Land Drainage Consents granted;
  - (d) Details of surface water management proposals, including construction details of the proposed drainage arrangements and water attenuation arrangements between the western flank of the quarry excavation and the railway boundary; such design to ensure (1) water does not flow on to National Rail property, including during flood events and (2) the minimum of seepage from the drainage ditch into the underlying ground so as not to present a ground stability risk to the adjacent railway line;
  - (e) Pumping rates and location of any proposed discharge points during the extraction and filling phases;
  - (f) Detailed drawing showing drainage layout, long or cross sections of each drainage element, pond sizes; details of flow control devices and invert levels;
  - (g) Appropriate drainage design calculations to support the sizes of the various elements and how the relevant local and national SuDS standards have been met;
  - (h) Details of the measures proposed to safeguard water quality, including suspended solids and spillages;
  - (i) Details of who will undertake the long-term inspection and maintenance of the surface water drainage system and the proposed maintenance regimes during the operational phases of the quarry, aftercare period, and for the restored site in the long-term;
  - (j) Proposals for verification and periodic reporting to the County Planning Authority as drainage systems for each interim phase of the works are put in place and decommissioned.
22. The drainage aspects of clay extraction and restoration operations at the site shall be carried out strictly in accordance with the scheme of works for the management of surface water and drainage approved pursuant to condition 21 above, and reports shall be submitted to the County Planning Authority for approval in writing as required by and approved pursuant to Condition 21(j) above.

23. Upon completion of the construction of the surface water drainage scheme for the final restored site a construction verification report shall be submitted to the County Planning Authority to demonstrate that the SuDS system has been constructed as per the details approved pursuant to Condition 21 above.

### **Archaeology**

24. No enabling works, including construction of the site compound, works to Knoll Farm Road, construction of the acoustic bund or ecological mitigation and translocation works; or clay extraction from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the County Planning Authority.
25. No enabling works, including construction of the site compound, works to Knoll Farm Road, construction of the acoustic bund or ecological mitigation and translocation works; or clay extraction from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 shall take place until an Historic Building Record (Level 2 of Historic England's Guidance – Understanding Historic Buildings) of the existing architectural and historic features of the former brickwork buildings has been submitted to and approved in writing by the County Planning Authority.

### **Ecology**

26. Prior to commencement of extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, details of habitat enhancement works as shown on plan 3440/DR/001 Sketch Landscape Masterplan rev B dated 28 October 2015 and AB/201 Ecological Phasing Plan rev 6 dated 7 November 2017 to be carried out for the whole application site shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:
- a) The timing of delivery of all habitat enhancement across the application site by phase and season and habitat;
  - b) The works to be carried out including the creation of hibernacula and refugia piles for reptiles, the grass cutting regime, installation of any reptile fencing along the perimeter of the area, waterbodies for newts and frogs, hedgerow planting, grassland and native shrub;
  - c) Identification of where reptiles would be trapped on the site and when;
  - d) Seed mixes and planting species;
  - e) A maintenance regime; and
  - f) A plan identifying the phasing of habitat enhancement with timescales and detail of what would take place within each phase.

The scheme shall be implemented and maintained in accordance with the approved details.

Phase 2 shall not commence until the habitat enhancement as detailed within the approved scheme has been implemented and the County Planning Authority have signed off their instalment. The works shall be supervised by a suitably qualified ecologist.

Phase 3 shall not commence until the habitat enhancement is established on Area A as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and the County Planning Authority have signed off their instalment. The works shall be supervised by a suitably qualified ecologist.

### **Geological Conservation**

27. Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, a scheme of works for the 25-year management of geological conservation at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall include but not be limited to:
- (a) An improvement plan for the geological SSSI present on site, defining the area and vertical extent of the exposure outcrop area to be conserved and justification thereof;
  - (b) A detailed description of the measures that will be put in place to reverse the current decline and improve the condition of the SSSI (currently listed by Natural England as 'unfavourable declining');
  - (c) A maintenance plan so that the 'improved' long-term condition of the SSSI is maintained for the duration of the Landscape and Ecology Management Plan period approved;
  - (d) A procedure for recording (before filling takes place) the geological information from the area of the existing SSSI that will be filled;
  - (e) An access statement in respect of the new clay excavations in the overall working extraction area subject of this planning consent, describing the controlled access arrangements that will be put in place to allow perpetual recording and research by geologists of the clay sections exposed so long as the geological outcrop remains designated a SSSI. For instance Natural England, British Geological Survey, Geological Society, or other geoconservation stakeholders and geological researchers;
  - (f) A procedure for the segregation, recovery and long-term storage of nodules from the clay excavation extraction area to allow for their safe examination;
  - (g) Measures for ensuring that no root or stump of any tree or shrub in the course of vegetation clearance associated with the SSSI is removed from the ground;
  - (h) An access statement for the exposure outcrop area of the SSSI to be improved and conserved/maintained under (a) and (b) above, providing details as to how the site will be secured, how access for the general public will be maintained (gates and footpaths etc.), and the education facilities such as interpretation/information boards etc. that will be put in place;
  - (i) An implementation timetable and a verification plan providing details of the monitoring and reporting that will be adopted to demonstrate compliance to the County Planning Authority.

The scheme of works for the 25-year management of geological conservation shall be implemented and maintained as approved.

28. No root or stump of any tree/shrub shall be removed from the earth in the course of vegetation clearance associated with the SSSI.

### **Landscaping**



29. Within six months of the date of these conditions taking effect, a landscape restoration scheme shall be submitted for approval in writing by the County Planning Authority. The scheme shall:
- a) Be in general conformity with Drawing Ref. 3440/DR/001 rev. B Sketch Landscape Masterplan dated 28 October 2015 and Drawing Ref. AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017;
  - b) Take account of the location of the site within the 'WW8: Cranleigh to Charlwood Wooded Low Weald' landscape character area (Surrey Landscape Character Assessment 2015);
  - c) Include a detailed plan showing exact make-up, extent and location of new planting, seeding, and habitat areas;
  - d) Include written specifications for cultivation, other operations associated with planting and grass establishment, implementation, and phasing;
  - e) Include full schedules of and timetables for planting and seeding detailing native species of local provenance (including beech and oak and excluding ash), sizes, numbers, and densities;
  - f) Include details of any fencing, gates and hard surfacing (where appropriate);
  - g) Detailed plans showing final pre-settlement levels;
  - h) Cross section profile drawings;
  - i) Volumes and depth of topsoil and subsoil to be used within the agricultural area and nature conservation areas and other landscape elements;
  - j) Provide for an appropriate maintenance regime and arrangements for implementation, monitoring, and remedial measures (where appropriate) during the course of the development.

The approved scheme shall be implemented in accordance with the phasing as shown on Drawing Ref. AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and maintained for the duration of the development hereby permitted.

30. Within six months of the date of these conditions taking effect, a 25-year Landscape and Ecology Management Plan (LEMP) (5-year aftercare and 20-year management for ecological areas, and 5-year aftercare for agricultural land) shall be submitted to the County Planning Authority for approval in writing. The LEMP shall:
- a) Set out aims and objectives (and the management options to achieve these aims and objectives) of the LEMP for the completion of all phases of restoration and the subsequent aftercare and management periods;
  - b) Include a detailed plan showing management compartments for each habitat or landscape type;
  - c) Describe and evaluate features including any new planting and hibernacula;
  - d) Identify any constraints which may influence aftercare and management;
  - e) Set out any specific measures aimed at enhancing habitat quality or specific species including details of management for undesirable species or alien invasive species for all management compartments;
  - f) Provide detailed prescriptions for management actions including mitigation, enhancement, and vegetation removal and replacement;

- g) Demonstrate how new planting is to develop from newly planted to established habitat;
- h) Set out how the landscape will be maintained including tree aftercare and replacement;
- i) Include detailed work schedules for progressive restoration phasing including a matrix providing timings of annual operations;
- j) Provide detail of and specifications for any fencing or gates;
- k) Set out the resources to be used in and personnel responsible for implementation of the LEMP;
- l) Specify steps to be taken and the period during which they are to be taken for an annual meeting between the operator, the County Planning Authority, and other interested parties;
- m) Specify steps for the submission of a pre-release report, 6 months prior to the end of the aftercare period, to demonstrate that the agricultural land has been restored to the required standard; and
- n) Be in general accordance with Drawing Ref. 3440/DR/001 rev. B Sketch Landscape Masterplan dated 28 October 2015 and Drawing Ref. AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017.

The approved LEMP shall be implemented immediately following its approval and maintained as approved.

31. Prior to any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, details of the temporary 2m high hoarding fence to be installed from the north east corner of the site for some 120 metres along Knoll Farm Road and Public Footpath 178 as shown on plan AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018 and a permanent hedgerow in front of it, shall be submitted to and approved in writing by the County Planning Authority. The details shall include:
- a. Site layout drawing(s) (to a suitably detailed scale) showing the location of the hoarding fence and hedgerow;
  - b. Information on the construction, appearance and colour of the hoarding fence;
  - c. Information on the species composition for the hedgerow, planting numbers/densities and ongoing maintenance of the hedgerow;
  - d. Details of protection measures (including fencing) to retained trees, including groups G1C2 and G2C2 as shown on plan 3440\_DR\_005 rev B Tree Protection Plan dated 20 October 2017, from damage and harm including to tree roots and canopies.

Sufficient room shall be provided between Knoll Farm Road and the hoarding fence for the planting of the hedgerow. The hedgerow shall be a double staggered row configuration and shall be planted in the next available season following the approval of these details. In the event of the failure of any hedgerow planting in the first five years of planting, such planting shall be replaced with an equivalent number of live specimens of the same species and size by not later than the end of the first available planting season following the failure, damage or removal of the planting. The fence shall be constructed and maintained in accordance with the details as approved.

32. No stockpile within the site shall exceed 4m in height nor shall any stockpile be located east of the noise attenuation and screening bund(s) (as shown on drawing AB-107 rev C Location of 2m High Bund With 2m High Fence dated 3 October 2017).

### **Tree Protection**

33. Prior to the enabling/ access works commencing on site (including any plant or materials being delivered to the site, tree and hedgerow works including tree protection measures being undertaken and installed), an Arboricultural Method Statement shall be submitted to and approved in writing by the County Planning Authority. The Arboricultural Method Statement shall be prepared pursuant to Chapters 4, 5 and 6 of the Arboricultural Impact Assessment Ref. 3440\_RP\_005 dated 21 November 2016 and Drawings Ref. 3440\_DR-002 rev. A Tree Survey Drawing Sheet 1 of 2 dated 29 October 2015; 3440\_DR-003 rev. A Tree Survey Drawing Sheet 2 of 2 dated 29 October 2015; and 3440\_DR-005 rev. B Tree Protection Plan dated 20 October 2017; and shall include measures for a pre-commencement site meeting with the County Arboricultural Officer.

The tree protection measures and works within the construction exclusion zone shall be carried out strictly in accordance with the approved Arboricultural Method Statement.

Only the trees as identified in paragraphs 3.5 – 3.7 of the Arboricultural Impact Assessment shall be removed or pruned. No plant, machinery or materials should pass through or be placed on the root protection areas unless and until specialist ground protection methods such as those detailed in Section 4 of the Arboricultural Impact Assessment have been implemented. The line of protective barriers and ground protection boards within the site must be in place as shown on Drawing 3440\_DR-005 rev. B Tree Protection Plan dated 20 October 2017.

34. Prior to the construction of the access road, vehicle turning area and visitor parking area and the installation of the site office in Phase 1 (Part 1) as shown on Drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, details of how the visitor parking area shall be constructed so to protect tree group G2C2 as shown on Drawing 3440\_DR\_005 rev B Tree Protection Plan dated 20 October 2017 from damage and harm including to tree roots and canopy shall be submitted to and approved in writing by the County Planning Authority. The details shall include information on what tree protection fencing shall be used and measures employed for protection of the trees. The details of the visitor parking area shall be implemented and maintained as approved.
35. Prior to the extraction of clay from Phase 1 as shown on drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, a method statement and phasing plan for the control and eradication of Japanese Knotweed shall be submitted to and approved in writing by the County Planning Authority. The method statement shall be in general accordance with Chapter 5 (revised) paragraph 5.2.5.4 of 'Environmental Statement, Auclaye Clay Quarry dated January 2017' and paragraph 5.4.2 of the Phase I Geoenvironmental Desk Study (Document ref: 034145) by Burohappold Engineering dated 4 March 2016 and include post-treatment monitoring of the site to ensure continuous 12-month period of where no Japanese Knotweed is identified growing on the site. Following this first continuous 12 month period a written report shall be submitted to the County Planning Authority detailing the effectiveness of the treatment and whether the treatment should be extended in time and geographical area. In the event that any Japanese Knotweed is identified as growing during the 12-month monitoring period then treatment shall resume and continue until a 12-month period where no growth of Japanese Knotweed occurs. Following a period of 12-months in which no Japanese Knotweed is identified as being present in any area of

the site, a written report shall be submitted to the County Planning Authority that demonstrates that no growth of Japanese Knotweed is occurring at the application site.

### **Soils**

36. Prior to any further disturbance or stripping of soils on the site (including those currently placed with the bund adjacent to Knoll Farm Road) or the creation of any further bunds in association with the proposal as shown on Drawings AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, Drawing Ref: AB/107 rev C Location of 2m High Bund With 2m High Fence dated 3 October 2017 and Drawing Ref: AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, a written scheme of works for the management and conservation of soil resources at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall include but not be limited to:
- a) An assessment of the topsoil and subsoil resources present on site by a suitably qualified and experienced soil scientist or agronomist;
  - b) A soil resources management plan describing the procedures that will be adopted to excavate, identify, transport, store (stockpile), maintain (quality), and re-use the topsoil and subsoil resources present on site;
  - c) A detailed description of the measures that will be put in place to conserve topsoil and subsoil resources when handling, re-using and, if necessary, treating (mechanical treatment and/or fertilising) the soils present during restoration to agricultural use in accordance with the details approved pursuant to Condition 29 above;
  - d) Verification and reporting procedures to demonstrate compliance to the County Planning Authority.

The development hereby permitted shall be carried out strictly in accordance with the approved scheme of works and verification/ reporting procedures.

37. No topsoil or subsoil shall be removed from the application site or used for any purpose other than site restoration

### **Contamination**

38. Prior to commencement of any enabling works, works to the access including on Knoll Farm Road, ecological mitigation and translocation works, bund creation works, drainage works, and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and Drawing AB-108 rev E Site Compound and Stockpile Location dated 22 February 2018, a programme of land contamination investigation works, assessment and, if necessary, remediation and/or mitigation shall be undertaken at the site. The programme of works shall incorporate the recommendations of the Phase I Geoenvironmental Desk Study (Document ref. 034145) by Burohappold Engineering dated 4 March 2016 and include:
- (a) The submission of a written scheme (Method Statement) of intrusive ground investigation, testing, monitoring and risk assessment for the written approval of the County Planning Authority before commencement of the programme of land contamination investigation works.
  - (b) The investigation shall be completed, and the results of the risk assessment, and if necessary, a remediation and/or mitigation strategy, a programme of works, and Implementation and Verification Plan shall be submitted to the County Planning Authority for approval in writing.

The enabling works, works to the access including on Knoll Farm Road, ecological mitigation and translocation works, bund creation works, drainage works, and the extraction of clay shall be carried out strictly in accordance with the approved remediation and/or mitigation strategy, programme of works and verification plan.

39. In the event that contamination that was not previously identified is found at any time when carrying out the development hereby permitted, details of the unexpected contamination shall be submitted to and approved in writing by the County Planning Authority including:
- (a) A survey of the extent, scale and nature of the contamination;
  - (b) An assessment of the potential risks to previously identified receptors, and;
  - (c) If necessary, an appraisal of remedial and mitigation options, and the submission of the proposed remediation strategy and an Implementation and Verification Plan to the County Planning Authority for approval in writing.

The remediation or mitigation works shall be completed in accordance with the approved remediation strategy and the Implementation and Verification Plan.

40. Within three months from the date of these conditions taking effect, details of any facilities for the storage and usage of oils, fuels, lubricants or chemicals associated with the development shall be submitted for approval in writing by the County Planning Authority. The details shall include:
- (a) secondary containment that is impermeable to both the oil, fuel or chemical and waste, with no opening used to drain the system;
  - (b) a minimum volume of secondary containment of at least equivalent to the capacity of the tank plus 10% and if there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of total tank capacity, whichever is the greatest;
  - (c) all fill points, vents, gauges and sight gauges to be located within the secondary containment;
  - (d) the allocation of a dedicated hard surfaced compound area outside the area of extraction for the fuelling and maintenance of all plant and vehicles with a suitable containment and drainage system incorporating fuel/ oil interceptors etc and a programme of regular inspection and maintenance;
  - (e) associated above ground pipework protected from accidental damage;
  - (f) below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks;
  - (g) all fill points and tank vent pipe outlets designed to discharge downwards into the containment;
  - (h) a written scheme of contingency action for dealing with any hydrocarbon or chemical spillage.

The approved details shall be implemented prior to any storage of oils, fuels on site, and thereafter maintained in accordance with the manufacturer and installer recommendations.

#### **Limitations**

41. No form of material screening or crushing shall take place on site under any circumstances.



42. No material other than:
- a. imported waste to infill/ restore the site to top of landfill cap; and
  - b. site derived uncontaminated soils (these being mineral waste, clean non-toxic naturally occurring material and overburden) and naturally occurring uncontaminated imported soils, to create the upper 600mm surface layer of restorations soils above the landfill cap.

shall be used at the application site to deliver the restoration scheme as shown on Drawings AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and AB/105 rev B Proposed Restoration Contours dated 24 April 2017.

### **Stability**

43. Prior to commencement of extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, a written scheme of works for the management of land stability at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall incorporate the recommendations of the Buro Happold Slope Stability Design Review rev P02 dated 30 October 2018 (Design Note 0042556-BHE-XX-XX-DN-CG-001) and shall include but not be limited to:
- (a) The submission of a slope buttress stability design report and volumetric assessment of the buttress fill needed and its required geotechnical properties;
  - (b) An excavation and filling operational plan for the slope buttressing work, compacting specifications for engineering the buttress fill and a programme of works;
  - (c) An evidence base that the applicant/operator has access to the required buttress fill and a programme of works;
  - (d) The submission of a scheme of slope stability and groundwater inspection and observation (Stability Monitoring Plan) including early warning stability decision trigger criteria and a Contingency Action Plan with mitigation and/or remedial measures as appropriate, together with a periodic review and reporting procedure such that the buttress design and the Stability Monitoring Plan can be amended as necessary based on the actual stability conditions observed;
  - (e) Implementation and Verification Plan.

The development hereby permitted shall be carried out strictly in accordance with the approved scheme of works, programme and Verification Plan.

44. No clay extraction shall take place within 50 metres of the western boundary of the site as shown on Drawing ref: AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 until a geotechnical appraisal of slope stability of the western quarry flank (Phases 3 and 4) has been submitted to and approved in writing by the County Planning Authority. The geotechnical appraisal shall include the ground investigation factual report, ground investigation interpretative report, the characteristic values selected for design, the ground model, the proposed design in section and plan and outputs of the slope stability showing compliance to relevant standards. The appraisal needs to have regard to the type of material to be used for the infill slope buttress and the compaction specification.
45. Sufficient volumes of suitable materials shall be maintained within Phases 3 and 4 of quarry excavation as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 at all times to form a buttress so that the toe of

the western flank of the railway property boundary is suitably buttressed following three months of clay extraction.

46. No soils, restoration soils or overburden shall be placed or stockpiled nor any buildings erected or haul roads constructed between the edge of the excavation of Phases 3 and 4 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017 and the railway boundary until such time as the excavation has been infilled to the final restoration levels.
47. In all circumstances where the Quarry Regulations 1999, subsequent versions, or similar replacement legislation does not apply, Geotechnical Stability Assessments shall be undertaken initially (within 3 months of the date of identification that the Quarry Regulations do not apply to any part of the development site), and thereafter at intervals not exceeding 2 years for a period to be agreed in writing with the County Planning Authority. The initial and periodic assessment reports shall be submitted to the County Planning Authority for approval in writing.

For the avoidance of doubt such 'circumstances' shall include any spatial areas or zones of the permitted development subject of this consent that may be outside the operational quarry working area defined for the purposes of the Quarry Regulations, and any areas or zones of the permitted development that fall outside the Quarry Regulations by virtue of completion of restoration, landscaping or abandonment.

The general scope and content of the Geotechnical Stability Assessments required under this condition shall be as set out and defined in the Quarry Regulations 1999 and its Schedules, subsequent versions or similar replacement legislation, and HSE Document L118 (second edition) 2013, Quarry Regulations 1999 Approved Code of Practice.

The Geotechnical Stability Assessments so defined shall include all waste, soil or rock slopes within the permitted development site boundary, whether temporary faces, slopes under restoration, restored final slopes, or temporary stockpile or spoil heap slopes, and whether inward or outward facing.

48. The final stability and settlement review report for the whole restored site shall be undertaken and submitted to the County Planning Authority for approval in writing within 6 months before the end of the agricultural aftercare period as approved pursuant to Condition 30 above.
49. Trees located along the western boundary of the application site as shown on Plan 01 Site Location Plan dated March 2015 shall be managed so that they shall not pose a threat to the railway line. Should any tree be identified as being a health and safety risk or diseased, it shall be removed in consultation with Network Rail. Trees planted in the vicinity of the western boundary of the site should be located at a distance in excess of their mature height from railway property.

### **Rights of Way**

50. Prior to the commencement of any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on Drawing AB/103 rev G Excavation and Restoration Phasing Plan dated 21 December 2017, a Public Rights of Way Scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include but not be limited to:

- (a) Details of the temporary constriction of Footpath No. 178 including the proposed width of the remaining footpath (minimum of 2m to be made available for use by members of the public);
- (b) Details of surface treatment (e.g., rough metalled with road plainings or type 1);
- (c) Details of how the potential for conflict between users of the footpath and HGVs are to be managed including protection measures to prevent vehicles moving off the track and across the footpath;
- (d) Details of suitable signage to warn users of the footpath and HGV drivers of hazards associated with the mineral working.

The approved details shall be implemented before any material is imported to or exported from the site in HGVs and maintained for the duration of the development hereby permitted.

### **REASONS FOR IMPOSING CONDITIONS:**

1. To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with Surrey Minerals Plan Core 2011 Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
2. To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development pursuant to Surrey Minerals Plan Core 2011 Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
3. To enable the County Planning Authority to exercise planning control over the development so as to minimise the impact on local amenity and the environment, and to ensure the prompt and effective restoration so as to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Core Strategy Policy MC17.
4. In order to secure the proper restoration of the site in the event of premature cessation of the quarrying activities to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.
5. In order to secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.
6. In order to secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.
7. To comply with the terms of the application, to secure restoration to the required standard and assist in absorbing the site back into the local landscape and enable the County Planning Authority to exercise control over the development in accordance with Policies MC2, MC3, MC14 and MC17 of the Surrey Minerals Plan 2011 Core Strategy and Policy 14 of the Surrey Waste Plan 2020.
8. To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation in the interests of local amenities and to ensure the protection of the water environment in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Policy 14 of the Surrey Waste Plan 2020.
9. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to

safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.

10. To ensure that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.
11. To ensure that appropriate traffic management measures are in place before quarry related traffic uses Knoll Farm Road and its junction with the A24/Horsham Road. So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.
12. To ensure that the Knoll Farm Road/A24 bellmouth junction and its visibility splays can safely accommodate vehicular traffic associated with the quarry before such traffic makes use of the same. So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.
13. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC14 and Surrey Waste Local Plan 2020 Policy 14.
14. So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
15. So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
16. So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
17. So as to comply with the terms of the application, minimise disturbance, avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
18. So as to comply with the terms of the application, minimise disturbance, avoid nuisance to the locality, to safeguard the environment and protect the visual amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
19. To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
20. To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.

21. To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.
22. To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.
23. To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.
24. To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthened and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.
25. To accord with paragraph 205 of the National Planning Policy Framework 2021 to ensure that a record is made of the heritage asset before it is demolished and in accordance with the Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.
26. To ensure protected species identified on the site are protected and suitable replacement habitat is provided in a timely manner, in the interests of amenity and wildlife conservation in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Plan 2020 Policy 14.
27. To conserve, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in accordance with paragraphs 174 to 180 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Natural Environment (Geodiversity) Paragraphs: 001 Reference ID: 8-001-20190721 and 002 Reference ID: 8-002-20190721, revision date 21 July 2019, and Policy MC14 of Surrey Minerals Core Strategy 2011 and Policy 14 of the Surrey Waste Local Plan 2020.
28. To conserve, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in accordance with paragraphs 174 to 180 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Natural Environment (Geodiversity) Paragraphs: 009 Reference ID: 8-009-20190721, 010 Reference ID: 8-010-20190721, 011 Reference ID: 8-011-20190721, 013 Reference ID: 8-013-20190721, 014 Reference ID: 8-014-20190721 revision date 21 07 2019, and Policy MC14 of Surrey Minerals Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.
29. To comply with the terms of the application and in the interests of the local landscape, nature conservation, and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.



30. In the interests of amenity and nature conservation in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
31. To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
32. To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
33. To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
34. To enable the County Planning Authority to exercise control over the development and in the interests of the local environment and amenity to retain tree cover and screening in accordance with the NPPF paragraph 109 and Surrey Minerals Plan Core Strategy 2011 Policy MC14.
35. To control the spread of invasive plant species and comply with the terms of the application, and in the interests of the local landscape, nature conservation, and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
36. To conserve, contribute to and enhance the natural and local environment by protecting and enhancing soils in accordance with paragraph 174 of the National Planning Policy Framework 2021; MHCLG Planning Practice Guidance on the Natural Environment: Paragraph 025 Reference ID: 8-025-20140306, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.
37. To prevent loss or damage of soil and to ensure that the land is restored to a condition capable of beneficial afteruse to comply with the Surrey Minerals Plan 2011 Core Strategy Policies MC14 and MC17.
38. To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, MHCLG Planning Practice Guidance on Land Affected by Contamination, and with UK Government Guidance on Land Contamination Risk Management (LCRM) How to assess and manage the risks from land contamination.
39. To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, MHCLG Planning Practice Guidance on Land Affected by Contamination, and with UK Government Guidance on Land Contamination Risk Management (LCRM) How to assess and manage the risks from land contamination.
40. To ensure that the proposed activities do not harm ground or surface water resources in line with paragraph 170 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Mineral Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.

41. To comply with the terms of the application and in the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Mineral Plan 2011 Core Strategy and Surrey Waste Local Plan 2020 Policy 14.
42. To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation in the interests of local amenities and to ensure the protection of the water environment in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.
43. For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
44. For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
45. For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
46. For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
47. For the management of potential land stability hazards on any parts of the site that may fall outside the ambit of Quarry Regulations during the operational phase, and to maintain a suitably stable finished landform on completion of restoration and aftercare in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance and Land Stability and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
48. For the management of potential land stability hazards on any parts of the site that may fall outside the ambit of Quarry Regulations during the operational phase, and to maintain a suitably stable finished landform on completion of restoration and aftercare in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance and Land Stability and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
49. For the management of potential hazards to the railway line from the application site in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.
50. To protect the users of Footpath No. 178 in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.

**INFORMATIVES:**

1. Subject to the agreed traffic management plan measures (see Condition 11) and any resulting works being required within highway limits at the applicant's expense (see Condition 12), the decision hereby issued shall not be construed as authority to carry

out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

2. In respect of Condition 11 above, the Traffic Management Plan measures should include the following: parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; programme of works (including measures for traffic management); provision of boundary hoarding behind any visibility zones; HGV deliveries and hours of operation; vehicle routing; measures to prevent the deposit of materials on the highway and monitoring of damage along highway verge; within 100 metres of the site in either direction; before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; no HGV movements to or from the site shall take place between the hours of 0900-1630 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in or along the A24 during these times; and on-site turning for construction vehicles; and a list of what vehicles would be associated with the construction of the visibility splays and access works.
3. Details of the highway requirements necessary for inclusion in any application seeking approval of details required by planning condition may be obtained from the Transport Development Planning Team of Surrey County Council contactable by email on [tdpmolevalley@surreycc.gov.uk](mailto:tdpmolevalley@surreycc.gov.uk).
4. The applicant is advised 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 shown it is absolutely certain that nesting birds are not present.
5. The rate of excavation of the external clay faces and the length of the open face excavated partially or completely at any one time shall be commensurate with the supply of incoming inert buttress quality fill such that the slope buttress can be placed against the face within a 3 month period or otherwise agreed in writing by the County Planning Authority. Any section or part of a clay face shall not stand unsupported by a buttress for more than 3 months or otherwise agreed in writing by the County Planning Authority. Buttress quality fill is defined as fill achieving the geotechnical strength and density parameters required to support the faces (Condition 43(a) above) and having suitable properties to meet the compaction specification (Condition 43(b) above).

6. In respect of Condition 43 above, the supply availability of incoming inert buttress quality fill shall be under constant review and clay excavation shall cease if the anticipated supply of incoming inert buttress quality fill is insufficient to buttress and support the slope within a 3 month period.
7. Any works to be carried out which will affect the flow or storage of water within, or which place or alter a structure/obstruction within an ordinary watercourse will require Ordinary Watercourse Consent. These can include permanent or temporary structures or works. An 'ordinary watercourse' is a watercourse that is not part of a main river and includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows. Consent within Surrey is issued by the Sustainable Drainage and Consenting Team within Surrey County Council. The team can provide information on the requirements for consent and the application procedure and is contactable by email on [SuDS@surreycc.gov.uk](mailto:SuDS@surreycc.gov.uk). Please note consent cannot be issued retrospectively. Works affecting designated Main River require consent from the Environment Agency.
8. The applicant's attention is drawn to the need to enter into discussions with the Environment Agency in respect of an Environmental Permit which is required for the development and prior to the commencement of any works. Information on Environmental Permits can be obtained from the Environment Agency's website.
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecute persistent offenders (Highways Act 1980 Section 131, 148, 149).
10. All vehicle drivers visiting the site should be made aware of the Site Rules.
11. The definition of 'cessation' as referred to in proposed Condition 4 is as per the definition in the Town and Country Planning Act 1990 Schedule 9 Section 3(2).
12. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.
13. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: providing pre-application advice including identification of material considerations; resolving validation issues pertaining to the application; assessing the proposal against the National Planning Policy Framework 2021 including its associated planning practice guidance and European Regulations; liaising and facilitating meetings with the County Highway Authority and other statutory consultees on behalf of the applicant in order to resolve identified issues; providing timely and constructive feedback to the applicant in respect of consultation responses received; providing the applicant with early and ongoing sight of amended and new planning conditions; and providing the applicant with a draft schedule of conditions and heads of terms for the s106 legal agreement for consideration and comment. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.
14. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment. It is recommended that all trees grown abroad, but purchased for transplanting, shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of

this control programme, together with an audit trail of when imported trees entered the UK, their origin and the length of time they have been in the nursery should be requested before the commencement of any tree planting. If this information is not available, alternative trees sources should be used. You are advised to consult the relevant UK Government agencies such as the Animal and Plant Health Agency (APHA) and the Forestry Commission for current guidance, Plant Passport requirements and plant movement restrictions. Quality Assurance Schemes followed by nurseries should also be investigated when researching suppliers. For larger planting schemes, you may wish to consider engaging a suitably qualified professional to oversee tree / plant specification and planting.

15. Condition 45 shall not preclude access to the gap between the edge of the excavation and the railway line for minor landscaping and placement of shallow restoration soils, ditch construction or surface water management in accordance with approved design details and planting.
16. The applicant's attention is drawn to SES Water's letter dated 2 November 2021 with regards to safe digging practices near their water main, the attached plan; and Avoiding danger from underground services publication by the Health and Safety Executive (2014), copies of which have been provided to the applicant or may be obtained from the County Planning Authority.
17. The applicant's attention is drawn to the requirement to inform Southern Gas Network should any extraction/ quarrying take place within 100 metres of their mains pipeline; and to the Southern Gas Network Safety Advice – Valves document and the need to contact the Safety Admin Team on 08009121711 for further information, the Southern Gas Network 'Dig Safely: Measures to avoid injury and damage to gas pipes" document; and the Southern Gas Network "Know what's below: Protection you and your family" document.
18. The applicant's attention is drawn to UK Power Networks letter dated 2 November 2021 and its attachments and the advice contained within it with regards to safe working practices in the vicinity of their electrical lines/ plant, copies of which have been provided to the applicant or may be obtained from the County Planning Authority.

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**Contact Samantha Murphy**

**Tel. no.** 07815 490405

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**Background papers**

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

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Mole Valley District Council planning register for this application can be found under application reference MO/2017/0953/SCC.

**Other documents**

The following were also referred to in the preparation of this report:



**Legislation**

[Environment Act 1995](#)

**Government Guidance**

[Planning Practice Guidance](#)

**Other Documents**

[Minutes of the October 2022 meeting](#)

**ANNEX 1 – Section 106 Legal Agreement**

**ANNEX 2 – Officer October 2022 Committee report**

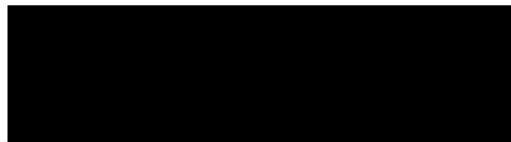
**ANNEX 3 – Officer October Update Sheet**

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DATED 20<sup>th</sup> April 2023

SURREY COUNTY COUNCIL (1)

and



(2)

and

NORMAN MARSHALL LIMITED (3)

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**PLANNING OBLIGATION UNDER  
SECTION 106 OF THE TOWN AND  
COUNTRY PLANNING ACT 1990  
RELATING TO LAND AT AUCLAYE  
BRICKWORKS, HORSHAM ROAD,  
CAPEL, SURREY, RH5 5JH**

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Surrey County Council

Ref: SMS/112309

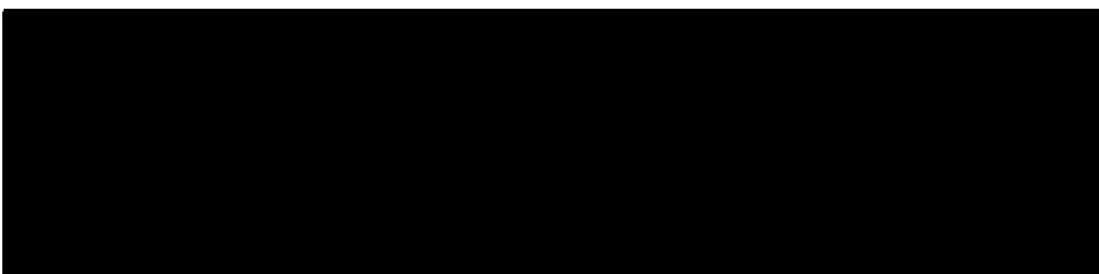
THIS AGREEMENT is made on 20<sup>th</sup> April

2023

**BETWEEN:**

(1) **SURREY COUNTY COUNCIL** of WOODHATCH PLACE, 11 COCKSHOT HILL, WOODHATCH, REIGATE, SURREY, RH2 8EF (“**the Council**”); and

(2)



(3) **NORMAN MARSHALL LIMITED** of Old Ewhurst Brickworks, Horsham Lane, Ewhurst, Cranleigh, Surrey, GU6 7SW (Co. Regn. No. 01359997) (“**the Developer**”)

**BACKGROUND**

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Developer is the tenant of the Property.
- (C) The Developer has made the Planning Application and is proposing to carry out the Development.
- (D) On 26 October 2022 the Council resolved to grant the Planning Decision for the Development subject to the prior completion of this deed.

**AGREED TERMS**

**1 Interpretation**

The following definitions and rules of interpretation apply in this deed:

1.1 Definitions:

“**Commencement of Development**” means the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990

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but disregarding for the purposes of this deed and for no other purpose, the following operations:

- (a) demolition works;
- (b) site clearance;
- (c) ground investigations;
- (d) ecological investigations and mitigation;
- (e) site survey works;
- (f) temporary access construction works;
- (g) archaeological investigation; and
- (h) erection of any fences and hoardings around the Property;

**"Commence"** and **"Commences"** shall be construed accordingly;

**"Commencement Date"** means the date Development Commences;

**"Date of Approval"** means the date on which the LEMP or the GSW is approved by the Council:

**"Development"** means the development of the Property authorised by the Planning Permission;

**"GSW"** means a scheme of works for the 25-year management of geological conservation at the Property;

**"LEMP"** means a 25-year Landscape and Ecology Management Plan consisting of a 5-year aftercare and a 20-year management plan for ecological areas and 5-year aftercare for agricultural land at the Property pursuant to proposed condition 31 of the Planning Decision;

**"Plan"** means the plan attached at Schedule 2;

**"Planning Application"** means the application registered by the Council under reference number MO/2017/0953/SCC for the review of planning conditions as set out in planning permission reference MO/75/1165 dated 30 July 1976 pursuant to the



Environment Act 1995 so as to determine full modern working and restoration conditions;

**"Planning Decision"** means the planning decision to be granted by the Council in respect of the Planning Application with reference number MO/2017/0953/SCC and shall apply to any planning permission subsequently granted ("**Subsequent Permission**") under section 73 or 73A of the Act which permits non-compliance with any of the conditions attached to the Planning Permission and 'Permission' shall be construed to include the Development as stated in the Subsequent Permission PROVIDED THAT with regard to the Subsequent Permission no new material planning considerations have arisen since the granting of the Planning Decision that, in the view of the local planning authority, requires a deed of variation to be executed in respect of this Agreement or a new unilateral undertaking/ planning agreement under Section 106 of the 1990 Act to be executed;

**"Planning Permission"** means the planning permission reference MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995;

**"Property"** means the land at Auclay Brickworks, Horsham Road, Capel, Surrey, RH5 5JH shown edged red on the Plan attached at Schedule 2 and registered at HM Land Registry with absolute title under title numbers SY521351 and SY889479;

**"TCPA 1990"** means Town and Country Planning Act 1990;

**"Working Day"** means any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

- 1.2 A person includes a natural person, corporate or unincorporated body (whether or not having a separate legal personality).
- 1.3 A reference to a company shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.5 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

- 1.6 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.7 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.9 A reference to this deed or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.10 References to clauses and Schedules are to the clauses and Schedules of this deed.
- 1.11 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.12 Any words following the terms including, include, in particular, for example or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.13 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## **2 Statutory Provisions**

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and any other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.
- 2.3 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner and the Developer with the intention that they bind the interests held by

those persons in the Property and their respective successors and assigns SAVE THAT:

2.3.1 In order that no obligations contained in this deed shall be enforceable against any statutory undertaker or other utility service provider who acquires part of the Property or an interest therein solely for the purposes of the supply of a service no obligations contained in this deed shall relate to or be enforceable in respect of such part or parts of the Property as may be comprised within:

- (i) the freehold interest transferred;
- (ii) the leasehold interest granted; nor
- (iii) the legal interest created by the grant of an easement for a service in each case to such statutory undertaker or other utility service provider of serviced land.

### **3 Conditionality**

With the exception of clauses 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 (which take effect immediately), this deed is conditional on the grant and issue of the Planning Decision .

### **4 Covenants to the Council**

The Owner and Developer covenant with the Council to:

- 4.1 observe and perform the covenants, restrictions and obligations contained in Schedule 1.
- 4.2 give at least 10 Working Days written notice to the Council of the intended Commencement Date.

### **5 Release**

No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

**6 Determination of Deed**

The obligations in this deed (with the exception of clause 8) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- 6.1 expires;
- 6.2 is varied or revoked other than at the request of the Owner or Developer; or
- 6.3 is quashed following a successful legal challenge.

**7 Local Land Charge**

This deed is a local land charge and shall be registered as such by the Council.

**8 Council's Costs**

The Developer shall pay to the Council on or before the date of this deed:

- 8.1 the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed.

**9 Cancellation of Entries**

- 9.1 On the written request of the Owner or Developer at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.
- 9.2 Following the performance and full satisfaction or discharge of all the terms of this agreement or if this deed is determined pursuant to clause 6 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Owner or Developer seek to cancel all entries made in the local land charges register in respect of this deed.

**10 Disputes**

Any dispute, controversy or claim arising out of or relating to this deed, including any question regarding its breach, existence, validity or termination or the legal relationships established by this deed, shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

- 10.1 the tribunal shall consist of one arbitrator appointed jointly by the parties;
- 10.2 in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors;
- 10.3 the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and
- 10.4 the seat of the arbitration shall be London.

**11 No Fetter of Discretion**

Nothing (contained or implied) in this deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities.

**12 Waiver**

No failure or delay by the Council to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

**13 Future Permissions**

Nothing in this agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Decision.

**14 Agreements and Declarations**

The parties agree that:

- 14.1 nothing in this deed constitutes a planning permission or an obligation to grant planning permission; and
- 14.2 nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.



**15**    **Notices**

15.1    Any notice to be given under this deed must be in writing and must be:

15.1.1    delivered by hand; or

15.1.2    sent by pre-paid first class post or other next working day delivery service.

15.2    Any notice to be given under this deed must be sent to the relevant party as follows:

15.2.1    to the Council at Development Management Team, Planning Group, Surrey County Council, Quadrant Court, Woking, GU22 7QQ and by email to [mwcd@surreycc.gov.uk](mailto:mwcd@surreycc.gov.uk) marked for the attention of Caroline Smith

15.2.2    to the Owner at their respective addresses indicated in the parties clause of this agreement;

15.2.3    to the Developer at Old Ewhurst Brickworks, Horsham Lane, Ewhurst, Cranleigh, Surrey, GU6 7SW marked for the attention of Norman Marshall;

or as otherwise specified by the relevant party by notice in writing to each other party.

15.3    Any notice given in accordance with clause 15.1 and clause 15.2 will be deemed to have been received:

15.3.1    if delivered by hand, on signature of a delivery receipt or at the time the notice or document is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or

15.3.2    if sent by pre-paid first class post or other next working day delivery service, at 9.00 am on the Working Day after posting.

15.4    This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

**16 Third Party Rights**

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

**17 Governing Law**

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Executed as a deed by affixing the common )  
seal of **SURREY COUNTY COUNCIL** in )  
the presence of:



[Redacted signature area]

*PRINCIPAL SOLICITOR*

Authorised Signatory

Executed as a deed by **NORMAN MARSHALL LIMITED**

[Redacted signature area]

acting by

[Redacted signature area]

[Redacted signature area]

a director in the p

Signature of witn

Name of witness (in BLOCK CAPITALS)

[Redacted witness name]

Address(includ  
postcode):.....

[Redacted address]

Witness' Occupation

[Redacted witness occupation]

11

Signed by [redacted]  
as a deed in the presence of:

Witness' signature:

Witness' name: (in BLOCK CAPITALS)

Witness' address (including post code)

Witness' occupation:

Signed by [redacted]  
as a deed in the presence of:

Witness' signature:

Witness' name: (in BLOCK CAPITALS)

Witness' address (including post code):

Witness' occupation:

Signed by [redacted]  
as a deed in the presence of:

Witness' signature:

Witness' name: (in BLOCK CAPITALS)

Witness' address (including post code)

Witness' occupation:

## Schedule 1

### Owner and Developer Covenants to the Council

The Owner and the Developer (together known as "the Parties") jointly and severally covenant as follows:

#### **1 Landscape and Ecology Management Plan (LEMP)**

- 1.1 No later than 6 (six) calendar months from the date of this Deed the Parties shall submit the proposed LEMP to the Council for written approval.
- 1.2 From the Date of Approval of the LEMP the Parties shall implement and thereafter continue to comply with the LEMP.
- 1.3 From the Date of Approval of the LEMP the Parties shall not operate the Development unless and until the LEMP is complied with.
- 1.4 The Parties shall include the following details in the LEMP:
  - 1.4.1 set out aims and objectives (and the management options to achieve these aims and objectives) of the LEMP for the completion of all phases of restoration and the subsequent aftercare and management periods;
  - 1.4.2 include a detailed plan showing management compartments for each habitat or landscape type;
  - 1.4.3 be in general accordance with Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015 (attached at Schedule 3), Drawing Ref. AB/103 Rev G Excavation and Restoration Phasing Plan dated 21 December 2017 (attached at Schedule 4), and drawing AB/201 rev 6 Ecological Phasing Plan dated 7 November 2017 (attached at Schedule 5), or any other master plan or phasing plan approved by the Council;
  - 1.4.4 describe and evaluate features including any new planting and hibernacula;



- 1.4.5 identify any constraints which may influence aftercare and management;
- 1.4.6 set out any specific measures aimed at enhancing habitat quality or specific species including details of management for undesirable species or alien invasive species for all management compartments;
- 1.4.7 provide detailed prescriptions for management actions including mitigation, enhancement, and vegetation removal and replacement;
- 1.4.8 demonstrate how new planting is to develop from newly planted to established habitat;
- 1.4.9 set out how the landscape will be maintained including tree aftercare and replacement;
- 1.4.10 include detailed work schedules for progressive restoration phasing including a matrix providing timings of annual operations;
- 1.4.11 provide detail of and any specifications for any fencing or gates;
- 1.4.12 set out the resources to be used in and personnel responsible for implementation of the LEMP;
- 1.4.13 specify steps to be taken and the period during which they are to be taken for an annual meeting between the operator, the Developer, the County Planning Authority, and other interested parties;
- 1.4.14 Specify steps for the submission of a pre-release report, 6 months prior to the end of the aftercare period, to demonstrate that the agricultural land has been restored to the required standard.

## **2 Scheme of Works for the Management of Geological Conservation (GSW)**

- 2.1 Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017, the GSW shall be submitted to the Council for written approval.

- 2.2 From the Date of Approval of the GSW the Parties shall implement and thereafter continue to comply with the GSW.
- 2.3 From the Date of Approval of the GSW the Parties shall not operate the Development unless and until the GSW is complied with.
- 2.4 The Parties shall include the following details in the GSW:
- 2.4.1 an improvement plan for the geological SSSI present on site, defining the area and vertical extent of the exposure outcrop area to be conserved and justification thereof;
  - 2.4.2 a detailed description of the measures that will be put in place to reverse the current decline and improve the condition of the SSSI (which is currently listed by Natural England as “unfavourable declining”);
  - 2.4.3 a maintenance plan so that the ‘improved’ long-term condition of the SSSI is maintained for the duration of the approved period for the LEMP;
  - 2.4.4 a procedure for recording (before filling takes place) the geological information from the area of the existing SSSI that will be filled;
  - 2.4.5 an access statement in respect of the new clay excavations in the overall working extraction area subject of this planning permission, describing the controlled access arrangements that will be put in place to allow perpetual recording and research by geologists of the clay sections exposed so long as the geological outcrop remains designated a SSSI. For instance, geologists from Natural England, British Geological Survey, Geological Society, or other geoconservation stakeholders and geological researchers;
  - 2.4.6 a procedure for the segregation, recovery and long-term storage of nodules from the clay excavation extraction area to allow for their safe examination;
  - 2.4.7 measures for ensuring that no root or stump of any tree or shrub in the course of vegetation clearance associated with the SSSI is removed from the ground;

- 2.4.8 an access statement for the exposure outcrop area of the SSSI to be improved and conserved/maintained under (a) and (b) above, providing details as to how the site will be secured, how access for the general public will be maintained (gates and footpaths etc.), and the education facilities such as interpretation/information boards etc. that will be put in place;
- 2.4.9 an implementation timetable and a verification plan providing details of the monitoring and reporting that will be adopted to demonstrated compliance to the Council.

### 3. Community Liaison Group

- 3.1 No later than 4 (four) calendar months from the Commencement Date, the Parties shall arrange and hold the first Local Liaison Group Meeting to be held in respect of the Planning Decision. Each Local Liaison Group Meeting shall be attended by at least one representative of the Parties.
- 3.2 The Parties shall invite the following to attend each Local Liaison Group Meeting:
- 3.2.1. A representative of the Council;
- 3.2.2. A minimum of 3 representatives of local residents (including community groups or similar organisations) (and to seek nominations for such 3 representatives from the Council); and
- 3.2.3. Any other relevant statutory stakeholders and relevant contractors.
- 3.3 In respect of clause 3.2.1 herein, that invitation shall be sent by email to both the local council member and to the Council at [mwcd@surreycc.gov.uk](mailto:mwcd@surreycc.gov.uk) unless and until the Council notifies the Parties in writing of alternative addresses.
- 3.4 Subject to clause 3.8 herein, the Parties shall arrange and hold a Local Liaison Group Meeting a minimum of three times in each calendar year unless otherwise agreed by the attendees of the Local Liaison Group Meeting with the Council.

- 3.5 The Parties shall give at least 4 weeks' notice of the date and venue and proposed agenda of each Local Liaison Group Meeting to all prospective attendees including the persons specified at clause 3.2 herein together with the minutes of the last such meeting.
- 3.6 A standing item on the agenda shall be to discuss the design of the junction and the level of traffic where the access road meets the A24 road.
- 3.7 The Council acknowledge and agree that the non-attendance at any Local Liaison Meeting of one or more of those parties referred to in clause 3.2 herein shall not invalidate that particular Local Liaison Meeting.
- 3.8 The Parties shall continue to hold the Local Liaison Group Meetings 5 years after the final phase has been signed.
- 3.9 Once the final phase has been signed into aftercare the Local Liaison Group Meetings may be held at a minimum of once a year.
- 3.10 The Parties shall submit minutes taken of each of the Local Liaison Group Meetings to the Council no later than twenty (20) working days following the date of each meeting.
- 3.11 The Parties shall publish a summary of the minutes of each Local Liaison Group Meeting on the website of the Parties relating to the Development and shall keep copies of the minutes with the Complaints Log relating to the Development.

**SCHEDULE 2**

Plan





**SCHEDULE 3**

Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015

11





**SCHEDULE 4**

Drawing Ref. AB/103 Rev G Excavation and Restoration Phasing Plan dated 21  
December 2017



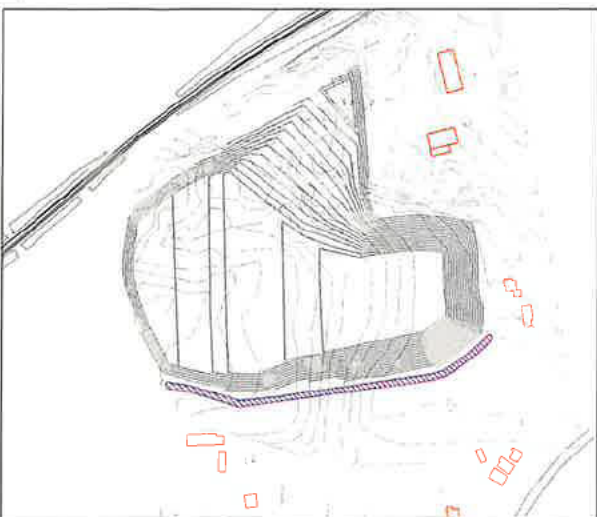
PHASE 1 - INITIAL EXTRACTION IN NORTHEAST



PHASE 2 - FURTHER EXTRACTION SOUTHWARDS



PHASE 3 - WIDENING QUARRY TO WEST



PHASE 4 - EXTRACTION PROGRESSING TO THE WEST TO COMPLETE EXCAVATION






RESTORATION SECTIONS A B C D E

RESTORATION SEQUENCE

EXCAVATION RESTORATION
1 A
2 B
3 C
4 D
5 E

Phase 2 will not start until habitat on SCC land is established  
 Phase 3 excavation will not commence until habitat established on phase A

NOTES  
 For sections see Dwg. AB/104

KEY:  
 Existing 0.5m contour  
 Excavation 1m contour  
 Temporary Bund

Amendments	Date	By	Rev
1.2 acres retained	21/10/2017	HR	5
Temporary bund concrete structure	23/09/2017	HR	4
Temporary bund extension	21/09/2017	HR	3
Phase 2 can extend	09/09/2016	HR	2
Phase 3 can extend	20/07/16	AC	1
Crane section markers added	15/07/16	AC	0
Phase 3 widened	05/07/15	AC	0
Phase 2 widened	05/07/15	AC	0

Project: AUCLAVE BRICKWORKS  
 Title: EXCAVATION AND RESTORATION PHASING PLAN  
 Client: NORMAN MARSHALL

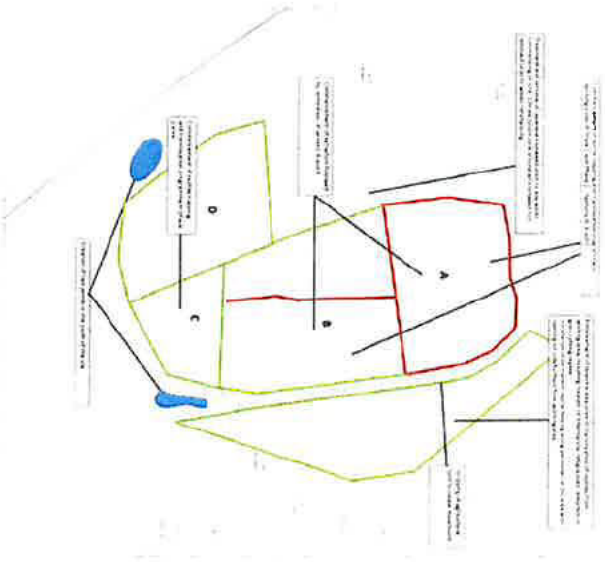
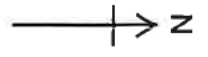
Drawn: HR	CD: HR
Check: HR	AW: HR
Date: 11/05	Scale: 1:2000 @ A1
No. AB/103	Rev G



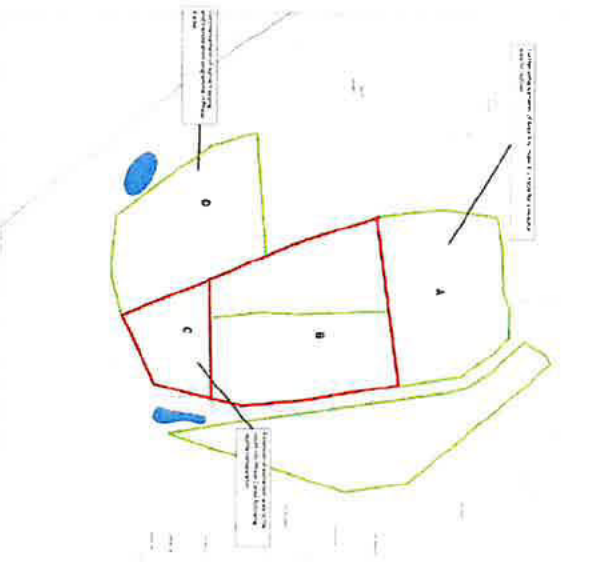
**SCHEDULE 5**

Drawing AB/201 rev 6 Ecological Phasing Plan dated 7 November 2017

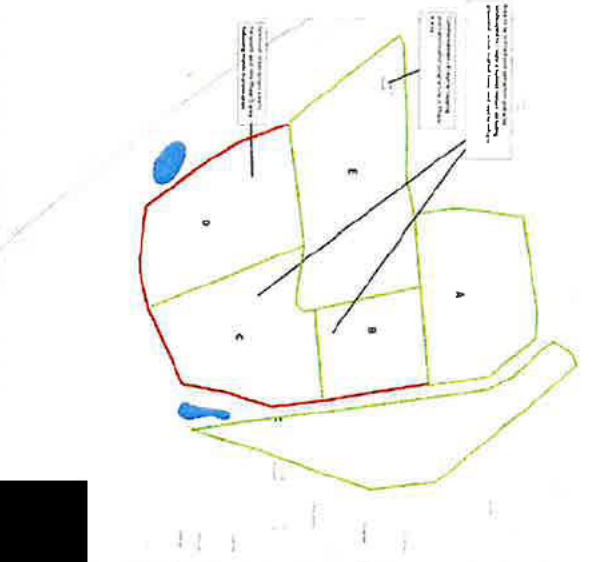
11



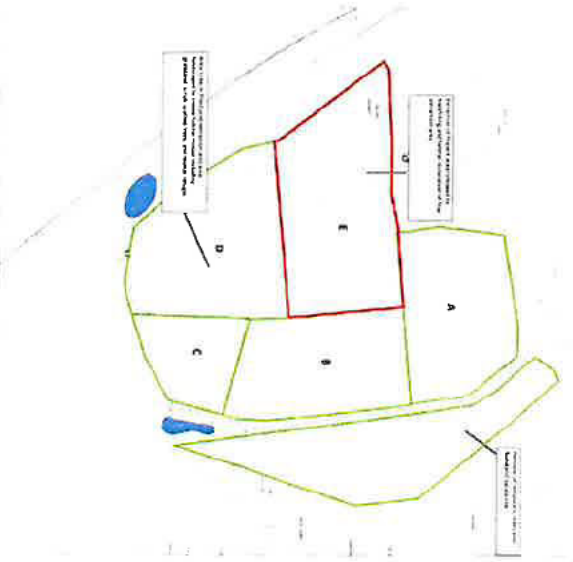
PHASE 1 - INITIAL EXTRACTION IN NORTHEAST



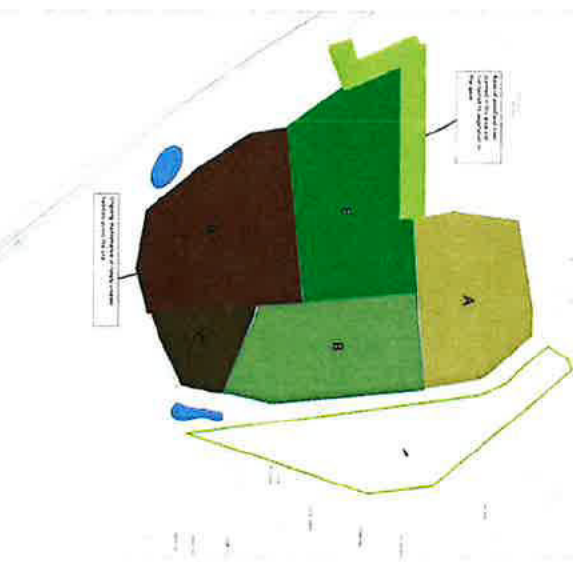
PHASE 2 - FURTHER EXTRACTION SOUTHWARDS



PHASE 3 - WIDENING QUARRY TO WEST



PHASE 4 - EXTRACTION PROGRESSING TO THE WEST TO COMPLETE EXTRACTION



RESTORATION SECTIONS A B C D E

- Newly created woodland
- Newly created pond
- Extraction areas

SCC Land

RESTORATION SEQUENCE

EXCAVATION RESTORATION	
1	A
2	B
3	C
4	D
5	E

- Phase 2 will not start until habitat on SCC land is established
- Phase 3 excavation will not commence until habitat established on phase A

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**SURREY COUNTY COUNCIL**

No. IN SEALING  
REGISTER

33456

ORDERED TO  
BE SEALED

.....  
Planning & Regulatory  
Committee, Meeting 7 Dec 22  
minute 75/22



**To:** Planning & Regulatory Committee

**Date:** 26 October 2022

**By:** Planning Development Manager

**District(s)** Mole Valley District Council

**Electoral Division(s):**

Dorking Rural  
Mrs Clack

**Case Officer:**

Samantha Murphy

**Purpose:** For Decision

**Grid Ref:** 516987 138862

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**Title:** *Minerals/Waste MO/2017/0953/SCC*

### **Summary Report**

**Auclaye Brickworks, Horsham Road, Capel, Surrey, RH5 5JH**

**Review of planning permission Ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995 so as to determine full modern working and restoration conditions.**

The Environment Act 1995 introduced new procedures for dealing with permission for the winning and working of minerals granted planning permission in the 1950s, 1960s and 1970s, which have been preserved by successive planning Acts as valid planning permissions. The Environment Act 1995 placed a requirement on County Planning Authorities (CPA) as Mineral Planning Authorities to categorise any such mining sites within their county as Phase I, Phase II or dormant sites depending on the individual site's status at that time. Those mining sites categorised as Phase I and II sites were required to make an application to the CPA for new modern planning conditions by a specified date. This was a requirement of Schedule 13 of the Environment Act 1995.

Auclaye Brickworks was granted planning permission in 1976. However, due to works ceasing at the site in the mid 1980s, Auclaye Brickworks was classified (as part of the requirements of the Environment Act 1995) as a dormant site. Schedule 13 of the Environment Act 1995 defines a dormant site as a Phase I or Phase II site in, on or under which no minerals development has been carried out to any substantial extent at any time in the period beginning on 22 February 1982 and ended with 6 June 1995 otherwise by virtue of a planning permission which is not a relevant planning permission relating to the site. Paragraph 180<sup>1</sup> of the National Planning Practice Guidance (NPPG) states that "*minerals development cannot lawfully commence until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the mineral planning authority*". This application seeks to impose new modern planning conditions in accordance with this paragraph.

The applicant has submitted a planning application for the review of old mining permission (ROMP) of planning permission ref: MO/75/1175 so as to determine full modern working and restoration conditions. The applicant's submission proposed 30 conditions. An Environmental Statement has been submitted to accompany the submission and the applicant has submitted

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<sup>1</sup> Paragraph: 180 Reference ID: 27-180-20140306

amendments and addendums to the application. The ROMP proposes clay extraction in four phases, starting in the north east quadrant and progressing in a clockwise direction omitting the north western sixth of the site (where the former brickworks buildings are). The applicant proposes to extract 420,000 tonnes (375,000m<sup>3</sup>) of clay which would be exported from the site as dug. The application also seeks to agree conditions for the importation of 395,000m<sup>3</sup> of inert waste materials for the purposes of restoration. Access to the application site would be from Knoll Farm Road, a single track driveway access which also carries a public right of way (footpath 178) which joins with the A24 Horsham Road to the east.

To fully apply modern standards to the remaining mineral extraction operations and restoration of Auclay Brickworks and taking into account the revised proposals and the views of consultees, substantial modifications to the submitted conditions and additional conditions are necessary. The conditions, with suggested modifications and additions are set out in the recommendation.

62 letters of representation have been received for this application. The main area of concern raised within letters of representation relates to highways and transportation issues, namely the number of Heavy Goods Vehicles (HGVs) that the applicant has proposed to access the site daily, this being 150 HGV two-way movements to the site per day and that this number should be reduced. Other traffic related concerns raised within letters of representation relate to the safety of HGVs accessing and egressing the site at its point on the A24, which is single carriageway to and from Clarkes Green roundabout to Great Deux roundabout in West Sussex; that Knoll Farm Road is not wide enough to accommodate two-way HGV movements; and that the proposal would lead to increased accidents. Further details on letters of representation are detailed below.

The County Highway Authority have assessed the traffic data and modelling provided to accompany this planning application. They raised several concerns with regards to the way the assessment work was produced and have questioned the results. The CHA have raised concerns with the volume of HGV traffic the applicant has sought given the applicant does not have sole use and does not own the driveway access to the site, the access does not provide for two-way working and has limited control over the land along Horsham Road. Having reviewed the information submitted, the CHA concludes that there remain some fundamental assumptions, unknowns and significant site constraints that do not provide the CHA with the required level of certainty that the level of development would not have a severe and significant adverse impact on the strategic highway network. As such, the CHA are of the opinion that the overall volume of HGV movements for this proposal should be reduced to reflect the constraints at the access.

The conditions are agreed with the applicant.

**The recommendation is to APPROVE the conditions as proposed by the applicant, with modifications and additional conditions as set out in Column 2 of “The Table of Conditions” and informatives subject to the prior approval of a Heads of Terms Legal Agreement to secure: a) for a 25 year Landscape and Ecological Management Plan and b) a 25 year Management of Geological Conservation Agreement.**

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## ***Application details***

### ***Applicant***

Norman Marshall Ltd

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

19 May 2017



## ***Period for Determination***

8 September 2017 – extension of time agreed.

## ***Amending Documents***

Addendum to Landscape Chapter 6 of the Environmental Statement dated January 2017 (February 2018);

Updated Transport Chapter 7 of the Environmental Statement dated January 2017 (February 2018);

Updated Air Quality Chapter 10 of the Environmental Statement dated January 2017 (February 2018);

Updated Noise/Vibration Chapter 11 of the Environmental Statement dated January 2017 (February 2018);

Updated Quarrying Chapter 14 of the Environmental Statement dated January 2017 (February 2018);

Drawing Ref. AB/103 Location Plan Slope Stability and Proposed GI dated 19 October 2017 (February 2018);

Historic Environment Desk-Based Assessment dated July 2016 (February 2018);

Appendix 8.1: Revised Soil Resources Plan (February 2018);

Hydrogeological Assessment dated 20 October 2017 (February 2018);

Flood Risk Assessment dated 13 October 2017 (February 2018);

Construction Management Plan Version B dated February 2018 (February 2018);

Letter dated 30 August 2016 from Surrey County Council Property Services to Mr. Norman Marshall (February 2018);

Slope Stability and Settlement Analysis dated 29 January 2018 (February 2018);

Drawing Ref. AB/103 Excavation and Restoration Phasing Plan Rev. G dated December 2017 (February 2018)

Drawing Ref. AB-107 Location of 2m high bund and 2m high fence Rev. C dated October 2017 (February 2018);

Drawing Ref. AB-108 Site Compound and Stockpile Location Rev. E dated October 2017 (February 2018);

Drawing Ref. 3440\_DR\_005 Tree Protection Plan Rev. B dated 20 October 2017 (February 2018);

Drawing Ref. DR-L-0001 Proposed Sections Rev. P03 dated 18 December 2017 (February 2018);

Letter dated 9 November 2018 from Kember Loudon Williams to the County Planning Authority dated 9 November 2018 including Certificate B completed pursuant to Article 13 of the Town and Country (General Development Procedure) Order 2015 (November 2018);

Transport Assessment Addendum dated September 2018 (November 2018);

Slope Stability Design Review dated 30 October 2018 (November 2018);

Junction Capacity Assessment of A24/Knoll Farm Road Junction dated April 2019 (April 2019);

Summary of On-Site Transport Management Strategy Version A dated April 2019 (April 2019);

Drawing Ref. 2015/2516/012 Swept Path Analysis Rev. D dated April 2019 (April 2019);

Drawing Ref. 2015/2516/010 Proposed Access Arrangement and Highway Works Rev. G dated April 2019 (April 2019);

Update to Ecological Surveys dated 28 September 2021.

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## ***Illustrative material***

### **Site Plan**

Drawing Ref. AB/102 Site Location Plan Rev. D dated February 2017

Drawing Ref. AB/103 Excavation and Restoration Phasing Plan Rev. G dated December 2017

Drawing Ref. AB-107 Location of 2m high bund and 2m high fence Rev. C dated October 2017

Drawing Ref. AB-108 Site Compound and Stockpile Location Rev. E dated October 2017

Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev. B dated October 2015

## Aerial Photographs

Aerial 1 – Auclaye Brickworks

Aerial 2 – Auclaye Brickworks

## Site Photographs

Figure 1 – Knoll Farm Road looking eastwards towards Horsham Road

Figure 2 – Looking westwards from Horsham Road to Knoll Farm Road showing bellmouth

Figure 3 – Looking westwards along Knoll Farm Road towards the application site

Figure 4 - Knoll Farm Road and Site Boundary to the North (looking west)

Figure 5 - Knoll Farm Road with northern site boundary (on the left) looking westwards

Figure 6 - Eastern Site Boundary (looking south-east)

Figure 7 - Eastern half of the application site looking southwards from Knoll Farm Road

Figure 8 - Eastern half of the application site looking southwards from Knoll Farm Road

Figure 9 - Eastern half of the application site looking southwards with retained trees on the right

Figure 10 - Western Site Boundary and Railway Line to the West (looking south-east)

Figure 11 - Former Brickworks Area (looking south)

Figure 12 - Former Brickworks Area (looking south-west)

Figure 13 - Former Brickworks Area (looking south-east)

Figure 14 - Security Shed in the North-East of the Former Brickworks Area with Derelict Building Beyond (looking south)

Figure 15 - Western half of the application site looking southwards with the railway line and Geological SSSI on the right

Figure 16 - Western half of the application site looking southeast with the diving tree line on the left

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## Background

### *Review of Mineral Permission (ROMP) Applications*

1. Mineral working is different from other forms of development in that minerals can only be worked where they are found. Once a particular mineral working has been exhausted the land should be restored to provide for a beneficial after-use. Mineral development is therefore a temporary land-use undertaken over decades in most instances. Accordingly, the environmental and amenity impacts of mineral working change over time, science and technology develops, and societal and industry standards change. As a result of these changes in circumstances planning consents for mineral development require regular review by the Mineral Planning Authority ('MPA') so as to ensure that modern standards are met in respect of working and restoration.
2. Applications for the Review of Old Mineral Permissions ('ROMP') are not applications for planning permission. They are concerned with the review of conditions relating to extant planning consents which allow for mineral development that may be active or dormant. Dormant sites cannot lawfully recommence works until modern conditions for working and restoration have been agreed by the MPA.
3. The law requires that ROMP applications are determined in accordance with Section 96 and Schedules 13 and 14 of the [Environment Act 1995](#) ('the Act') and guidance set out in [paragraphs 178 – 216 of the National Planning Practice Guidance](#) ('PPG').
4. The Act and PPG are clear that any new conditions proposed for developments to be considered under the ROMP requirements must:

- a) Meet the policy tests, be necessary and should not affect the economic viability of the operation (e.g., conditions which restrict the total quantity of mineral for extraction);
- b) Require that the winning and working of minerals or depositing of mineral waste must cease not later than 21 February 2042, except where the original permission is already time-limited;
- c) Not withdraw any outstanding permitted development rights unless there are exceptional and sound planning reasons for doing so.
5. Furthermore, conditions should not affect the working rights of the site. Schedule 13(6) of the Act provides that working rights are restricted in respect of a mineral site if any of a) to g) below is restricted or reduced in respect of the mineral site in question:
- a) The size of the area which may be used for the winning and working of minerals or the depositing of mineral waste;
- b) The depth to which operations for the winning and working of minerals may extend;
- c) The height of any deposit of mineral waste;
- d) The rate at which any particular mineral may be extracted;
- e) The rate at which any particular mineral waste may be deposited;
- f) The period at the expiry of which any winning or working of minerals or depositing of mineral waste is to cease; or
- g) The total quantity of minerals which may be extracted from, or of mineral waste which may be deposited on the site is restricted or reduced in respect of the mineral site in question.
6. The National Planning Policy Framework 2021 ('the Framework') is a material consideration in the determination of ROMP applications. Paragraph 211 sets out a number of bullet points that should be considered when determining applications (for minerals development) which include:
- Ensure there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in a locality;
  - Ensure that any unavoidable noise, dust, and particle emissions and any blasting vibrations are controlled, mitigated or removed at source (national planning guidance on minerals sets out how these policies should be implemented), and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
  - Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.
7. There is a right of appeal against the imposition of conditions which the applicant considers unreasonable, but compensation is not payable for imposing modern conditions on dormant sites. There is no scope to refuse ROMP applications.

### **Site Description**

8. The application site measures about 9 hectare (ha) and is located in a rural area some 1km to the south of the village of Capel, in the district of Mole Valley, close to the border between Surrey and West Sussex. It lies to the west of the A24 Horsham Road and some 210 metres (m) to the northwest of the dormant Clockhouse Brickworks site<sup>2</sup>. The site is accessed via the A24 and in turn the unclassified Knoll Farm Road. This road also serves Knoll Farm to the west of the site beyond the Horsham to London railway line and

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<sup>2</sup> Former clay quarry, brickworks, and non-inert landfill site

several residential properties near the northern boundary of the application site<sup>3</sup>. Knoll Farm Road is designated a public footpath No. 178. There is an area of Common Land immediately adjacent to the bellmouth of Knoll Farm Road where it meets the A24, extending both to the north and to the south.

9. The application site is tightly constrained by the built and natural environment surrounding it. It is bounded to the north by Knoll Farm Road, beyond which is an area of woodland<sup>4</sup> that is designated a Site of Nature Conservation Importance<sup>5</sup> ('SNCI') and Semi-natural Ancient Woodland<sup>6</sup>. To the west the site is bounded by the Horsham to London railway line and its embankment. To the east of the site is a relatively small triangular shaped parcel of agricultural land beyond which are a row of residential properties which front the A24 Horsham Road. This area of land is owned by Surrey County Council and is farmed by the applicant under lease. The southern boundary of the application site is bordered by woodland with further dwellings beyond. Part of the application site itself exhibits evidence of historic clay extraction (the western half of the site as shown in the attached photographs). The other half of the site has been in arable use.
10. The site is surrounded by existing tree belts to the south and west with a tree belt running centrally through the site for approximately 166m. The trees along the western boundary front on to the railway line. The eastern half of the application site alongside the triangular area of land located between the application site boundary and the rear curtilages of residential properties mentioned above, has had the topsoil stripped (as can be seen from photographs attached to this report) and the soil has been stockpiled in an adjacent soil bund running along the northern boundary of the application site, adjacent to Knoll Farm Road.
11. The Auclay Site of Special Scientific Interest ('SSSI'), which is designated for its paleontological interest<sup>7</sup>, is located along the western boundary of the application site adjacent to the railway embankment. It occupies an area of about 0.58ha. According to the most recent condition survey available from Natural England the SSSI is in ['unfavourable – declining'](#) condition due to a lack of access and encroaching vegetation.
12. There are no Special Protection Areas ('SPAs'), Special Areas of Conservation ('SACs'), or Ramsar Sites<sup>8</sup> located within 10km of the application site.
13. The application site is not covered by any local nature conservation designations. As mentioned, the Greenhurst Copse SNCI and an area of ancient woodland are located immediately to the north of the site, beyond Knoll Farm Road. Other SNCIs located within 1km of the site include, the Knoll Wood SNCI some 115m to the west, the Osbrooks SNCI some 160m to the south, the Strood Copse SNCI some 570m to the north-east, the Hollbrook Wood SNCI some 570m to the west, and the Fylls Brook (Clockhouse Gill) SNCI some 640m to the south east. In addition to Greenhurst Copse, a further area of ancient woodland lies some 135 metres to the south east of the site beyond Osbrooks Lodge.
14. The application site is not covered by any local or national level landscape protection designations. The closest boundary of the Surrey Hills Area of Outstanding Natural Beauty ('AONB') and the Surrey Area of Great Landscape Value ('AGLV') is some 2.5km

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<sup>3</sup> Woodside (unoccupied); Sunnyridge (unoccupied); Greenhurst Copse dwelling, Knoll Farm Barn, and Knoll Farm Cottage

<sup>4</sup> Greenhurst Copse

<sup>5</sup> Greenhurst Copse SNCI

<sup>6</sup> Woodland that has existed since 1600CE in England

<sup>7</sup> The SSSI yields well-preserved bodies and wings of insects of Lower Cretaceous age

<sup>8</sup> A Ramsar Site is a wetland site designated of international importance under the Ramsar Convention

to the north-west. The High Weald AONB is located some 6km to the south-east of the site. The South Downs National Park is located some 21km to the south-west of the site. The application site is located within the landscape character type Wooded Low Weald and the landscape character area WW8 Cranleigh to Charlwood Wooded Low Weald as defined within the Surrey Landscape Character Assessment 2015. WW8 is a large character area stretching east from Cranleigh along the southern edge of the county. It is defined by underlying geology, land use, woodland cover with key characteristics being relatively low lying undulating landform, small scale pastoral and arable field enclosed by intact hedgerows and tree belts. The Character Assessment recognises that woodland and tree cover encloses the character area and limits long distance views.

15. The application site is not covered by any archaeological or heritage designations and does not contain any finds or features listed on the Surrey Historic Environment Record ('HER'). The closest Scheduled Monument to the site is the 'Medieval moated site, north of Oakdale Farm'<sup>9</sup> some 1.5km to the south-west. There are three Grade II Listed Buildings within 500 metres of the site, including 'The Clock House'<sup>10</sup> some 260m to the east, 'Old Mead'<sup>11</sup> some 350m to the north-east, and 'Osbrooks'<sup>12</sup> some 405 metres to the south-west. The closest Registered Park and Garden is the Grade II 'Warnham Court'<sup>13</sup> some 5km to the south of the site. An Area of High Archaeological Potential is located some 700m to the north-east of the site, at Pleystowe Farm on Rusper Road in Capel. The Capel Conservation Area is located some 1.14km to the north of the site.
16. There is a network of existing ordinary watercourses within the confines of the application site. These converge and leave the site at the lower lying land along its southern boundary<sup>14</sup>. The site is not classified as being at risk of fluvial flooding and is not underlain by any groundwater Source Protection Zone designations or any major aquifers. An unnamed stream that passes some 160m to the south of the site flows into the 'North River'<sup>15</sup>, a tributary of the River Arun that is described as a low, small, calcareous and unmodified river that currently exhibits 'moderate' ecological status.
17. The site is not located within an Air Quality Management Area or the Metropolitan Green Belt. Access to the application site would be gained from Knoll Farm Road. Knoll Farm Road has a general width of 3.2m (metalled surface width) with wide verges along both sides. There still remains a formal entrance serving the brickworks buildings from Knoll Farm Road in place. However, it is proposed that a newly constructed access from Knoll Farm Road would be provided at the north east of the site.

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## Planning History

18. In October 1948 consent<sup>16</sup> was granted for "*existing and future clay workings at Brickworks, Horsham Road, Capel*" subject to two conditions: (1) excavation to take place in a proper sequence and the land not being excavated is to continue to be used for grazing of cattle in the meantime; and (2) that the surface of the land when excavation is completed be left at a uniform level and surface top soil be deposited thereon to enable the land to be cultivated. This permission appears to have been modified in 1958 to take account of the then proposed diversion of the A24.

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<sup>9</sup> English Heritage List Entry ID 1012782

<sup>10</sup> English Heritage List Entry ID 1028764

<sup>11</sup> English Heritage List Entry ID 1293516

<sup>12</sup> English Heritage List Entry ID 1190954

<sup>13</sup> English Heritage List Entry ID 1001413

<sup>14</sup> The application site falls from the north-west (101m AOD) to the south-east (85.5m AOD)

<sup>15</sup> Environment Agency Waterbody ID GB 107041017990

<sup>16</sup> Ref. DH/R13



19. During the late 1950's extraction and brick making ceased and brick making plant and buildings were removed.
20. In the 1970's Mr. Benstead obtained a lease on the land and wished to make bricks there. The then County Planning Committee, relying on the then current view that where a use ceased and land remained unused after a considerable time the proper inference may be that the use has been abandoned, determined that the clay working and brick making use had been abandoned and that Mr. Benstead's proposal would require planning permission. Later of course [Pioneer Aggregates \(UK\) Ltd v SoS for Environment \(1985\)](#) established that the principle of abandonment was not of general application and in particular that it did not apply to rights granted by planning consents.
21. Subsequently, on 30 July 1976, planning permission Ref. MO/75/141 was granted for *"the erection of brick-making buildings of approximately 5,236ft<sup>2</sup> (486.6m<sup>2</sup>) comprising brick drying building, 2,395ft<sup>2</sup> (222.5m<sup>2</sup>) (2,232ft<sup>2</sup>/207.4m<sup>2</sup> internal floor space) and brick making building of 2,843ft<sup>2</sup> (264.1m<sup>2</sup>) (2,583ft<sup>2</sup>/240m<sup>2</sup> internal floor space) together with an ancillary office of 180ft<sup>2</sup> (16.7m<sup>2</sup>)..."*
22. At the same time planning permission Ref. MO/75/1165 was granted for *"the winning and working of minerals (clay) and the manufacture and burning of bricks"* subject to 25 planning conditions.
23. Consents Refs. MO/75/141 and MO/75/1165 were granted subject to a legal agreement<sup>17</sup> dated 30 July 1976 which sought to secure: (1) that no more than 3 million bricks were produced at the site per annum; (2) that commercial vehicle movements entering and leaving the site were limited to no more than 50 per week and 16 per day; (3) that no vehicle would pass over the railway bridge leading to Knoll Farm; and (4) that sight lines were maintained along the A24 Horsham Road directly outside the site's vehicular access. Crucially, the legal agreement was between the applicant for planning permission Mr. Benstead and the County Council, but the landowner was not party.
24. In September 1978 conditions 15 and 19 of consent Ref. MO/75/1165 were varied by notice Ref. MO/77/1175. These conditions related to the construction of an acoustic bund and the hours in which machinery could operate on the site. Later, in January 1979, a *"5-year working programme<sup>18</sup> together with details of other reserved matters<sup>19</sup> requiring approval in accordance with permission dated 30 July 1976 (Nos. MO/75/141 and MO/75/1165) for the winning and working of minerals (clay); the manufacture and burning of bricks and the erection of brick making buildings"* was approved by Surrey County Council under Ref. MO/75/1165 (details).
25. On 26 November 1985 an application Ref. MO/84/1311 for a further *"5-year programme of working and restoration pursuant to permission MO/75/1165 for the winning and working of minerals (clay) and MO/75/141 for the manufacture and burning of bricks and the erection of brick making buildings"* was refused. Subsequently, brick making and clay extraction ceased again.
26. In June and October 1987 Surrey County Council ('SCC') issued four enforcement notices in respect of the site. The first required the demolition of three existing buildings<sup>20</sup> including removal of their respective foundations. The second required the

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<sup>17</sup> Between Surrey County Council and the then leasee Mr. Ian Benstead

<sup>18</sup> Condition 12 (scheme of working, extraction and operation) of consent Ref. MO/75/1165

<sup>19</sup> Conditions 6 (completion of site access); 8 (fencing); 10 (borehole survey); 11 (details of western pit margin); 13 (details of plant and machinery); 14 and 15 (noise attenuation measures); 17 (retention of trees); 18 (tree planting); 22 (restoration); 23 (after-use); and 24 (facilities to prevent deposit of materials on the highway)

<sup>20</sup> Buildings A, B and C

filling and restoration of the area of land previously excavated for clay. The third required the demolition of seven buildings<sup>21</sup>, the foundations of two buildings<sup>22</sup>, and a prefabricated workshop building<sup>23</sup> and reinstatement of the ground beneath these structures. The fourth notice required the cessation of use of any part of the land for the deposit of imported airbricks, bricks, and soil. There is no record of these notices being appealed.

27. In or around April 1989 Mr. Norman Marshall contracted to purchase the application site and his surveyor Mr. Billson then made contact with SCC which pointed out that enforcement notices had taken effect and that a prosecution would follow if they were not complied with. However, the view of SCC was that this would result in a small fine and no liability to make good the land. There were also problems in relation to the enforcement notices requiring restoration when extraction was still possible given the clay deposits and the extant planning permission. The situation was very much complicated by the ongoing discussions regarding the A24 road scheme. Mr. Billson took the view that as a s52 agreement had been executed by the lessee not the freeholder such that it could not run with the land and could not affect his client who was not a successor in title to Mr. Benstead but in fact the freeholder. It was accepted by SCC that the s52 agreement did not run with the land and therefore could not restrict the activities of the current land owner.
28. In November 1994 it appears that planning permission Ref. MO94/0905 was granted for *“retention of former brickmaking buildings A, F and J together with toilet block B on a site of about 0.88ha for agricultural purposes for a temporary period of two years.”* Moreover, in September 1997 SCC issued a Certificate of Lawful Proposed Use or Development for the *“extraction and export of clay from an area of 2ha”* in the north-east corner of the application site.
29. More recently, in December 2015, Mole Valley District Council issued a Certificate of Existing Lawful Use or Development Ref. MO/2015/1023 for the former brickmaking buildings A, F and J together with toilet block B confirming that they are immune from enforcement action and therefore lawful<sup>24</sup>.

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## **The Proposal**

30. In 1976 SCC granted planning permission Ref. MO75/1165 for the winning and working of clay and the making of bricks on the application site. This permission was implemented following which clay extraction and brick making ceased after 1985.
31. The Environment Act 1995 brought in the requirement for the Review of Old Mining Permissions (ROMPs)<sup>25</sup> of mining sites which had been granted planning permission in the 1950's, 1960's and 1970's. The County Planning Authority (CPA) as Mineral Planning Authority were required to produce a list of such sites within Surrey and categorise them as Active Phase 1 sites, Active Phase 2 sites and dormant sites. A dormant site means a Phase 1 or Phase 2 site in, on or under which no minerals development has been carried out to any substantial extent at any time in the period beginning on 22 February 1982 and ending with 6 June 1995 otherwise than by virtue of a planning permission which is not a relevant planning permission relating to the site.

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<sup>21</sup> Buildings D, E, F, G, H, J, and K

<sup>22</sup> Foundations L and M

<sup>23</sup> Building O

<sup>24</sup> The said buildings have remained on the site without compliance with condition 5 of planning permission Ref. MO/94/0905 for a period in excess of ten years

<sup>25</sup> Schedule 13 of the Environment Act 1995

Auclay Brickworks was classified as a dormant site by the CPA in 1996 because clay extraction and brickmaking ceased in 1979/1980 with no significant working since.

32. Consent Ref. MO75/1165 provides for both clay extraction and brickmaking. Its clay extraction element is sufficient for the consent to be for “*minerals development*” and therefore subject to the review of mining permission provisions of the Act. National Planning Policy Guidance<sup>26</sup> is clear that if a site is classified as dormant, minerals development cannot lawfully commence until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the mineral planning authority.
33. In September 1997 SCC granted a Certificate of Lawfulness of Proposed Use or Development certifying that the “*extraction and export of clay from an area of 2ha*” in the north-east corner of the application site was lawful subject to the prior review of the conditions imposed on consent Ref. MO75/1165.
34. Accordingly, the applicant has submitted a schedule of conditions under the ROMP application process with the intention of resuming the extraction of clay and restoring the site along the lines outlined in planning permission Ref. MO75/1165.

### ***Proposed Development***

35. The development proposed would involve the extraction of approximately 420,000m<sup>3</sup> (about 800,000 tonnes) of clay in a phased manner with progressive restoration of the land using up to some 440,000m<sup>3</sup> (about 660,000 tonnes) of imported inert waste all over a period of about 5 years and 9 months (69 months). The hours of operation proposed are: 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturday. No working is proposed for Sundays, Bank, National or Public holidays.
36. Clay extraction would commence in the north-east of the application site and continue in a clockwise direction around the site. As the extraction is completed in each phase, these areas will be back filled, profiled and landscaped to create a mix of agricultural land and ecological habitats.
37. Although there is no planning requirement in respect of ROMP applications to demonstrate a need for the mineral, the applicant has explained that the clay to be won from the application site may be suitable for use in brick and tile manufacture and as an engineering material. During the works clay would be stockpiled in various temporary locations within the quarry to align with the phasing of excavation and restoration works. These stockpiles would be no greater than 4m in height. Clay material not suitable for export would be set aside within the quarry and used for restoration purposes.
38. The applicant will seek an Environment Agency permit which would ensure appropriate pollution prevention and control measures are in place in the context of an inert waste landfill. In restoring the quarry inert waste would be compacted in thin layers, typically 200 to 300mm thickness, to ensure that settlement of the final ground surface is kept to a minimum. The quarry will be infilled to match the surrounding ground levels.
39. The former and remaining brickmaking buildings A, F and J together with toilet block B will be retained on the application site post restoration for the purposes of agriculture. The after-use of the restored mineral working would primarily be for agriculture with an area in the north-east set aside for and dedicated to nature conservation. For practical reasons therefore, the contours of the restored site would be evenly spaced to create a consistent gradient up/down field.

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<sup>26</sup> Paragraph: 180 Reference ID: 27-180-20140306

40. The nature and scope of the proposed clay extraction would result in habitat loss across the majority of the application site. This loss would be phased as per the phasing of clay extraction and restoration. However, the loss of one habitat would only occur once suitable replacement habitat has been created. To facilitate this phased approach to working and restoration an area of land measuring about 0.4ha, adjacent to the eastern boundary of the quarry, would be set aside and used for reptile habitat including the installation of hibernacula and refugia. This habitat would be created prior to works commencing in phase 1 and will be retained following restoration works. The peripheries of the application site would be restored to a combination of water, woodland, grassland and edge landscape typologies to provide habitat for fauna including bats.
41. A 2m high seeded soil bund with a 2m high acoustic fence on top of the bund will run along the eastern boundary of quarry so as to mitigate the visual and noise impact of working and restoration on the residential properties to the west. This bund will also prevent works spilling into the reptile habitat to be created on the land between the quarry and residential properties.
42. During excavation works a surface water drainage network comprising channels and ponds would be created along the eastern, southern and western boundaries of the application site in a phased manner so as to attenuate surface water flows and allow discharge to woodland in the south at a rate similar to existing run-off. This drainage network would be retained on site following restoration works.
43. As part of the development the extent of the Auclaye SSSI would be amended so as to improve and maintain its declining condition. Effectively the existing SSSI would be shortened at its southern end, extended at its northern end, and made narrower as part of the proposed development. The western bank of the SSSI<sup>27</sup> would remain unaltered whilst its eastern bank<sup>28</sup> would be extended to align with the proposed restoration level of the restored site. Additionally, the applicant intends to provide access to new sections of Weald Clay exposed during excavation of the quarry to Natural England and academics so that they can examine and record data; install interpretation boards at the SSSI to provide information on the geological features of interest at the site; provide a designated storage area for nodules/concretions that may contain fossils both during the operating life of the quarry and post restoration works; install fencing around the SSSI to prevent unauthorised access and excavation; provide a footpath from Knoll Farm Road to the northern end of the SSSI for public access; and undertake general long-term management of the SSSI including removal of vegetation and debris.
44. The applicant proposes up to 150 HGV movements (75 HGV trips) to and from the application site per working day. Vehicles would access the application site using the priority Knoll Farm Road/A24 junction (suitable signage along the A24 in both directions is to be erected) and along a 92m section of Knoll Farm Road. HGV access to the quarry is proposed between 0730 to 1630 hours Monday to Friday and 0800 to 1300 hours on Saturdays with no access on Sundays, Bank, National or Public holidays.
45. The A24/Knoll Farm Road junction bellmouth is proposed to be improved by increasing the kerb radius to improve left-out (north) manoeuvres and prevent vehicles crossing the A24 centre line, providing centre-line and give-way markings, and erecting 'drive on left' signage. These measures are proposed to ensure two-way vehicle movements along the first 22m of Knoll Farm Road (including the junction bellmouth with the A24).

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<sup>27</sup> Which is of particular importance as it remains undisturbed geology and is where insect fossils have been previously discovered

<sup>28</sup> Which is made ground and therefore of little interest

46. Vehicles would then proceed west along a 70m one-way stretch of Knoll Farm Road before accessing the application site to the south by way of a new two-way (internal) access road that will be constructed across the northern boundary of the application site.
47. Turning and queuing areas will be provided along the internal access road negating the need for vehicles to make manoeuvres or stop on Knoll Farm Road or the A24. It is estimated that there is sufficient space along the internal access road for a queue of 5 incoming and some 20 outgoing HGVs at any one time. A Check-in Office will be located on the internal access road to where incoming vehicles and drivers will report, present their paperwork and await instructions.
48. Check-in Office personnel will act as a banksman and control construction traffic accessing and egressing the application site using CCTV and traffic signal systems. Traffic signals are proposed to be erected for the duration of the development and will include a red/green traffic signal head installed within the bellmouth of Knoll Farm Road, located more than 20 metres from the A24 to allow at least one HGV to stop well clear of the A24.
49. There will be a second red/green signal head installed at the point of egress from the internal access road onto Knoll Farm Road. The default setting for the signal heads will be that the traffic signal at the entrance to Knoll Farm Road, from the A24, will be green and the traffic signal at the site egress, onto Knoll Farm Road, will be red. Construction traffic will only be allowed to leave the application site when instructed by the Check-in Office Controller (i.e. Banksman) thereby providing general unfettered access to vehicles entering the site from the A24.
50. CCTV cameras will be installed to observe vehicular activity along Knoll Farm Road and any incoming vehicles from the A24. The cameras will be installed in accordance with current guidance relating to privacy and GDPR and will not be recording, so no footage will be stored. Signs will be erected to notify the public that CCTV is in operation. Check-in Office personnel will have real-time access to the CCTV images and will check for any potential incoming traffic before instructing vehicles to exit the quarry. If CCTV cameras cannot be provided, additional banksman will be provided during site working hours.
51. A rumble strip and wheel bath will be installed along the internal access road to clean vehicle wheels prior to exiting the quarry. This will be located at a sufficient distance within the site, to allow any residue to be deposited within the site and not reach Knoll Farm Road or the public highway (A24). The internal access road will be metalled from the wheel bath to the exit onto Knoll Farm Road. This would allow it to be cleaned using a road sweeper. Should any mud reach Knoll Farm Road or the A24 it will also be cleaned using a road sweeper.
52. For the duration of the development a protective barrier will be erected along the northern edge of Knoll Farm Road, up to the point where it meets the internal access road. This will segregate users of the footpath from the construction traffic and suitable signage will be installed, at either end of the barrier, to inform the drivers of vehicles and footpath users.
53. Additionally, the applicant proposes a range of management measures to ensure that noise and dust emissions arising from working and restoration are controlled to acceptable levels. Tree protection measures will also be put in place during working and restoration to ensure that no retained trees are damaged.

### ***Proposed Conditions***

54. In determining the subject ROMP application, the MPA has the power to accept or modify the conditions initially proposed by the applicant and/or add further conditions.



When considering the need to impose new or modified conditions, the MPA should be guided by the advice in the PPG and Schedule 13 of the Act.

55. Considering the applicant's proposal, having regard to the environmental information submitted as part of the subject ROMP application, following consultation with statutory and non-statutory consultees, and taking interested party representations into account, Officers propose to modify the conditions proposed by the applicant and impose a range of new conditions. Such modifications and impositions should ensure modern standards of working and restoration.
56. The schedule of conditions initially proposed by the applicant (column 1), and the modified and new conditions proposed by Officers (column 2) are given at Appendix.1.
57. A s106 legal agreement will be necessary to secure a 25-year Landscape and Ecological Management Plan and a 25-year Scheme of Works for the Management of Geological Conservation. The heads of terms for such a legal agreement is attached to this report.

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## ***Consultations and publicity***

### ***District Council***

58. Mole Valley District Council : No objection. No planning conditions proposed.

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

59. Sutton and East Surrey Water : Now known as SES Water. Provided a plan showing the approximate position of water mains at the location. There are no water mains at the application site.
60. Environment Agency South East : Planning conditions proposed in relation to infiltration of surface water to ground and the storage of oils, fuels and chemicals. Advice regarding groundwater, the Water Framework Directive, and the need for an Environmental Permit provided to the applicant. The site lies within SPZ2/3 and/ or secondary aquifer. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. Any infiltration SuDS greater than 3m below ground level to be a deep system and not acceptable. All infiltration SuDS require a minimum of 1m clearance between the base of the infiltration point and the peak seasonal groundwater levels. They must not be constructed in ground affected by contamination.
61. Surrey Wildlife Trust : No views received
62. Enhancement Officer : No views received.
63. County Highway Authority : The CHA consider that there are fundamental issues with what is being proposed in terms of frequency and timings connected to the number of HGV vehicle movements proposed (up to 150 HGV movements per day). The CHA recommends that several conditions be imposed on any consent granted limiting HGV movements to no more than 42 per day and requiring a Traffic Management Plan alongside improvements to the Knoll Farm Road junction with the A24/Horsham Road which is to be secured by legal agreement.
64. Health and Safety Executive : The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. No planning conditions proposed.

65. County Ecologist : Satisfied with the proposals and pleased to see Natural England are content with the measures proposed for the protection and enhancement of the geological SSSI. Ecological timeline and phasing plans are confusing referring to both Phase 1 – 4 and Areas A – D. As reptiles have been identified as important a degree of certainty that the areas for translocation will be suitable to move reptiles onto is required. Planning conditions relating to landscape restoration and a 25-year Landscape and Ecology Management Plan, underpinned by a s106 legal agreement are proposed.
66. Environmental Assessment : all of the component parts of the Environmental Statement are clearly labelled as EIA documents. The EIA is readily identifiable.
67. County Air Quality Consultant : The effects on air quality from the residual dust impacts, with mitigation in place, are likely to be ‘not significant’. A planning condition requiring the formalisation of control and mitigation measures within a Dust Management Plan is proposed. The background nitrogen dioxide and suspended particulate matter concentrations are less than 40% of the Air Quality Objectives. Given this ‘headroom’, and the fact that the maximum number of HDV movements does not significantly exceed the indicative screening criterion, it is reasonable to scope-out a further detailed assessment of vehicle emissions. Accordingly, no planning conditions are proposed in respect of vehicle emissions. Further comments made in 2021 that given the background nitrogen dioxide (NO<sub>2</sub>) and PM<sub>10</sub> concentration are less than 40% of the Air Quality objectives and the maximum number of HGV movements does not significantly exceed the indicative screening criterion, agree it is reasonable to scope out a further detailed assessment of vehicle emissions. The dust risk assessment follows the recommended guidance and largely contains the required elements.
68. County Landscape Architect : Due to the character of the surrounding landscape which is a mixture of woodland and mature hedgerows, the proposed screening bund, and the retention of the existing landscape features, the proposed development will have minimal impact in the wider landscape during excavation. The residual effects of the development will be mitigated by a scheme of restoration and new native planting which is acceptable in principle subject to further detail. Accordingly, a range of planning conditions are proposed to secure further detail in relation to, inter alia, the proposed bund, landscape restoration, and long-term management of agricultural land and ecological areas. Further comments made in 2021 that content with the draft conditions schedule in respect of landscape issues. Request a provision to Condition 32 requiring the placement within the first 5 years of failed planting on a like-for-like basis. Should attach the standard biosecurity informative to ensure the applicant has due regard to biosecurity in the sourcing and planting of new trees, hedges and shrubs into the landscape.
69. Natural England : No objection subject to planning conditions relating to the maintenance and management of the geological SSSI.
70. SuDS & Consenting Team : Satisfied that the proposed surface water drainage strategy meets the requirements set out in the National Planning Policy Framework 2019<sup>29</sup> and its Practice Guidance subject to two planning conditions securing the detailed design and verification of the surface water drainage scheme. Request conditions be imposed with regards to surface water drainage and the submission of a verification report.
71. County Noise Consultant : A range of planning conditions proposed in respect of hours of operation, noise limits, best practice, the requirement to provide a noise

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<sup>29</sup> Note the 2019 National Planning Policy Framework was updated in 2021.

management plan, the requirement to provide details of the noise attenuation bund and restricting HGV access times to protect residential amenity.

72. Archaeological Officer : The majority of the application site has an unknown potential for the presence of Heritage Assets of archaeological significance so there is a need for further archaeological work in the form of trial trench evaluation. A planning condition is therefore proposed in respect of a programme of archaeological work. The applicant has taken on board the archaeological implications of the development and has submitted a Desk Based Assessment (DBA) and Environmental Statement (ES) chapter in support of their application. The DBA and ES provide suitable data on which the archaeological potential of the site can be assessed. Recommend a condition that archaeological work is carried out.
73. County Geological Consultant : A range of planning conditions are proposed in respect of, inter alia, the pollution of water resources, surface water drainage, the management of land contamination, management of the geological SSSI, land stability of the external perimeter excavation faces, management of land stability, and the management of soil resources.
74. Historic/Listed Buildings : The proposal has been assessed in accordance with the National Planning Policy Framework 2019 and there will be no material impact on the special interest of any listed building. The only heritage assets in the vicinity of the site were of a sufficient distance not to be compromised by the physical work of the proposed development. No planning conditions proposed.
75. Planning Casework Unit/DCLG : No comments received.
76. Rights of Way : A planning condition is proposed so as to secure further detail in respect of the proposed constriction of public footpath No. 178 and management of construction traffic along Knoll Farm Road so as to protect users of the public footpath.
77. Arboriculturalist : No views received.
78. Network Rail : During excavation of the quarry the current flood risk to the road under the railway bridge towards Osbrooks and Osbrooks Cottage is likely to be reduced because the surface water to the north of the quarry would be stored within the quarry. Adequate measures should be put in place to eliminate the risk of flooding towards the railway tracks. The excavation is more than 30m outside the railway track zone of influence and should not undermine the trees located adjacent to the railway tracks. There is no need for Network Rail consent for site works. Applicant advised to contact Network Rail prior to any works commencing on the site. No planning conditions proposed. Further comments made in 2021 concerned by the stability of the proposed western quarry face which is set at a slope of 1:1.5. This face will run parallel to the railway line and appears to be less than 30m from the boundary of the railtrack land. Slope failure of the western quarry face could affect the safety of the railtrack. The development strategy proposed two perimeter drains and temporary ponds to be constructed, one which lies in proximity and at approximately the same level as, the railway line. Network Rail has concern that the construction of these features could promote water ingress into the underlying clays and potentially increase the prospect of a slope failure in the vicinity of the railway line. Concern raised with regards to the length of time the quarry void space would be open for. Network Rail raise concern about the short and long term stability of the rail track and consider the western flank of the proposed quarry should be reassessed based on a robust geotechnical appraisal. Request conditions be imposed with regards to these matters.

79. Southern Gas Networks : As the works will be some distance from the mains, satisfied that the works can proceed. Wish to be informed if there is an intention to extract/ quarry within 100 metres of SGNs mains.
80. UK Power Networks : Should the excavation affect the Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 231 KV) please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections. A plan is provided showing the extent of the power lines. None cross the extraction area

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

81. Capel Parish Council : The core issues relating to the proposal are highway safety considerations along the A24. While the Parish Council is not against the aim of the application the overriding and insurmountable issue is highway safety. Highway safety issues cannot be resolved within the constraints of the application. Accordingly, the ROMP proposal cannot be implemented. The proposal details cannot therefore be permitted on highway safety grounds. The material consideration here is not the regularity of accidents along the meandering stretch of highway, but the high risk of accidents and the risk to lives. The submitted reports have made no attempt to address this issue indeed, the very absence of detail draws attention to risk. Vehicular movements along this stretch of road in general exceed legal speed limits. This is a general point regarding cars but even more significant in relation to motor bikes. Reference has already been made to the re-opening of Clockhouse Brickworks. There is no mitigation to prevent that opening whereas in relation to Auclaye the control is absolute. To enable Surrey County Council to sanction such a risk is untenable. The potential HGV movements will only compound the problems with added risk to life.

It is for the applicants to show beyond acceptable limits risk will not increase and this they have been unable to demonstrate. This programme is unacceptable, and the solution creates significant danger. Accordingly, the Parish Council recommends that the proposed re-opening of Auclaye Brickworks is rejected.

82. Greenhurst Park Residents Co. Ltd : Concerned about the volume of traffic the application would generate on the already dangerous A24 just south of Clarks Green roundabout. Whilst there is no indication in the application whether the volume of traffic movement is north or south on entry and exit from the site it is academic as the road in both directions at this point is not very good. Contamination with clay slurry and an increased volume of HGV is not viable and ask these factors are taken into account in the considerations.

### **Summary of publicity undertaken and key issues raised by public**

83. The application was publicised by the posting of several site notices to coincide with adverts placed in Surrey Advertiser on 8 June 2017, 16 March 2018, 30 November 2018, and 3 May 2019. Some 70 owner/occupiers of neighbouring properties were directly notified by letter about the proposal, additional information and amendments to the same. A total of 61 representation were received by the CPA following these publicity rounds.
84. Following a period of 18 months where no further information had been submitted by the applicant and discussions between the applicant and the MPA had been ongoing, Officers chose to carry out formal publicity again prior to the application being reported to the Planning and Regulatory Committee. This publicity was not to inform residents or those having made representations that further or new information had been received, but to re-inform residents of the application. This round of publicity generated 23 letters of representation. A further round of publicity was carried out from 21 October 2021 in relation to the applicant submitting an updated Ecological Survey of the site. This round of publicity has generated one letter of representation. Following a period of 11 months

the MPA chose to carry out formal publicity again prior to the application being reported to the Planning and Regulatory Committee notifying all those previously notified. This has generated five further letters of representations and those matters are covered below.

85. A summary of the material planning issues and concerns raised in these representations are provided below:

#### *The 1976 permission*

- Whilst there is no scope to refuse a ROMP application, changes in conditions since the original permission being granted cannot be ignored.

#### *Noise*

- The applicant's noise assessment takes background aircraft noise into account as a method to get approval?
- The site boundaries should be moved back by another 50 to 100m away from the houses on the A24 side and soundproof fencing should be provided both around the site and permanent sound fencing erected in each rear garden facing the site;
- The applicant's report suggests that the noise impact for properties nearest the southern end of the site will be worst affected and experience the highest levels of noise permitted by the County Council's requirements. The calculations are however only computer-based estimates and there is a probability the noise level maximum would be exceeded;
- The prohibition of Saturday working would extend the period of operation by some 6 months but offer considerable relief to residents
- There should be a more significant constraint on Summer working when noise will be at its worst and allowing longer periods of operation in Winter and Spring when the dis-amenity will be less
- There is no reference to the sound impeding qualities of the fence proposed on top of the screening bund and whether these would meet appropriate standards for noise attenuation. The colour of the fence is also not indicated. For instance, a green painted barrier would be better visually than a brown one
- There will be a point during the works that the digging machinery will be as close as ten or so metres away from our back garden. A four-metre-high bund is going to do very little to stop noise coming into my property, especially if the wind was to be blowing in our direction over this period
- There will be constant noise from machinery and the sound of HGVs which beep constantly with a voice telling us that they are reversing whilst they travel backwards.

#### *Highways, traffic and access general*

- The applicant has not demonstrated that he has control over all the land required to achieve the required sight lines. There are significant areas of Common Land at the junction with the A24, part of which, at least, is in private ownership – access arrangements and visibility splays appear to interact with this so further clarification is required
- From the position shown for the CCTV cameras the time taken by a vehicle approaching from either direction, from when it could first be seen by a camera until it reaches the junction is well below 10 seconds. Therefore, there are likely to be many occasions when an outgoing vehicle is proceeding with its 10 second journey along Knoll Farm Road whilst an incoming vehicle arrives at the road junction
- Can one banksman reliably monitor vehicles arriving from the north and south every six or seven minutes, and liaise with another banksman at the western end of the one-way stretch, and liaise with the Check-in-Office Controller who is controlling the lights?
- What happens if a driver simply ignores the Check-in-Officer Controller's instructions?



- Knoll Farm Road is not wide enough for 2 HGVs to pass. Knoll Farm Road will need to be widened to accommodate two HGVs to pass each other.
- Lorries approaching from the south would not be able to enter the bell-mouth if there were a lorry coming out and turning north.
- There should be CCTV cameras to observe what is happening and ensuring drivers are aware of their responsibility.
- Lorries should turn north out of the site.

### *Lorry numbers*

- If the application cannot be refused, the HGV numbers should be reduced considerably
- Increase in traffic movement on the A24 is so substantial that no conditions will make this enterprise safe other than realigning the relevant stretch of road
- The 1975 planning application was for 15 lorries to access onto the A24. This application should be for that number and not be increased to 21. To increase traffic flow in this manner would increase accidents.
- The thought of well over 100 HGVs turning in and out of that site six days a week fills me with complete dread
- The conditions proposed by the applicant include 149 HGV movements per day which is equivalent to 820 movements per 5 ½ day working week. This will result in a 16-fold increase in traffic generation compared with the previous limit (16 HGV movements per day or 50 per week)
- The A24 simply cannot take 149 HGV movements a day in and out of Knoll Farm Road without an unacceptable increase in both delay and danger/ I object to these lorry movements/ the A24 was not built for these movements.
- At an average rate of between 10 and 14 HGV movements per hour along Knoll Farm Road, there must inevitably be an impact on vehicles going into and leaving the road, particularly as the road is only 3.2m wide
- The level of traffic proposed in the original application, not more than 16 HGV movements per day, would have had much less impact, a matter which was clearly in the minds of the decision-makers at the time
- There were clearly reasons a limitation on HGV movements were imposed in 1976 – are there changed circumstances which now make the proposed number of HGV movements acceptable?
- The HGV limitation imposed by the legal agreement associated with the 1976 consent is material consideration in determining the subject ROMP application as the County Council's planning officer at the time, on the advice of the highway authority, put forward a recommendation based on limited output and traffic, and the members approved it on that basis. This meant that the permission could not be issued until the agreement had been signed, because the County Council considered that the restriction of lorry movements was fundamental to the grant of planning permission
- The applicant has not attempted to demonstrate why 148 HGV movements per day is now acceptable when only 16 per day was considered the upper limit in 1976, when the A24 was less busy
- An additional 148 HGV movements on this section of the A24 per day represents an increase of 65%
- The applicant suggests that eight lorries will visit the site per hour, arriving at exact 7.5-minute intervals. It is also suggested that each vehicle will spend up to 5 minutes, 50 seconds on site. However, this all depends on lorries arriving at precise intervals throughout the day, which simply does not happen in practice. It is the case that there is usually a 'bunching up' first thing in the morning when vehicles do not arrive at regular intervals. It also depends on the loading operation running like clockwork. Three minutes to load a lorry by loading shovel seems optimistic at best
- The applicant has made no attempt to justify why 150 HGV movements per day is acceptable and safe, when only 16 per day was considered the upper limit in 1976, at which time the A24 was significantly less busy. The only hint of justification is the applicant's suggestion that what is proposed would be an appropriate balance between

allowing for the completion of the scheme in a timely manner, and not having a material impact on the safe operation of the A24.

- There will be increased noise pollution from these lorries.
- A figure of 42 HGV movements per day would be 231 HGV movements per week which is an increase of 462% over the figure in 1976 and represents one movement every 11 minutes and is still a significant increase in traffic and is likely to impact on other users of Knoll Farm Road particularly with the traffic light controlled stretch in operation.

### *Suitability of the highway network*

- The A24 is totally unsuitable in geometric (vertical and horizontal alignment) terms to access these increased number of heavily laden clay lorries/ the A24 is just 2 lanes and narrow lanes with numerous bends and blind spots. The A24 is not a wide road at this point which could be hazardous to traffic coming and going along the road.
- The speed limit of the A24 should be reduced. The road is too busy for such a proposal
- Astounded that the MPA would even contemplate the entrance/exit on a single land blind bend of the A24 that has already the highest accident rate
- Can speak from personal experience about the time needed to wait for a safe gap to appear for a car exiting Knoll Farm Road let alone a slow-moving HGV
- Apart from anything else, the sightlines are inadequate to ensure a safe gap for large vehicles which means that traffic on the A24 will have to slow down on most occasions to avoid danger once an HGV has started exiting
- Lorries waiting at the junction with the A24 cannot see vehicles approaching along the A24 from either direction - it is questionable whether sightlines are adequate and can be maintained
- Lorries would not arrive or leave Knoll Farm Road at even intervals and it is likely that, at certain times of the day, more than one lorry will arrive at the same time. The access arrangements cannot cope with this safely and in this event, there would be a significant impact on the flow of traffic on the A24 and on highway safety
- What does a driver do if he does carry on along the A24? Going south, the first safe opportunity to turn back is the Great Daux roundabout, which is four miles further south. Anything else would involve doing a three-point turn or ignoring "not suitable for HGV" signs and going into Warnham
- The traffic signal proposed nearest to the application site presumably does not apply to the residents of Knoll Farm and the other two houses there, so they will be able to proceed towards the A24 along Knoll Farm Road regardless of traffic signals. This also applies to delivery lorries and other visitors. There are sheep at Knoll Farm which have to be inspected daily by the farmer. Access for a tractor and trailer, and moving equipment is also required
- When seeking to gain access to Knoll Farm and adjoining properties, there will be no problem when the light is green. However, when it is red, they will be held up, either in the bell mouth or in the A24, even though they have unfettered legal access to their properties – this is unacceptable
- With priority being given to incoming vehicles (from the A24) there is the potential for more queuing and for vehicles to have to spend longer on the site. The proposed change to a traffic-light controlled one-way section may alter these timings, and this is perhaps a matter that should be addressed?
- There is no evidence that making the bell mouth junction with the A24 more prominent is going to reduce accident levels or improve safety or how it will work if the applicant's proposals are approved nor that it will mitigate the increased risk to safety that the increased lorry movements will engender
- There is much heavier traffic flow with higher speeds now on the A24.
- The positions of the internal access are not satisfactory and is it realistic to expand the area for a turning lane when there is no such room.
- The A24 is not built to withstand the extra load and it is already in a disgraceful state of repair.
- It is already difficult getting out of Grenehurst Park at any time of the day.

- The lorries should leave the site and turn left towards Clarkes Green roundabout and then travel to their destination. This would keep traffic using the regular speed in acceptable movement.

### *Safety and accidents*

- This stretch of the A24 has seen many accidents/ is always busy and is a notorious black spot for serious accidents. To increase the traffic flow here will increase accidents and fatalities/ accidents in the vicinity of Knoll Road are already disturbingly high
- I know how hard it is to leave my own driveway on to the A24
- The accident position along the A24 described by the applicant in no way bears out the experience of residents living in the vicinity of Knoll Farm Road
- The precise position of the entrance/exit to the proposed site is an accident hotspot. My neighbours have quite literally lost count of the number of overturned vehicles that have landed in their gardens over the last 20 years. This is on a road that is already totally not fit for purpose. Deaths and accidents are recorded and who know how many near misses occur far too frequently.
- The proposed road sweeper will be a slow-moving vehicle and cause another hazard.
- Children have to access the bus and school buses along the A24 and the pavement is barely wide enough to walk on, which is exacerbated by overgrown hedges such that from the Clockhouse to Clockhouse Cottages especially, it is often necessary to walk into the road
- When there is even the smallest of accidents or blockages the whole A24 currently gets closed as it doesn't have the lanes or capability to deal with it and means lengthy diversions along the A29 which would also really struggle to take the proposed volume of traffic;
- The A24 is a fast-single carriageway road with long corners that only offer reduced visibility. Having HGVs moving in and out of this side road (Knoll Farm Road) is an accident waiting to happen/ access from the A24 is likely to cause accidents
- Many people have died on the A24 in the 5 years I've lived at my property which is no less than 20m from Knoll Farm Road. No more than 2 weeks ago there was a head on collision before turning after Clarkes Green roundabout. A few months ago, I had to pull a man out of his car which seemed to be alight in an accident (another head on collision) no more than 25m away from this junction. Two women, one of which I knew very well died further up Horsham Road in the past 4 years
- The A24 is dangerous as someone who pulls into a drive across busy traffic daily (20m from Knoll Farm Road). My mother had a woman rear end her car pulling into our driveway. The road causes death and hell to the residents residing by it
- An increase in HGV movements by 900% is totally unacceptable
- Given the location of the quarry entrance, drivers coming round the double bend from either direction approaching will not be expecting slow moving lorries, either turning in, or pulling away from the entrance, let alone crossing over the middle of the road itself. It is difficult not to draw the conclusion that this will become an accident black spot. There have been several significant accidents this year already. On pure grounds of responsible road management, the re-opening would be a disaster
- We live on the bend past the West Sussex sign. The A24 is dangerous now. In 11 days, 11 accidents from minor to serious occurred in 2015
- Safety of the public should be the priority and accidents and fatalities reduced.
- Due to the entrance being on a bend on a fast road, there will be a backup of traffic and a safety issue.

### *Traffic Statement within the planning application*

- The applicant's report has glossed over the conflict between traffic using Knoll Farm Road from residential properties and HGVs on the basis of low volume, but there are several movements a day from each property and the level of intimidation when faced with HGVs using the single track road coming in the opposite direction is very high;

- The applicant's survey figures for usage of Knoll Farm Road are distorted and do not give a true picture because Mr. and Mrs. Coward were away at the time of the survey. Had they been at home the figures would have been very different, not only in terms of their cars, but also deliveries and visitors
- The applicant's drawing show lorries exiting to the north and arriving from the north at the same time, but only achieving this by the outgoing lorry crossing the centre line, even if only marginally. There is no room for error and in practice it is likely that two lorries will be able to pass without one having to give way. The drawings show perfect drivers in an ideal world, but it is unlikely in practice that the path show will be achieved with any regularity
- In the case of lorries entering from the south and lorries exiting in the north, the situation is difficult. If the path of a lorry entering from the south is superimposed on to the plan showing a lorry existing to the north, it become clear that the two lorries cannot pass – the lorry coming from the south would have to stop and give way to the lorry coming out and turning north
- The Traffic Management Strategy proposed by the applicant is complicated and there is enormous dependence on vehicles arriving at nicely spaced out intervals. The feasibility of what is being proposed will depend very much on the vigilance and efficiency of the Check-in-Office Controller, and on whether the CCTV cameras give the coverage described. There is considerable doubt as to whether a vehicle could actually be detected in time to instruct it not to enter the site. If a lorry is in a stream of traffic, it may be difficult to identify, and by the time the angle is sufficient to allow identification, there will not be enough time to instruct it not to enter the site because there is a vehicle waiting. Further it is not clear how the instructions will be given to the driver. The view to the south is even more restricted – virtually no meaningful view to the south
- The applicant's submission that there could be a constant run round time calculated in minutes makes no consideration for unfavourable weather conditions, or traffic jams on the A24, which is a regular occurrence, particularly if there has been an accident. Also, no consideration has been given to the fact that all the machinery in the quarry, at some time, may have reliability problems, or break down. In any or all these events the A24 would become congested with no place to go for the lorries
- No information appears to have been provided as to where the lorries will be coming from or going to. If the surrounding B roads, such as Coles Lane, the road to Rusper off the Clarks Green roundabout and the road through Capel to Newdigate are used as short cuts, they will be decimated very quickly. The surrounding B roads were not intended to handle 8-wheeler lorries every 5 minutes

#### *Road condition*

- There are verges along Knoll Farm Road, but with the frequency and size of lorries, these are bound to get cut up when vehicles must pass
- Has any research been conducted on what damage extra HGV traffic would have on the integrity of the roads or railway bridge to the south of the site?
- What about the issue of mud and clay left on the road surface thus affecting motorbike and pedal cycles stability? How will this be addressed? Dangerous and foolhardy decision. Please do not do this
- The pavement of the A24 is in urgent need of re-construction south and north of the site, with quite dangerous undulations already occurring on parts of its length

#### *Dirt from the road*

- Our property is slightly dropped down from the A24 and the increase in pollution and dirt on the road will mean that our children won't be able to use our front garden as they would be at risk.
- Trucks will deposit dirt on the A24 adding to the dangers that already exist. A road sweeper should be mandatory.

### *Public Footpaths*

- My clients, who own Knoll Farm Road, would not wish to see a fence erected on their road, which is narrow enough as it is. Any fence or path would have to run along the land to the north of Knoll Farm Road, which would require the agreement of the landowner concerned. Any segregation arrangement will require a formal footpath diversion order. In addition, the erection of a fence would prevent access rights of the land to the north over Knoll Farm Road. It is therefore important to ensure that any proposals are practicable, perhaps by legal requirement that the footpath diversion is in place before any other development works are commenced;
- The footpath along Knoll Farm Road is popular with locals for walking and exercising their dogs. For the period of operation proposed this route will no longer offer the amenity it currently does not withstanding the footpath separation proposed;
- I am in favour of the proposed segregation of the footpath and the access road;
- I am genuinely scared for my children if this project goes ahead as there is already very limited visibility of vehicle movement from Knoll Farm let alone with an increase in large vehicles.
- It is proposed to erect a barrier on the north side of the lane to segregate pedestrian and HGV movements. With the barrier in place there would be little room for the footpath.

### *Hours of operation*

- We did not move to the countryside to be plagued by a monotonous noise, dust and inconvenience and we recommend that restriction on times when work can be carried out from Monday to Friday giving us all two break days from the operation. Start of working day no earlier than 0730 hours and day end by 1700 hours. No HGVs arriving before 0730 hours and leave the site by 1630 hours
- There should be no working on a Saturday as this will increase noise pollution and mean there would only be one day without working. I have a child with autism and ADHD and having weekend working would be a sensory nightmare. Weekdays are fine but not weekends.
- If the application cannot be refused the working hours should be restricted to the quieter times on the road between 0930 – 1600 hours.
- The hours of working are not conducive to those who live in this area and to those who live to the south and north of this part of the A24 as there is a constant traffic movement between 0600-1800 each day.

### *Visual and Landscape Impact*

- Whilst not the prettiest of roads, Knoll Farm Road does serve as a predominantly rural backdrop for pedestrians using the public footpath and a rural setting for entrance to Knoll Farm itself. The intensification of traffic and operations will change this to a predominantly industrial backdrop with constant traffic intrusion, excavation operations and 12m high spoil heaps.
- We trust the landscaping will be kept in harmony with the surrounding countryside and be returned to a pleasant and attractive countryside beyond the Green Belt.
- The stockpiles are likely to be in the site could give rise to unpleasant and inconvenient height within the site.
- There have been public meetings with the applicant and local community who would be affected and the outcome was to recommend no such stockpiles over 3m in height be allowed for the sake of health and welfare.
- Will there be trees to the front of Knolls Farm Lane to replace those that have been removed to form the access road?

### *Air Quality*



- There is no assessment of the potential impact of the additional lorries on air quality. The 148 HGV movements proposed per day exceeds the indicative criterion of 100 HGV movements per day. However, the applicant's TAA states that because of the low background concentrations of PM10 and NO2, professional judgement was applied to the screening criteria and the need for further assessment of HGV movements was scoped out. It is questioned whether this approach is justified in the circumstances, particularly in view of the significant increase in the proposed number of HGVs travelling along this stretch of the A24;
- There would be pollution to the environment from not only the 100 plus HGVs that will be coming and going from the site each day but also from the machinery which will be working on the site six days a week, all of which run on diesel fuel;
- The prevailing westerly and south-westerly winds will whip the dry soil off the stockpile and the bund across residents' properties with the likelihood of it falling on drying laundry, garden furniture etc. This is experienced annually when crops are harvested.
- Increased dust levels may exacerbate asthma or related conditions of any local sufferers;
- To mitigate dust emissions stockpiles should be located in the south-west throughout phases 1 to 3 and moved only once for phase 4;
- Stockpile heights should be reduced below 12m in height;
- The mixed and constant dust being blown from the works on the site will mean that the likelihood of being able to use our garden which was a major point in us buying the property only four weeks ago will mean that we will probably not be able to use our garden for the period of the proposed works and will not be able to even dry clothes outside and will need to have the windows shut to the house constantly even during the hottest periods of the Summer months;
- My two children who are 8 and 3 will not be able to play outside for my fear that they could get respiratory problems.

#### *Pollution*

- The approval of ground excavation, clay extraction and continuous movement of top soil will dramatically increase the amount of silt/slurry/pollutants making their way into our stream/ponds/lake which will change the whole environmental dynamic, beauty and bio-diverse nature of the present area of countryside;
- The disruption the huge increase in HGV movements will bring in the form of increased dust, noise and carbon/nitro oxides pollution will directly impact our health. If we now wanted to avoid the most hazardous routes which the Auclay Brickworks would bring, we would now only be able to venture out via a bridleway westward, meaning we will not now be able to exercise in/around Capel village and its environ. I would certainly not allow my children to cycle along the A24 pavement into the village for groceries or to visit their friends anymore.
- It is currently believed in the community that there is every intention to bring any waste material onto the site not no proposals from the County Council as to how this will be prevented.
- The proposed opening hours for nearly 6 years will mean we're almost constantly be subjected to more noise, dust/ dirt in the air and on the road and this will impact our lives and our neighbours.
- A 2m high bund and then acoustic fence will not stop the noise and dust from impacting our homes and gardens.

#### *Flooding*

- Flooding is also a concern, since the sight has been partially prepared already the water just runs off the area and regularly floods the access roads/ bridleway leading down to Osbrooks as it goes under the railway line.

- Our garden is lower than the field at the rear and water runs down to the road and into ditches. Once the field is excavated the houses will be above the level of the water which could cause the clay beneath our houses to dry out.

### *Ecology*

- The area to be excavated is proven to contain grass snakes, slow worms, great crested newts and many frogs. A variety of other wildlife is also said to be resident on the existing site. To safeguard them they are to be corralled into an area immediately behind the gardens of the nearest residents to the site. Increasing the likelihood of these animals venturing into those gardens in search of territory/habitat and increasing the risk they are killed by our lawn mowers or strimmers as we keep our gardens tidy. It is therefore vitally important that a more appropriate physical barrier is located between residents' properties and the translocation site.
- I cannot believe that the works would not affect the local wildlife dramatically, maybe even killing off a species certainly to our local area/ natural habitats will be destroyed.
- An application for an incinerator was turned down at the Clockhouse Brickworks site due to the fact that there were rare wildlife living on the surrounding land which would be endangered if the proposal were to go ahead. The Clockhouse site is no more than 100 yards from my property, which to my mind would mean that we would have the same wildlife that live on the Auclay Brickworks site.
- The site is a SNCI and borders ancient woodland.

### *Stability*

- The applicant's additional information suggests a risk of land slip if the pit is not filled within 6 months of clay extraction. It also seems to recognise that this would present a risk of damage to neighbouring properties;
- In a recession period the source of infill material can quickly dry up. The Brexit uncertainty may well lead to such an eventuality as well as removing demand for the excavated material. The additional information fails to address this concern;
- It would not be appropriate to approve the proposed model for excavation but to require an amended one that moves the eastern edge of the excavation away from the neighbouring properties. It should also require a less steep slope for the excavation pit sides;
- Neighbouring properties should be surveyed before work commences, during, and after to establish if the works have damaged properties so as to facilitate damage claims against the applicant.

### *Surface Water Drainage*

- There needs to be greater certainty about the surface drainage proposals so that risks to the stability of the excavation pit walls are removed;
- The lower end of the site frequently floods – we do not want our land to be encroached by seeping water from the site which will mean clay will penetrate our land and spoil our garden and soil, and clog up the ditches;
- Please explain how surface water and groundwater is to be controlled as there is no mains drainage in the area so water can only go onto the farm, the railway line or towards the road which already suffers flooding in heavy rains;
- The site drains to the south towards an area of swampy woodland adjoining Osbrooks Farm Road. In exceptional weather conditions, it overflows onto the road. The run-off accumulates along the east side of the railway embankment and under the bridge. Through the winter, the bridge passage resembles a ford. The water depth rarely falls below 10cm and a sustained level of 20cm is common. It is difficult to use the public footpath at such times and vehicle access is sometimes risky. Further deterioration would be unwelcome. These features are consistent with flood risk maps.

## *Geological SSSI*

- It seems to me that if this site has been designated as a SSSI for fossils found there, then the excavation of clay at the site will irreversibly remove any artefacts of interest.

## *General Comments*

- The site was clearly abandoned in 1979/1980 as it was not a feasible operation to continue. The applicant must therefore demonstrate the need and intent that the site has not been abandoned. The application should be refused on the basis the site is derelict and has been abandoned.
- Do not consider any conditions will make this enterprise safe.
- The proposed works cannot be carried out with causing significant adverse harm to the environment and amenities of the surrounding area and residents.
- Clay reserves are now estimated as being suitable for 280 million bricks which when extracted over the 5 ½ year period proposed would be equivalent to 50 million bricks per annum. Extraction of this scale would likewise represent a 16-fold increase over the previous limit with all the noise, dust, and intrusion into the environment that this implies
- How much demand is there for clay?
- Clockhouse Brickworks should be filled first as the access is safe into that site
- The applicant's proposed conditions should be modified to keep the operations at or near the originally permitted level. This would maintain the existing value of the site, so presumably not give rise to a claim for compensation, whilst minimising traffic and environmental problems
- The applicant's proposals will impact to an unacceptable degree on the residential amenities of the occupants of Knoll Farm and the adjoining properties, as well as other nearby residents
- What is now being proposed is entirely different from that originally approved and the scale of traffic impact is of a completely different order
- No reference to the screen bund being planted to reinforce its integrity and reduce dust in dry conditions
- The applicant should be required to establish a community liaison group to which the MPA and local County Councillor are invited along with all residents of this stretch of the A24 with recorded minutes that are published
- The proposal will not benefit the local community. This area will never be an amenity to the local residents, especially when seeing and suffering the extraction of clay, the noise emission, the dust emission and the disruption of the HGVs will all add to the noise, dust, smell and general unpleasantness during the working times until completion day;
- The proposed development will have a seriously detrimental effect on our already frail health and mental wellbeing
- There is an incinerator at the Holbrook site which may well increase HGV traffic as well as cars to the site which both would travel along the A24
- The clay extraction site did not come up in any of my land searches when I brought this property.
- How will the inert waste be policed and controlled such that it does not cause problems in the future.
- The site borders an AONB.
- What benefit is there to the community from this?
- The dates of the surveys are very old and the EIA cannot be easily identifiable from the volumes of documents available so it is unclear how it meets the requirements from an ecological/ environmental perspective.
- There is no information on what will happen to the land once the clay has been removed.
- Unclear why a ROMP application cannot be refused. Should the application be successful, will SCC have powers to constantly review the terms and conditions?

- There is an oil pipeline going through the site to Gatwick Airport (*NB Officer comment: there is no oil pipeline through the site nor any pipeline which intersects the site on the way to Gatwick Airport*).

### **Potential Legal Challenge**

86. The CPA has received notice of a potential legal challenge to determination of the subject ROMP application. The claimant contends that: (a) no application can be made under section 96 and Schedule 13 of the Environment 1995 Act in relation to the 1975 permission; and (b) the current proposals clearly constitute a material change of use from the previous use, requiring planning permission, and cannot be entertained let alone granted under Schedule 13. Accordingly, the claimant asserts that Surrey County Council ('SCC') would be acting unlawfully if they determine the subject ROMP application. In summary the claimant submits that:
- a) The 1975 development permitted by consent Ref. MO75/1165 for the winning and working of clay and the making of bricks on the application site does not constitute "minerals development". The claimant suggests that the definition of "minerals development" is exclusive — "means" not "includes". Second, it means development "consisting" of the winning and working of minerals. Note: "consisting" not "including". Third, the draftsman has considered whether there is any other activity which can be included in the concept and has provided that the activity of the depositing of mineral waste can be included. Note — no other activity i.e. making of bricks. Accordingly, the claimant submits that Schedule 13 of the Environment Act 1995 is not available for present purposes, and the present application cannot be entertained as a ROMP application. SCC should state as such to the applicant and take no further action on the application.
  - b) Not only is there the cessation of one of the elements of the composite use i.e. the making of bricks (seen by the minerals planning authority as the principal use) but there is a truly massive intensification of use i.e. weekly HGV movements will rise from 50 to some 814, that is to say, in excess of 16 times that generated by the 1975 development. With the enormous increase in HGV's, the shortened and therefore more intensive timescale, and the inevitable on-site and off-site effects, the proposal amounts to a material change in use from the previous use permitted by the 1975 consent and the contrary could not seriously be argued.

87. The CPA has sought advice from leading Counsel in respect of the matters discussed in paragraph 86 above. In respect of (a) Officers have set out the CPA's position, as informed by leading Counsel's opinion, in respect of the validity of the subject ROMP in paragraphs 30 – 34 above. The matters raised in respect of (b) are discussed in the context of the Access and Highway Matters conditions proposed by the applicant at paragraphs 143 to 145 below.

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### **Planning considerations**

88. The principle of working the clay from this application site and its restoration was granted by planning permission Ref. MO75/1165 for the winning and working of clay and the making of bricks on the application site. This permission was implemented following which clay extraction and brick making ceased after 1985. The site was classified as dormant in 1996<sup>30</sup> as part of a requirement under Schedule 13 of the Environment Act 1995 to classify old mineral planning permissions granted in the 1950s, 1960s and 1970s

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<sup>30</sup> The Environment Act placed a requirement that by 31 January 1996 every Mineral Planning Authority must prepare a list of all dormant and active Phase I and Phase 11 mineral sites in their area distinguishing between the different sites. The Mineral Planning Authority advertised this list and notified the relevant land and mineral owner.

as Phase I, Phase II or dormant sites. A dormant site is defined in the Environment Act 1995 as “a Phase I or Phase II site in, on or under which no mineral development has been carried out to any substantial extent at any time in the period beginning on 22<sup>nd</sup> February 1982 and ending with 6 June 1995 otherwise than by virtue of a planning permission which is not a relevant planning permission relating to the site”. As clay extraction and brickmaking ceased after 1985, Auclay Brickworks fell into the classification of ‘dormant’. Minerals development for the purpose of this definition, is defined as the winning and working of minerals or involving the depositing of mineral waste.

89. Paragraph 180<sup>31</sup> of the National Planning Policy Guidance (NPPG) states that dormant sites cannot lawfully commence minerals development (the winning and working of mineral), until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the Minerals Planning Authority.

## CONDITIONS

90. The conditions and reasons submitted are considered to require modifications and additions. The recommendation contains a table setting out the applicant’s proposed conditions, as they were submitted in 2017 in column one, alongside the recommended conditions incorporating modifications and additional conditions in column two. The reasons have all been updated to include references to Development Plan policies or other documents to accord with current requirements. Consideration is now given to the conditions, any changes proposed and new conditions.
91. The NPPG does not provide guidance on what conditions can or should be imposed on a ROMP application. Paragraph 194<sup>32</sup> states that “*The appropriate types of conditions to impose will vary on each particular case, but regard should be had to all material planning conditions including:*
- *type of mineral;*
  - *nature and extent of existing working;*
  - *the location of the site;*
  - *the length of time that minerals extraction has taken place at the site;*
  - *land quality and proposed after-use; and*
  - *the availability of suitable restoration materials”.*
92. All the proposed conditions have been reviewed against the six tests for planning conditions as set out in paragraph 003<sup>13</sup> of the NPPG.

### **Copy of the Decision Notice**

93. Condition 1 (Approved Documents and Plans) proposed by the applicant is acceptable to the CPA subject to minor amendment to the wording of the same. This is a standard condition and reflects good practice.

### **Plans and Drawings**

94. Condition 2 (Approved Plans) proposed by the applicant is acceptable to the CPA subject to including a comprehensive list of approved application plans and drawings. This is a standard condition and reflects good practice. This condition has been amended to reflect the required detail.

### **Commencement of Development**

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<sup>31</sup> Paragraph: 180 Reference ID: 27-180-20140306

<sup>32</sup> Paragraph: 194 Reference ID: 27-194-20140306



95. Condition 3 (Commencement of Development) proposed by the applicant is acceptable to the CPA subject to minor amendment to the wording of the same. This is a standard condition and reflects legislation and good practice and reflects the wording in paragraph 180 of the NPPG.<sup>33</sup>

### ***Duration***

96. Proposed Condition 4 sets an end date for the cessation of mineral extraction and the deposit of waste at the application site by 21 February 2042. This is in line with paragraph 186<sup>34</sup> of the NPPG and Schedule 5 of the Town and Country Planning Act 1990, which states that “Except where a condition is specified under sub-paragraph (3), the condition in the case of planning permission granted or deemed to be granted after 22nd February 1982 is that the [winning and working of minerals or the depositing of mineral waste] must cease not later than the expiration of the period of 60 years beginning with the date of the permission” i.e. 2042. As the original permission MO75/1175 has no condition which sets a time limit for the site, the time limit in paragraph 186 is applied in this case.
97. Proposed Condition 5 is recommended to ensure that if there is a cessation of working at the site before the achievement of the proposed restoration scheme, a scheme for the reclamation and aftercare of the application site reflecting this situation is submitted to the County Planning Authority for approval. This is a new condition and not one that the applicant had proposed. The reason for such a condition is to enable the CPA to exercise planning control over the development so as to minimise the impact on local amenity and the environment, and to ensure the prompt and effective restoration so as to comply with Surrey Minerals Plan 2011 Core Strategy (SMPCS) Policy MC17.
98. Proposed new conditions 6 and 7 are to ensure that should working of the site cease before 21 February 2042 and that if the approved restoration scheme can therefore not be implemented, a new revised restoration scheme should be submitted and then implemented to ensure the site is restored in accordance with Policy MC17 of the Surrey Minerals Plan 2011. The applicant did not propose such conditions as part of the planning application submission and there are no similar conditions on the earlier permission. However, the applicant agrees to the imposition of these conditions.

### ***Programme of Working***

99. Condition 8 provides for a programme of working and restoration at the site. The applicant had proposed a condition (applicant’s condition 8) however, Officers consider this condition is not precise. When planning guidance was introduced for the handling of ROMP applications within MPG14 (now withdrawn, the illustrative guide to conditions included making provision for a working programme which would include the provision of information as to how the application site would be worked for the life of the site. This would include information such as excavation limits, phasing, location of mineral waste deposits, placement of overburden, the location of soil stockpiles and soil making materials, and methods of soil stripping. Working programmes should be produced for all sites to ensure that operations are designed in such a way to protect areas of environmental and ecological importance and the amenity of nearby residential and other sensitive property. This can include the provision of buffer zones. However, conditions limiting the extraction area, or the depths of working are not generally appropriate where they affect the economic viability of the operation.

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<sup>33</sup> Paragraph: 180 Reference ID: 27-180-20140306

<sup>34</sup> Paragraph: 186 Reference ID: 27-186-20140306

100. Officers seek to impose Condition 8 to ensure a scheme of working and restoration of the site is forthcoming. A detailed scheme was not included in the planning submission. Paragraph 015<sup>35</sup> of the NPPG states mineral operators should look to agree a programme of work which considers the potential impacts on the local community and local environment, proximity to properties, and legitimate expectations over the duration of operations. This is what Condition 8 seeks to achieve for all the phases of working at the application site. The information sought in proposed Condition 8 for the winning and working of minerals is standard and reflects best practice.

*Condition 8a*

101. Officers consider it necessary and reasonable to have information provided on the amount of clay and overburden to be extracted during any one phase as part of a working programme for the site to maintain control as to how the site is worked and understand the process of mineral extracted at the site. The provision of such schemes are best practice. The EIA chapter 14 (as referred to in the applicant's Condition 8) and drawing AB/103 ref G does not contain this information.

*Condition 8b*

102. As part of the working of the site, Officers consider it necessary and reasonable to request information on the volume of infill material that would be required for the restoration of any one phase at the application site (to be submitted for that particular phase of working) and for information to be provided as to where that material maybe stockpiled on site (if that is to occur). Whilst drawing AB/108 rev E indicated a location per phase where a stockpile would be located, it is unclear from this drawing if this stockpile location is for clay/ overburden or imported infill material. Officers consider this information is necessary to understand where such material would be placed on site whilst awaiting deposition.

*Condition 8c*

103. This part of the condition is requested as it would apply to any restoration phase and the restoration materials (e.g. capping cover, landscaping material, growing media and restoration soils) imported for the purposes of delivering the approved restoration plan under this application. The condition does not apply to the waste material (itself) being brought in to restore the phases as it is expected this would be covered by the Environmental Permit. The reason for inclusion of this is because there could be areas/ phases within the ROMP application which fall outside of the Environmental Permit boundary however until the Environmental Permit is issued, this is unknown and therefore Officers consider this aspect is retained unless and until the Environmental Permit is issued that would demonstrate these matters are covered within it.

*Condition 8h*

104. Officers recognise that conditions limiting the rate of extraction or the rate of deposition of mineral waste cannot be imposed. However, as part of the working of the site Officers consider it necessary and reasonable to request information as to the locations of subsoil, topsoil, mineral waste, overburden, excavated clay and imported waste materials so that these locations can be assessed and agreed upon.

*The remaining items of Condition 8*

105. The remaining items of Condition 8 include best practice requirements for a scheme of working taken from the superseded MPG 14 with regards to conditions for working

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<sup>35</sup> Paragraph: 015 Reference ID: 27-015-20140306

schemes and to ensure that when a phase within the application site is worked, it is done as to protect areas of environmental importance and the amenity of nearby residential and other sensitive property.

106. Recommended Condition 9 is based on the applicant's proposed condition 29 and is amended in a minor manner with the applicant's agreement.

### **Hours of Operation**

107. The County Noise Consultant (CNC) has advised that under PPG guidance, the noise limit would be background noise level plus 10dB, up to a maximum level of 55dB(A) LAeq, 1hr (Free-field) during normal working hours (0700 to 1900 hours). Based on the applicant's survey data, this would result in a noise criteria of 55dB(A) LAeq, 1hr (Free-field) during normal working hours. Under current SCC guidance, the noise limits would be background noise level plus 5dB during the shoulder periods (0700 to 0830 hours and 1700 to 1830 hours) and background noise level plus 10dB during normal working hours (0830 to 1700 hours). Based on the applicant's survey data, this would result in a noise criteria of 53dB(A) LAeq, 30min (Free-field) during the shoulder periods and 55dB(A) LAeq, 30min (Free-field) during normal working hours.
108. In the circumstances it is reasonable to accept a noise criteria of background noise level plus 10dB, up to a maximum level of 55dB(A) LAeq, 1hour (Free-field) Monday to Friday and Saturday mornings during normal working hours. Although representations from interested parties are noted, there would appear to be no special circumstances, such as very low background or ambient baseline levels, which would require more stringent criteria than currently advocated in the PPG.
109. Accordingly, the CNC advises that no operations or activities shall be carried out except between the following times: 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturday with no working on Sundays, Bank, Public or National Holidays. Proposed condition 10 reflects this position. The CNC also advised that operations and activities should not take place away from residential properties at the eastern end of the application site before 0830 hours and after 1700 hours Monday to Friday where possible.
110. The County Highway Authority (CHA) consider that HGV access to the site should be restricted to between the hours of 0900-1600 only so as to avoid peak times on the A24. Having regard to the advice of the CHA and the CNC, Officers propose to amend the applicant's wording of condition 10 to include a restriction on vehicle access to the quarry between the hours of 0900 to 1600 hours Monday to Friday and 0900 to 1300 hours on Saturday. The condition does state these hours do not prevent the operation of pumps necessary for the control of water, the operation of electrical generating equipment of the main supply interruption, routine maintenance such as lubrication of plant and equipment, or emergency repairs to machinery. This condition is agreed with the applicant.
111. A new condition was proposed by the CNC that requires operations and activities to take place away from residential properties at the eastern end of the application site before 0830 hours and after 1700 hours Monday to Friday where possible. However, Officers do not consider such a condition to be precise or enforceable. It does not therefore meet at least two of the tests for conditions as prescribed by the PPG.
112. The proposed amendments to the applicant's condition 10 are to enable the CPA to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14.

### **Access and Highway Matters (Conditions 11 -13)**

113. The applicant's conditions 4, 5, 6 and 7 (Access and Highway Matters) proposed by the applicant are not acceptable to the CPA and require amendment, or are otherwise not necessary, having regard to the advice provided by the County Highway Authority (CHA) in the context of Policy 15 of the Surrey Waste Local Plan 2020 (SWLP2020) and Policy MC15 of the SMPCS2011, and considering the representations made by interested parties. The applicant's Condition 6 (proposed Condition 11) (Vehicle Numbers) is proposed to be amended to reflect the daily limit on HGVs recommended by the CHA; and new proposed conditions 12 (Traffic Management Plan) and 13 (Access Improvements) are proposed by Officers. Consequently, the applicants proposed conditions 4 (Access Enhancement), 5 (Waiting and Turning Areas), and 7 (Public Access) are not necessary.
114. In respect of re-establishing modern-day workings on the application site, the main impact from a highway position relates to the large increase in HGV daily vehicle movements being proposed, in connection to the significantly constrained access into the site from the strategic highway network. In correspondence from 2017, these aspects have been raised multiple times culminating in a list of six bullet points outlined by the CHA in May 2018, which has formed the basis of further assessment by the applicant. Each time, the applicant has provided further information that the CHA has considered the same.

#### *Baseline*

115. The key area that the CHA consider is an important baseline starting position relates to the previously approved works at the quarry as provided for by consent Ref. MO75/1165 and its associated s52 legal agreement. The works permitted in 1976 were restricted in terms of its commercial vehicle movements to no more than 50 per week or 16 per day. Some 43 years ago the traffic volumes along Horsham Road (A24) would have been lower than today. The CHA has confirmed that traffic growth is around 1.0 percent per annum. The CHA consider that these factors remain a key baseline consideration for the subject ROMP application as the 1976 limitation provided a level of protection to the public highway network, both in context of the volume of HGVs using Horsham Road but also in relation to the constrained site access. The limitation for 50 vehicles per week and 16 per day, is based on an eight-hour day which would have equated to one HGV every 30 minutes. The CHA are of the opinion that this restriction remains a valid baseline consideration in relation to the current ROMP application which seeks to re-establish modern working and restoration operations, and that this level of contemporary HGV movement would not cause any significant adverse impact on the public highway or its users.
116. In terms of the physical environment, Knoll Farm Road and the land along the edge of the A24 where Knoll Farm Road connects to the strategic network (the A24/Horsham Road), is outside of the applicant's control. Horsham Road land is a combination of highway land and Common land; and Knoll Farm Road is private and designated as Public Footpath 178. Knoll Farm Road is also a constrained single access driveway no more than 3.2 metres in width. Horsham Road is a 7.0 metre wide primary 'A' class road, with a speed limit of 50mph, with the site access driveway located in a more winding section between Clarkes Green and Kingsfold.
117. In determining the baseline in relation to traffic flows, the applicant commissioned a week long traffic survey for Knoll Farm Road and Horsham Road in September 2017. The traffic survey information detailed that Knoll Farm Road has a low level of daily usage, with around 23 two-way vehicle movements recorded over the period of 0800-1800. In comparison, Horsham Road operates with circa 17,000 two-way vehicle movements over a full day, including around 300 two-way HGV movements for the same period. The level of vehicle movements along Knoll Farm Road is considered representative, as this

currently serves as the access for residential and agricultural land-uses without restriction. Although interested parties suggest otherwise, the traffic surveys submitted by the applicant, undertaken in 2017 by Modal Data, are generally considered reliable by the CHA as these were undertaken in a neutral month over an extended week long period.

### *Assessment of Effects*

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118. The applicant has applied the Institute of Environmental Management and Assessment ('IEMA') guidance to identify the key receptors, but it is noted that only the total traffic changes have been relied upon, which has informed the assessment criteria to Horsham Road and Knoll Farm Road. The CHA note that the IEMA criteria relating to the change in HGV traffic has not been taken account of in detail.
119. In a detailed review of the information that has informed the key receptors, the CHA have noted a discrepancy with the HGV figures contained in the Environmental Statement (Table 7.8). These are not comparable to the Junction Capacity Assessment dated April 2019<sup>36</sup>, presented in Table 1.1, which relate to the existing weekday traffic flows (baseline). The figures in the April 2019 document are considered representative as these closely match the traffic survey data submitted in support of the application, relating to the traffic surveys undertaken in September 2017. The figures in the Environmental Statement that have been used to identify impact of the proposals, would appear to relate a much older traffic survey for Horsham Road undertaken in 2015 by The Safety Forum, which is considered a snap-shot on one partial day in March. The discrepancy in data source is noted as this refers to the 2017 traffic survey data (which is contained in the Appendix referenced), but the numbers cannot be matched. This is specifically raised in connection to the 598 two-way HGV movements quoted over the 0700-1900 period. The highest figures noted for HGV numbers, using the traffic survey data from 2017, is no greater than 300, even over the full 24-hour period. This discrepancy is highlighted as this relates directly to the key receptors identified and the determination of impact and level of significance being reported on the highway network.
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120. In considering the proposed operations, the Transport and Movement, Chapter 7 of the Environmental Statement for the Review of Minerals Permission, includes Table 7.7. This outlines that the daily level of HGV movement being sought ranges from 61 two-way movements for an initial seven month extraction period, through to a maximum of 149 two-way HGV movements for the final six month import period, it is noted by the CHA that the proposed HGV movements are based on a nine hour day with no time restrictions. In comparison to the restriction imposed in 1976, this maximum HGV volume of 149 would equate to an HGV vehicle every three to five minutes throughout the day. This represents an increase of over 900 percent over the previous working and restoration operations which were restricted to a maximum of 16 HGVs per day, 50 over a full week. In relation to Knoll Farm Road, the HGV movements being sought would result in a 647 percent increase in the volume of total traffic, just on the HGV component.
121. This significant increase in the number of HGV vehicle movements is an overriding issue for the CHA, in particular in context of the constrained and restricted nature of Knoll Farm Road and its relationship to the strategic highway network of Horsham Road (A24) and the public rights of way network.

### *Assessment*

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<sup>36</sup> Application document titled "Junction Capacity Assessment of A24/ Knoll Farm Road Junction", April 2019



122. As identified above, as the CHA noted a discrepancy in the traffic data reporting the receptor impact significance, the CHA has undertaken a comparison of their own, detailed in Table 1 below. The traffic flows are taken from the same traffic survey information presented, but for Wednesday 13<sup>th</sup> September 2017, considered a neutral day. The traffic survey data is presented as Appendix 7.1 of the Environmental Statement, which appears again in the Transport Assessment Addendum, dated February 2018 by RGP<sup>37</sup>. The table provides a general overview of the one-way and two-way traffic flows along Horsham Road, for various times periods connected to the operation hours being sought.
123. It is noted that the maximum HGV movements being sought, of 149 per day (0700-1900), would equate to an increase of 69 percent in the number of HGV movements travelling along the A24. During the proposed AM peak period, 0700-0900 would result in a 100 percent increase. In the PM peak period 1500-1700, this rises to 142 percent. The greater increase in the PM peak period reflects the lower level of background HGV traffic travelling on the wider highway network.

Time (13/09/17)	A24 Northbound	A24 Southbound	Total two-way	Proposed Maximum HGV movements	Percentage HGV Impact
0700-0800	1021	435	1456	20	1.4%
0800-0900	933	481	1414	20	1.4%
0700-0900	20 HGVs	20 HGVs	40	40	100%
1500-1600	463	586	1049	20	1.9%
1600-1700	490	848	1338	10	1.0%
1700-1800	493	1012	1505	0	0.00%
1500-1700	14 HGVs	7 HGVs	21	30	142%
0700-1900	6477	6893	13370	149	1.1%
0700-1900	115 HGVs	99 HGVs	214	149	69%
0000-0000	8380	8412	16792	149	1.0%
0000-0000	160 HGVs	123 HGVs	283	149	52%
<b>0700-0900</b>	<b>20 HGVs</b>	<b>20 HGVs</b>	<b>40</b>	<b>8</b>	<b>20%</b>
<b>0700-1900</b>	<b>115 HGVs</b>	<b>99 HGVs</b>	<b>214</b>	<b>42</b>	<b>20%</b>

TABLE 1 – COMPARISON OF TRAFFIC FLOWS ALONG HORSHAM ROAD

124. From Table 1.0, it is noticeable that the change in HGV traffic would be in excess of 90 percent. This is the upper level trigger point in the IEMA guidance that defines a major impact, covering the headings of driver delay, driver severance, pedestrian amenity, accidents and safety and fear and intimidation. So, although the overall impact in terms of total traffic number is below the minor threshold, due to the greater volume of car and LGV traffic, the change in HGV traffic is the more significant aspect for the CHA.
125. In response to the CHA concerns around the HGV increase, further assessments and information have been undertaken by the applicant's transport consultant, to identify suitable mitigation and capacity considerations, relating to the impact of significantly increasing the HGV movements at the Knoll Farm Road junction. This information was

<sup>37</sup> Application document

presented by the applicant in April 2019, which included junction modelling results. However, in the review of the capacity results, a number of assumptions are factored into the modelling results; the CHA questions the results presented. By way of example, the traffic flow data entered is considered to travel in a uniform and predictable way, there are suitable and evenly spaced gaps in the traffic flow over the time period modelled for the HGVs to turn and Knoll Farm Road is a standard width access with unconstrained two-way working available.

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126. Having reviewed the modelling results, it is noted that these consider up to a maximum of 10 vehicles per hour entering and exiting the site access. Although it is noted that the majority of movements are included as right turning, there is no left movement modelled, which is not consistent with the Environmental Statement assumptions. However, the main overriding consideration is that the traffic model is unable to fully consider the impact of the HGV movements. HGVs take up more road space, travel at a slower speeds, will be looking for a defined access into the site, not small constrained driveway access (which is proposed to be managed), having to gap seek in-between cars that are travelling along the 'A' class road at speeds up to 50mph, on a bend and factoring in other road users being confronted with a stationary or turning HGV, which is not within character in this location.
127. The CHA consider that these assumptions are not reflected in the modelling scenario, to an extent that the capacity modelling cannot be relied upon. An alternative approach is to consider the two-way traffic flows recorded between 0700 – 0800 hours. Taking the opposing traffic flow figure as 1,021 vehicles, this would equate to one vehicle passing the entrance of Knoll Farm Road every fifteen seconds in that one-hour period (if all vehicles are evenly spaced). The CHA are not of the opinion that an HGV can safely turn across a traffic lane in the time gap, and not between traffic travelling at up to 50mph. An arriving HGV, arriving during a peak hour period would be required to wait for a suitable gap to appear, stop on Horsham Road creating an unsafe situation as other vehicles travelling along Horsham Road would not be expecting to encounter a stationary vehicle in this location, waiting to access a driveway.

### *Significance*

128. The major change in the HGV traffic levels is considered an overriding issue, as the applicant does not have sole use over the driveway access to the site, the access does not provide for two-way working and has limited control over the land along Horsham Road. The CHA considers that even encountering one vehicle unconnected to the site operations would result in Knoll Farm Road being partially blocked, with HGVs entering/exiting every 3 to 6 minutes, as the applicant has no control over the existing residential movements.
129. The CHA also highlight that the significance impact is only presented for the strategic highway network, relating to the total traffic volumes. When compared to the lower flow levels along Knoll Farm Road the HGV changes are much greater, as there is no significant level of defined HGV traffic movements along Knoll Farm Road in the existing situation. All proposed HGV movements would be considered 'new' along Knoll Farm Road for the modern-day working considerations. When the proposed maximum number of HGV movements, 149 two-way, are added to Knoll Farm Road traffic levels, the total would be increased by over 647 percent on any one weekday, during the hours of 0700 - 1800.
130. As Knoll Farm Road is not being proposed to be widened, it will remain a narrow single-track driveway access, suitable to accommodate one vehicle at a time (irrespective of size or direction of travel). This position is further highlighted in the relation to the position that Knoll Farm Road also serves as a public right of way, FP178, which links into Footpath 187.

131. As detailed above, any increase over 90% in the change of HGV traffic is considered a major impact in relation to the IEMA guidance. If the CHA take the considered previous maximum HGV figure approved of 16 HGVs per day, then the worst case impact would be a 931 percent uplift in the daily HGV movements being sought.
132. The applicant's approach remains that Knoll Farm Road is a dedicated two-way access road only serving the site and not the minimal width private access drive way that it functions as. As outlined above, the analysis undertaken by the applicant contains a number of assumptions that the applicant is unable to control, which provides no leeway for any problems that may be encountered. This analysis does not fully represent the physical constraints of the site, with no safe passing space (either on the A24 or along Knoll Farm Road) instead reliance is being placed on a significant level of management. The only passing space is within the site boundary, some 110m from the access entrance. The CHA has previously advised the applicant that the overall volume of vehicle movements should be reduced to reflect the constraints at this access as no highway infrastructure improvements were being proposed, and that HGV movements should take place outside the peak network hours, when lower traffic flows have been recorded.

### *Impact Summary*

133. The volume and frequency of HGV movements proposed to use this quiet access driveway, would result in a major impact connected to severance, amenity and intimidation issues for all users. Although the applicant has presented further timing information and put forward a management regime for HGV movements and pedestrian protection, the CHA do not consider that these respond on the key environmental considerations, with the technical analysis being based on capacity only and including a number of assumptions and controls being in place that applicant has no direct control over. The public right of way would remain in place, resulting in a running lane for HGVs of 1.98m (this reflects the 1.2m wide right of way being removed from the 3.2m wide driveway width). This puts pedestrian movements almost in direct conflict with the increased volume of HGV movements, with no protection. Although the applicant refers to an 'alternative route' this is still along Knoll Farm Road within the verge and drainage ditch on the northern edge. In relation to the volume and frequency of HGV movements being sought, this is considered to result in a level of fear and intimidation being experienced by any pedestrians using this footpath over the period that the modern day workings are proposed.
134. Based on all the submitted information and taking account of the number of constraints present for this site, it is considered that these limit the applicant's ability to safely accommodate the volume of HGV movements being sought at the junction of Knoll Farm Road with Horsham Road. The applicant would have limited control over ensuring the visibility distances are available at all times, or to have control over the use of the Knoll Farm Road, as this is a shared access connected to existing residential and agricultural land-uses and Public Footpath 178 and is not a dedicated quarry access. Further, the applicant's ability to suitably mitigate the significant increase in HGV movements is also limited, such as being unable to widen Knoll Farm Road to accommodate an unobstructed two-way movement access or to provide a right turn segregated lane into Knoll Farm Road from Horsham Road. These two infrastructure features are highlighted, as they represent mitigation measures that have been implemented or are already available for other comparable mineral site operations in Surrey, which operate or have operated with the same high volume of HGV movements being sought for the application site.
135. In relation to the A24 junction with Knoll Farm Road, it is recognised that the applicant has sought to present a number of possible mitigation measures at this junction to manage the impacts. However, the CHA consider that the introduction of mitigation measures relating to the volume of traffic and the land required to support these is

outside the applicant's control. Having reviewed the information submitted, the CHA conclude that there remain some fundamental assumptions, unknowns and significant site constraints that do not provide the CHA with the required level of certainty that the level of development would not have a severe and significant adverse impact on the strategic highway network.

### *Consideration*

136. The CHA recognise that the site previously supported clay operations on the application site, but with a restricted level of HGV movements of 16 per day. If this same level of operation were re-instated, this would result in an impact below 10 percent – reducing the significance to minor. Taking into account the updated IEMA guidance considerations, balanced against the site constraints noted in the response, the CHA have considered a level of HGV traffic that could be supported. The CHA consider that a daily HGV volume of 42 movements could be supported (an increase on the previous 16 daily maximum). The daily level reflects a greater time between the HGV vehicle arrivals of up to 15 minutes (this is double that stipulated in the previous restriction). This would enable one vehicle to arrive and depart before the next vehicle potentially arrives. This proposed HGV level also reflects a minor impact level on both Horsham Road and Knoll Farm Road. The HGV impacts would be significantly lower at around 20% along Horsham Road, as highlighted in Table 1.0 (bottom two rows). Knoll Farm Road would also benefit from a reduced level of HGV movements, in support of the route as a public footpath.

137. Overall, it is considered that although the applicant has gone a considerable way to address the concerns raised by the CHA and interested parties, the CHA remain of the opinion that there are fundamental issues with what is being proposed in terms of frequency and timings connected to the number of HGV vehicle movements. Accordingly, the CHA recommends that:

- i. There shall be no more than a total of 42 HGV movements (21 in and 21 out) to or from the site in any one day for the duration of the works. The site operator shall maintain accurate records of the number of HGVs accessing and egressing the site daily and shall make these available to the MPA on request.
- ii. HGV access to the site will be restricted to between the hours of 0900-1600 only with the final egress of a HGV being 16:30 hours.
- iii. Notwithstanding the submitted information, prior to the commencement of the enabling works, works to the access, works for ecological mitigation and translocation, bund creation works and the extraction of clay; the applicant shall submit for the written approval of the CPA and in agreement with the CHA a Traffic Management Plan containing details of a package of measures for the safe management of the site. Once agreed the approved measures the applicant shall implement and maintain the Traffic Management Plan to the satisfaction of the CPA. The CHA have detailed that the Traffic Management Plan should contain information on the parking of vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials, storage of plant and materials, a programme of works, provision of boundary hoarding, HGV deliveries and hours of operation, vehicle routing, measures to prevent the deposit of materials on the highway and monitoring of damage on the highway verge within 100m of the site in either direction, before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; and on site turning for construction vehicles.
- iv. No vehicle related to this application shall access Knoll Farm Road from the A24 unless and until the proposed vehicular / pedestrian / cycle / modified access to along Knoll Farm Road and the junction of the A24 has been constructed and

provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the CPA and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high. The exception to this would be vehicles associated with the construction of the modified access and vehicles directly associated with the carrying out of surveys in connection with ecology or contaminated land.

- v. Subject to the agreed Traffic Management Plan measures and any resulting works being required within highway limits at the applicant's expense, the applicant shall enter into a S278 Agreement under the terms of the Highways Act 1980 for any agreed off-site mitigation works proposed to the junction of Knoll Farm Road and associated highway signage. An Informative has been inserted with regards to this matter.
138. Consequently, Officers will seek to impose the above amended and new conditions and informatives on any consent issued so that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the SWLP2020 Policy 15. The reasons for requiring approval of a Traffic Management Plan and modified access prior to any enabling works, works to the access, works for ecological mitigation and translocation, bund creation works and the extraction of clay; is to ensure that appropriate traffic management measures (including appropriate wheel washing facilities) are in place before quarry related traffic uses Knoll Farm Road and its junction with the A24/Horsham Road; and the Knoll Farm Road/A24 bellmouth junction and its visibility splays can safely accommodate vehicular traffic associated with the quarry before such traffic makes use of the same.
139. In respect of cumulative highway impacts arising from the proposal, it needs to be borne in mind that the A24/Horsham Road is a strategic road and as such is considered suitable to accommodate a large volume of traffic (both car and heavy vehicles). From previous assessments carried out by the applicant detail that the road as a whole is operating within its capacity. Further, HGV volumes can be up to 10-15% of the total traffic volume before being noticeable – in this instance there is a relatively low volume of HGVs usage of the A24/Horsham Road at the moment at around 3%. So, although the proposed HGV movements (up to 150 per day) will double this percent impact on the A24/Horsham Road, it is generally within the limits for a strategic road. Consequently, an increase of some 42 HGVs per day along the A24/Horsham Road would not give rise to an unacceptable cumulative impact.
140. Officers are aware, however, that the land owner of Capel Landfill site, located approximately 500m along the A24 from Auclaye, are intending to submit a planning application seeking to restore the former quarry void area through the importation of approximately 1,332,000 tonnes of inert waste materials over a period of 10 years. The Screening Opinion request document submitted by the applicant states that all material would be imported by road via the existing access; based on an average payload of 15t per HGV, this equates to around 33 HGVs per day (66 movements) based on a five and a half day week. However, it is likely that material would be imported in campaigns (from specific construction projects) which would mean that the daily number of HGV movements could be higher. Officers are therefore aware that this could have a cumulative traffic impact on the A24. However, with regards to this application Officers are of the opinion that no further information on HGV movements is required to be submitted by the applicant because the cumulative impact of the two schemes would be addressed in the submission for the proposed works at Capel Landfill Environmental Statement as that application has yet to be submitted or assessed.
141. Representations received have requested that traffic leaving the site turn left toward Clarkes Green roundabout and then travelling to their destination so to avoid traffic delays on the A24. Whilst Officers have no objection to this point raised, Officers



consider this measure would be appropriately covered within the Traffic Management Plan and the package of measures that would accompany that document, to detail the routing of HGVs leaving the application site and how that would be managed to ensure traffic on the A24 is not impeded in any way.

142. In terms of the railway bridge which straddles the A24/Horsham Road to the south of the quarry, this infrastructure is owned and maintained by Network Rail. They have not raised any concern about the impact of additional HGV vehicles travelling over the bridge.
143. Notwithstanding the above, the CHA considers that subject to conditions a daily maximum of 42 HGV movements (21 in and 21 out), an increase on the previous 16 daily maximum (8 in and 8 out), is a reasonable, proportionate and an otherwise acceptable increase in HGV movements accessing the quarry via Knoll Farm Road and its junction with the A24/Horsham Road. It amounts to a 162% daily increase in HGV movements to and from the quarry compared to the situation which existed when the quarry and brickworks were operating under the 1976 consent and its associated legal agreement.
144. Leading Counsel has advised the CPA that a material change of use requires '*a material change in the definable character of the use of the land*'. In the present case, the former brickmaking area of the application site (within the north-west quadrant) is not to be used for clay extraction and the clay working area is likely to be the same envisaged in 1976. Bricks will not be made on site from the clay extracted. However, the 1976 consent and its associated legal agreement did not restrict the use of clay to the brickworks or vice versa nor did it prohibit the export of clay from the site. The principal and material change to the works permitted in 1976 as proposed by the applicant relates to the proposed speed of working and restoration, and therefore the rate of clay extraction (and export) and import of restoration material with the consequent daily HGV movements this would involve.
145. In this regard although the daily HGV movement limit, as recommended by the CHA, will increase by some 160% the character of the land-use will remain unaltered. It will remain predominantly a temporary clay pit from which mineral is to be won and the land restored. No brickmaking will take place and clay will be exported. However, these methods of working were not previously prohibited by consent Ref. MO75/1165 or its associated legal agreement. For these reasons Officers do not consider that the proposed development, subject to the conditions recommended by the CHA, on a fact and degree basis would amount to a material change from that permitted in 1976.
146. The applicants proposed Condition 9 (Construction Management Plan) is not considered necessary due to the controls imposed by proposed Conditions 2 (Approved Plans) and 10 (Working Times), and 12 (Traffic Management Plan).

#### **General Development Procedure Order Rights (Condition 14)**

147. Proposed Condition 14 restricting the Permitted Development Rights of the application site is a new condition not proposed by the applicant. The NPPG paragraph 020<sup>38</sup> states that permitted development rights can be removed by the local planning authority by means of a condition and will vary on a case-by-case basis. Paragraph 186<sup>39</sup> of the NPPG states that "*conditions maybe used to withdraw any outstanding permitted development rights only if there are exceptional and sound planning reasons for doing so*". In this case, Officers consider there are exception and sound planning reasons for imposing such a condition to safeguard the environment and protect the amenities of the

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<sup>38</sup> Paragraph: 020 Reference ID: 13-020-20140306

<sup>39</sup> Paragraph: 186 Reference ID: 27-186-20140306

locality in accordance with Policies MC3 and MC14 of the Surrey Minerals Plan 2011 and Policy 14 of the Surrey Waste Plan 2020.

### **Noise (Conditions 15 – 19)**

148. The applicant's proposed Condition 11 (Noise Limit) is acceptable to the CPA however requires amendment to reflect the revised working times proposed in relation to condition 10 (Hours of Working), to refer to 'normal day-to-day activities', and to reflect PPG and SCC guidance. Additionally, the CNC has recommended that a new condition is imposed on any determination so as to control the noise arising from 'temporary activities' such as bund construction and emergency operations which are generally noisier, unavoidable and time-limited operations. This is reflected in proposed Condition 16. The reason for such a condition is to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14.
149. Officers also propose Condition 17 in relation to the maintenance of plant and machinery. This is to ensure that such items run efficiently and effectively and not lead to whines or tonal changes. Such a condition is proposed to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14. The condition also requires the use of silencers to enable the CPA to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14.
150. In addition to this, the CNC has recommended a Noise Management Plan (NMP) be submitted. Officers consider the NMP should be submitted before clay extraction commences at the site. Such a condition is necessary so as to comply with the terms of the application, minimise disturbance and avoid nuisance to the locality, and to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and SWLP2020 Policy 14. Moreover, it is necessary to require the NMP to be submitted to and approved by the CPA prior to commencement of any clay extraction at the site to ensure that an appropriate NMP will be in effect at the start of the winning and working of clay which will facilitate compliance with the noise limits for normal and temporary activities, and so that acceptable procedures are in place to monitor noise emissions and address exceedances and complaints as appropriate.
151. Notwithstanding the above, Officers note that interested parties have raised several concerns in relation to the noise implications of the development including the applicant's noise assessment methodology, working times, acoustic properties of the screen bund and fence, and reversing alarms of vehicles and plant. The CNC has not raised any concern about the veracity of the applicant's assessment (save for seeking clarification in relation to the Public Footpath 178 and existing baseline conditions in June 2017). The noise limits and working times proposed by Officers are in accordance with PPG guidance and a range of other measures are recommended to ensure that noise arising from working and restoration are mitigated to acceptable levels in accordance with a NMP which is to be submitted to the CPA for approval prior to the extraction of clay commencing at the site. The NMP would also provide for appropriate management procedures to effectively monitor noise arising from working and restoration and deal with any complaints received in relation to same.
152. To assist in mitigating noise from the application site, the applicant proposed a condition (applicant Condition 15) which is for the placement of a noise attenuation bund with a fence on top, along the extraction area's eastern boundary. The placement of the bund is

acceptable to the CPA in principle however Officers consider the condition requires amendment and this is proposed Condition 19. The application, including the visual mitigation offered in the form of, inter alia, a 2m high bund with a 2m high fence on top along the eastern boundary of the quarry, was originally assessed by the County Landscape Consultant who advised the CPA that the applicant has suitably demonstrated the effectiveness of a bund and fence in screening potential views from neighbouring properties to the east so long as the total height of the bund (and fence) from 'Rosemead' to the south of 'Knoll Bungalow' is increased to between 5/6.5m. The County Landscape Consultant has also advised the CPA that the bund should be graded/profiled to an appropriate slope and be constructed using suitable materials such that it can be seeded with an appropriate grass mix and support the 2m high acoustic fence. The County Landscape Consultant suggested that these details can be provided as part of a condition.

153. Officers proposed to amend the condition so that details relating to the bund, including its construction and deconstruction, and the acoustic fence that is proposed to be placed on top of the bund, are provided to the CPA for approval prior to commencement of any clay extraction from Phase 1. This would provide the certainty necessary to ensure that the location and dimensions of the bund (and the acoustic fence) will be effective in mitigating the noise and visual impacts arising from the development to acceptable levels particularly in relation to the properties to the east of the quarry; and that no winning and working of clay can take place until the scheme is submitted and approved. Officers also consider the bund and acoustic fence should be in place before the winning and working of clay commences again to safeguard the residential amenities of those properties to the east. Officers also consider it necessary to secure details of bund seeding and planting including the maintenance of the same for the life of the works. During working and restoration, the proposed bund is a key mitigation measure to be employed by the applicant in respect of noise and visual impact to the east. It is also necessary to ensure that the soil bund is appropriately seeded and planted to prevent unnecessary dust emissions.

#### ***Environmental Protection (proposed Condition 20)***

154. The applicant's proposed Condition 12 (Depth of Working) is acceptable to the CPA but requires amendment to reflect the data produced by the applicant's boreholes installed in and around the quarry in 2016 and the advice provided by the County Geological Consultant (GCG) and to refer to Drawing Ref. AB/103 "Location Plan Slope Stability and Proposed GI" dated 19 October 2017. The amendment is also necessary to ensure that the condition is precise and enforceable. The condition will require that clay excavation only take place within the upper layer of Weald Clay present at the site and shall cease at the top of the first layer of siltstone identified in the 2016 boreholes. The nominal base of the excavation shall not be deeper than 80.50m AOD in the area of borehole (BH) A (north); 81.00m AOD for BH B (east); and 84.80m AOD for BH C (south); or as revealed by local geological variation in the depth of the top of the first siltstone layer. This is shown in proposed Condition 20.

#### ***Dust Management Plan (proposed Condition 21)***

155. The applicant's Condition 13 (Dust Management Plan) is acceptable to the CPA but requires amendment so that it refers to the applicant's Environmental Impact Assessment where dust mitigation and control measures are outlined.
156. The applicant has conducted a dust risk assessment which follows the recommended guidance (Institute of Air Quality Management's 'Guidance on the assessment of mineral dust impact for planning' (May 2016)) and contains the required elements. This assessment has been reviewed by the County Air Quality Consultant (CAQC). The CAQC has not raised concern about the veracity of the applicant's assessment (save for clarification relating to assessed receptors and the location of proposed mineral

extraction within the site boundary; the frequency of potentially dust winds for each receptor; and ecological receptors within 250m of the quarry boundaries, which has been provided). The applicant's assessment demonstrates that the effects on air quality from residual dust impacts, with appropriate controls and mitigation in place, are likely to be 'not significant'. The CAQC agrees with this conclusion subject to a condition requiring the formalisation of control and mitigation measures within a Dust Management Plan.

157. The applicant has proposed a range of control and mitigation measures to bring dust emissions arising from working and restoration to acceptable levels. Such measures include and relate to seeded screen bund creation; stockpiles; haul road; tips and mounds; exposed areas of quarrying; wheel washing; road sweeping; paved parking areas and metalled haul road; sheeted HGVs; retention of perimeter woodland (to the west and south); complaints procedure; staff training; dust monitoring including visual inspections, flux monitoring and real-time PM<sub>10</sub> monitoring, and consideration of dust concentrations at different wind directions and speeds; baseline dust deposition monitoring for a period of three-months before commencement of extraction operations; community liaison including meetings and publication of dust monitoring audit results; soil handling best practice; vehicle speed restrictions; the use of a water bowser; and minimisation of mineral handling and drop heights.
158. Officers are satisfied that the mitigation and control measures detailed above can be incorporated into a Dust Management Plan and this should be submitted prior to the commencement of extraction of clay from the site to ensure the measures are in place before such works begin and should address the concerns raised by interested parties in respect of dust emission arising from working and restoration.
159. With regards to air quality impacts arising from the movement of HGVs associated with this proposal, Table 10.4 of Chapter 10 (Air Quality) of the applicant's Environmental Statement summarises the site details and states that 149 maximum daily HGV movements are proposed as part of the development. Paragraph 10.4.2 acknowledges that, since the production of the relevant Scoping Opinion (2015), the 2015 Environmental Protection UK and Institute of Air Quality Management '*Land-Use Planning & Development Control: Planning for Air Quality*' document<sup>40</sup>, setting out a more stringent indicative screening criterion of 100 (rather than 200) HGV movements for an assessment of air quality impacts. Paragraph 10.4.3 of the applicant's Environmental Statement states "*as the background PM<sub>10</sub> and NO<sub>2</sub> concentrations are so low, professional judgement has been applied to the screening criteria. As such the Scoping Opinion response by the County expert has been followed and the need for a further assessment of HGV movements has been scoped-out*".
160. The CAQC has reviewed the proposal in the context of vehicle emissions and advised that "*the background nitrogen dioxide (NO<sub>2</sub>) and suspended particulate matter (PM<sub>10</sub>) concentrations are given in Table 10.3. The background concentrations for both pollutants are less than 40% of the Air Quality Objectives. Given this "headroom", and the fact that the maximum number of HGV movements does not significantly exceed the indicative screening criterion, we agree that it is reasonable to scope-out a further detailed assessment of vehicle emissions*". Even though the 2015 IAQM document has now been replaced with a 2017 document, the 2017 document does not change the screening criterion of 100 HDV movements for an assessment nor the Air Quality Objectives. Therefore, these comments remain valid with regard to the proposal not exceeding the screening criterion.
161. Officers suggest that the contents of the paragraphs above are sufficient to address the concerns about the need for a further assessment of vehicle emissions raised by

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<sup>40</sup> Now superseded by the Land-Use Planning and Development Control: Planning for Air Quality January 2017 document.

interested parties. It should also be noted that the restriction on daily HGV movements recommended by the CHA and proposed by Officers is significantly lower than the indicative screening criterion for further assessment of vehicle emissions. No conditions are proposed specifically in relation to vehicle emissions.

### **Surface Water Drainage (proposed Conditions 22 – 24)**

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162. The applicant's Conditions 14 and 16 (Surface Water Drainage) are acceptable. However, they do require amalgamation and significant amendment to formalise the details of the proposed surface water drainage scheme prior to commencement of the development.
163. Surface water run-off and rainfall accumulating in the base of the quarry will need to be effectively managed as part of the development such that it does not adversely affect surrounding land. The topography around the quarry slopes from the north-west towards the south, therefore any surface water is likely to flow into the quarry from its northern boundary. As part of the works a temporary drainage ditch would be excavated around the northern perimeter of the quarry and would be extended along the eastern and western boundary of the same as the phased extraction progresses. Water from this drainage ditch would be routed into a temporary storage ponds, which will attenuate the flow of water and allow discharge, like the existing rates, into the existing ditch in the woodland to the south. Any water collecting in the base of the excavations could also be pumped into these storage ponds to maintain reasonably dry working within the quarry. This drainage network would be retained following restoration of the quarry. This drainage detail is shown on plan within the submitted Flood Risk Assessment as part of the Environmental Statement.
164. The Lead Local Flood Authority ('LLFA') has assessed the applicant's outline surface water drainage scheme against PPG guidance and National Non-Statutory Technical Standards for Sustainable Drainage Systems ('SuDS') and concluded that it meets the requirements set out in these standards subject to details being submitted to the CPA for approval prior to commencement of clay extraction and following restoration works. This to ensure that the surface water drainage scheme is properly designed, implemented, and maintained throughout the lifetime of the development. Additionally, the CGC has assessed the applicant's outline surface water drainage scheme in the context of land stability and groundwater and reached the same conclusion as the LLFA. Network Rail commented in 2017 that, during excavation of the quarry, the current flood risk to the road under the railway bridge towards Osbrooks and Osbrooks Cottage is likely to be reduced because the surface water would be stored within the quarry. However, Network Rail have in 2021 raised concern with regards to the proposal to construct a drain and a water attenuation pond in clay material between the slope crest and the boundary of the railway. This due to the drain and pond being a potential source of water into the underlying clay and promoting a slip. Network Rail have requested their concerns are addressed by condition.
165. Accordingly, Officers propose Condition 22 which encompasses the advice received by the LLFA, the CGC and also Network Rails concerns. The condition requires the details to be submitted before any clay extraction can commence at the application site and are to ensure that the surface water details approved are implemented and maintained. Conditions 16 and 17 are new conditions requested by the LLFA to ensure the scheme proposed in condition 15 is implemented and that reports are provided to the CPA to demonstrate this. The wording of proposed Conditions 22, 23 and 24 are necessary to ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment, ensures protection of the railway line; and meets the technical standards for SuDS in accordance with paragraphs 152 to 169 of the National Planning Policy Framework 2021, Policy MC14 of the SMPCS 2011, and Policy 14 of the SWLP2020.



166. The Environment Agency ('EA') have requested that a condition be imposed prohibiting infiltration of surface water drainage into the ground other than with the written consent of the MPA. Given the conditions to be imposed to secure a detailed surface water drainage scheme and verification of the same Officers do not consider the EA's condition necessary.
167. The surface water drainage details to be provided by the applicant and the additional conditions proposed by Officers will address the concerns raised by interested parties.

### **Archaeology (proposed Condition 25)**

168. The County Archaeologist has advised that the majority of the application site has an unknown potential for the presence of Heritage Assets of archaeological significance and therefore there is a need for further work (over and above the desk based assessment undertaken as part of this planning application) in the form of trial trench evaluation that will aim to determine, as far as is possible, the location, extent, date, character, condition, significance, and quality of any archaeological deposits that may be present, so enabling suitable mitigation measures to be proposed. This evaluation should comprise a 5% sample, by area, and should target the proposed extraction areas outside the footprint of the 'Clay Pit' shown on the 1991 Ordnance Survey Map, 1:10,000. It should also target any other areas of proposed development impacts (compounds, access routes etc.) outside of that footprint. The provision of geotechnical data and/or geophysical survey may allow specific areas to be excluded from evaluation or for the sample level to be reconsidered. The evaluation will need to be carried out in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the CPA.
169. The applicant had proposed a condition with regards to archaeology (the applicant's Condition 17), and this is acceptable in principle to the CPA. However, it requires amendment to reflect the advice provided by the County Archaeologist and to afford the CPA a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the SMPCS2011 and Policy 14 of the SWLP2020. The condition requires such archaeological works to be carried out before any development takes place at the application site ensure that an appropriate archaeological scheme is in place before the commencement of excavation works which expose archaeological remains.

### **Ecology and Biodiversity (proposed Condition 27)**

170. As outlined above, the proposal would involve the loss of habitat at the site in the form of trees and reptile habitat. The proposal does not propose to encroach on the SNCI or ancient woodland. The applicant proposes to mitigate this loss by the provision of replacement habitat to be provided before Phase 2 and 3 commencement of clay extraction. The applicant details that an area immediately to the east of the clay extraction area, to the rear of residential properties, has been identified as an ecological receptor site and would be some 4265m<sup>2</sup> in size. It is currently used as agricultural land and is not in the applicant's ownership but is leased to the applicant for use. The applicant proposes to improve this area of land and install hibernacula and refugia to create a suitable habitat into which reptiles can be translocated. The applicant states these works would be carried out during Phase 1.
171. Following this and before clay extraction in Phase 3 commences, the applicant would then provide further ecological mitigation measures in the northern part of the application site where clay extraction and landfilling would have taken place (Phase 1) and have been completed. This area would be planted with a mosaic of habitats including areas of bare ground, native scrub and appropriate grassland mixes. This is to ensure there are no biodiversity losses at the site over the life of the development. Officers wish to ensure

these works are provided and that further detail is provided on how this would be delivered and what it would entail. Proposed condition 27 sets this out and requires the submission of a detailed scheme for how this work will be carried out and what it would involve to ensure the ecological enhancements are delivered before works commence in Phase 2 and 3. The applicant did not propose such a condition and did submit a phasing plan to accompany the planning application to show the phasing. However, this phasing plan has no plan reference number so it cannot be relied upon. Further the applicant did provide information on ecology within the Environmental Statement however this document does not provide the level of detail that is required for the scheme as it is at a higher level. Officers consider the proposed condition is necessary and relevant and reasonable to ensure sufficient detail on the works is provided.

172. The applicant did propose condition 18 (Bird Nesting Season) in their scheme. However, such a condition is outside the remit of the CPA. Wildlife offences, such as the deliberate disturbance of nesting birds, falls to the Police to investigate and prosecute as appropriate. For this reason, the applicant's proposed condition 18 is not necessary or relevant to the planning regime and instead, Officers recommend that an informative is imposed on any consent granted drawing the applicant's attention to the bird nesting season.

### **Geological SSSI (proposed Conditions 28 and 29)**

173. The applicant proposed Condition 19 (Geological SSSI) and this is acceptable to the CPA but requires significant revision to capture and secure the relevant details agreed between the applicant and Natural England and to reflect the advice of the CGC.
174. The Auclay Geological SSSI covers an area of 0.6ha and has a status of 'live'. The Geological SSSI is designated for the well-preserved bodies and wings of insects of the Lower Cretaceous age. The citation for this SSSI states that the Weald Clay here contains concentrations with remains attributable to several insect orders, including the *Odonata*, *Orthoptera*, *Blattoidea*, *Neuroptera*, *Trichoptera*, *Diptera*, *Coleoptera* and *Hymenoptera*. The site has produced a new Gryllid and is locally of importance in studies of Mesozoic insect faunas. Natural England list what operations are likely to damage the SSSI special interest including dumping, spreading or discharge of any materials; introduction of or changes in trees or woodland management, modification of watercourse, extraction of minerals, storage of materials; or modification of natural features. The SSSI is listed as unfavourable and declining due to the lack of access to the interest features on the site and vegetation encroachment<sup>41</sup>.
175. Paragraph 174(a) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued sites of geological value.
176. The extent and treatment of the SSSI has been previously agreed with Natural England ('NE'). This includes proposed alteration to the SSSI area, such that it is shortened at its southern end, significantly extended at its northern end and made narrower. The ditch that runs through the centre of the SSSI is a key feature and the western side of this ditch is of particular importance as it has been cut into undisturbed geology and is where insect fossils have previously been discovered. The eastern side of ditch is in made ground and is of little interest. NE has therefore agreed that the western bank of the ditch is to remain unaltered, and that part of the eastern bank is extended upwards until the restoration level is achieved. It has also been agreed that new sections of the Weald Clay exposed in the excavations will be made available to NE or other interested parties for recording and sampling purposes; periodic access to the SSSI would be provided by the landowner; a designated storage area will be provided for the nodules/concretions

<sup>41</sup> [SSSI detail \(naturalengland.org.uk\)](http://naturalengland.org.uk)

that may contain fossils both during the operating life of the quarry and once quarrying and restoration operations are complete; appropriate resources to be made available by the landowner to keep the SSSI clear of vegetation and debris; the SSSI will be fenced with a defined pedestrian route for the viewing of geological exposures by Natural England and members of any geological associations; interpretation/information boards will be provided adjacent to the SSSI. Additionally, NE have recommended a separate condition to be imposed on any consent given which prohibits the removal of tree stumps or roots in and around the SSSI.

177. However, the GCG has commented that the applicant's Improvement, Conservation, Access and Management Plan relating to the SSSI (Appendix 8.2 of the Environmental Statement) is somewhat vague on conservation, access and management of the SSSI, particularly after working and restoration have been completed. Accordingly, it is advised that further details are secured in respect of access and how this access is to be maintained and controlled; and how the SSSI will be physically maintained in the long-term including provision of information boards etc. For this reason, Officers propose to amend the applicant's condition 19 (now proposed condition 28) to require a scheme of works for the 25-year management of geological conservation at the site including listing all the details necessary for the positive management of the SSSI during and after working and restoration. Condition 20 will also be prior to the extraction of clay at the application site to ensure that appropriate management arrangements are in place before excavation and filling works commence such that the SSSI can be secured, managed and enhanced in the public interest. Given that proposed condition 28 will require management of the SSSI for some 25-years following restoration of the quarry a legal agreement will need to be put in place to secure the details approved pursuant to this condition. A draft Heads of Terms are attached to this Officer report outlining these details.
178. Proposed condition 29 is a new condition to prohibit the removal of tree stumps/roots in and around the SSSI as requested by NE.

### **Landscape (proposed Conditions 30 - 33)**

179. The applicant has undertaken a Landscape and Visual Impact Assessment ('LVIA') in respect of the proposed development (Chapter 6 of the Environmental Statement). This assessment, and subsequent amendments, has been reviewed by both the County Landscape Architect (CLA) and also the County Landscape Consultant (CLC) (this was between 2017 and 2018). The applicant has submitted information on trees but this will be covered in the following section. The applicant's LVIA concludes that due to the character of the surrounding landscape which is a mixture of woodland and mature hedgerows, and the retention of the existing landscape features, the scheme will have minimal impact in the wider landscape during excavation. The CLA agrees with this conclusion.
180. The highest level of adverse visual effects of the development during excavation would be on the residents along the A24/Horsham Road to the east. To mitigate this impact, a 4m high bund (2m high bund with 2m high fence on top) is proposed to be constructed to screen views of the operations from residents. This aspect of the development is discussed in paragraphs 148 and 149 above.
181. The applicant proposed a condition with regards to provision of a planting schedule to be submitted (the applicant's condition 25). Having reviewed the planning submissions, Officers are of the view that the condition wording should be amended and should require the submission of a landscape restoration scheme to ensure planting of the application site and full details of how this would be implemented.
182. Following the recent re-consultation in 2021, the CLA has reviewed the application and the previous landscape comments from the CLC. The CLA raises no concerns with

regards to the proposed conditions in respect of landscape issues and recommends that a provision is made to Condition 25 requiring the replacement within the first 5 years of failed plantings on a like-for-like basis and that the standard biosecurity informative is attached to any condition schedule. With regards to the visual mitigation measures included within the proposals and draft conditions, the CLA comments that these focus on the residential properties to the east of the site and footpath 178 to the north. The CLA understands that the two properties to the north of the application site remain disused and are unlikely to be brought back into residential use and as such these properties were not assessed within the submitted Landscape and Visual Impact Assessment. The CLA has no further comments to make.

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183. The applicant's proposed Condition 20 recommends the submission of a Landscape and Ecology Management Plan (LEMP) and this is acceptable to the CPA subject to amendment and is now proposed condition 31. The amendments include the requirement for details of aims and objectives for all phases, management of the compartments for each habitat and landscape type, new planting and hibernacula, aftercare and management; and specific measures for enhancing habitat quality or specific species. As with proposed condition 20 and geological conservation being within a Legal Agreement, given the length of time the LEMP would be in place for the applicant is willing to enter into a Legal Agreement also for the LEMP.
184. The applicant had proposed a condition (condition 21) for the height of the bunds not to exceed 5m in height. The CPA propose not to take this condition forward as details of what bunds (in terms of height, location and duration) is captured within proposed Condition 8 (Working Programme). Furthermore, the noise attenuation and screening bund is captured in proposed condition 19 which requires details specifically relating to that bund.
185. Proposed Condition 32 is a new condition. This condition specifically deals with the erection of hoarding fencing that the applicant proposes to install along Knoll Farm Road and footpath 178 to safeguard users of the footpath from the operations proposed at the application site. The condition is proposed to ensure the hoarding fence is installed within the location proposed and that it would remain for the duration of the proposal, that it would be close boarded or similar so that it creates an effective barrier; and that it shall be painted dark green to provide some mitigation. In addition to this, the condition requires the planting of a hedge in front of the fence to assist in softening the presence of the fence in that location.
186. The applicant proposed a condition that material stockpiles within the site should not exceed 12m in height and that there should be no stockpiles within 5m of the boundary of any residential property (applicant's proposed condition 22). Officers have amended this condition (proposed condition 33) lowering the height of the stockpiles within the site to 4m in height and that no stockpile should be located east of the noise attenuation and screening bund. The applicant agrees to this amendment.

### ***Tree Protection (proposed Conditions 34 - 36)***

187. As described above, the application site is surrounded by trees and woodland along the western and southern boundaries. There are no Tree Preservation Orders on any trees on the site. There is a group of trees that run down the centre of the application site for approximately 166m. The applicant provided as part of this planning application an Arboricultural Impact Assessment (AIA) and Arboricultural Report alongside Tree Survey drawings which identified all the trees that are on the application site (47 individual trees, 18 groups and 3 wooded areas). Of these, the AIA identified 24 individual trees, 3 groups and 3 wooded areas as being category B grade trees of moderate quality, 23 individual trees and 15 groups categories as C grade trees of low quality. No A grade or U grade trees were found on the site. the most common tree species within those surveyed was

silver birch along with goat willow. Oak was also found on the site and comprises the highest quality of trees on site.

188. The proposal would result in the loss of 2 B grade trees, 10 C grade trees, 9 C grade groups and a section of 1 C grade group in the centre of the site, an area of woodland along the southern boundary and an area of woodland along the north western boundary. This can be seen in the attached Tree Protection Plan to this report. The applicant states that extensive tree replacement planting would be provided as part of the restoration of the site, and this is detailed above.
189. To protect the roots of the trees that are remaining but are near the application site, the AIA outlines that root protection areas (RPA) would be provided. The AIA states that should it prove necessary for machinery and materials to pass through the RPA of retained trees they should be restricted to existing roadways and entrances designed to bear the weight of vehicles or specialist ground protection methods should be used. The AIA recommends that an arboricultural method statement (AMS) be produced before any enabling/ access works commence on site to safeguard trees which are to be retained. The AIA outlines that the AMS must specify working procedures and methods of protection and must be adhered to for the duration of the development.
190. The applicant proposed condition 23 as part of their submission. This required tree protection measures to be implemented in accordance with the AIA. Because the AIA specifically states that an AMS should be provided and details which trees are to be removed and those that will require works, Officers consider it necessary to amend the applicant's proposed condition wording to require the submission of an AMS in accordance with sections 4 and 5 and the recommendations in section 6 of the AIA. The proposed Condition 34 also provides detail that the protective measures should be in place before any works start on site as even enabling/ access works could impact on the tree roots and/ or canopy.
191. The County Landscape Architect (CLA) noted that plan AB-108 rev E which is for the location of the site compound and stockpile location, that part of the visitor parking and vehicle turning area required to facilitate the proposal would encroach on to a group of trees (Group 2) which are to be retained thereby conflicting with them and their protection measures. To protect these trees, Officers propose new condition 34 which requires details of how Group 2 trees would be protected from damage and harm from this particular part of the proposal. This condition is necessary to safeguard these trees and their contribution to the local landscape and is reasonable given the submitted plan identifies this conflict.
192. The AIA identifies that Japanese Knotweed was found in the southern section of tree group G2 and in a strip within tree group G6 (both (in the centre of the application site). The AIA suggests that the presence of Japanese Knotweed in multiple locations indicates importation of the plant and movement of soil. Whilst not illegal to have this non-native invasive plant on site, it is illegal to allow it to spread outside the site either by movement of plant materials, contaminated soil or by underground spread of rhizomes. As such the applicant had proposed a condition (applicant's condition 26) for the eradication and disposal of the Japanese Knotweed and a 10m buffer zone to be installed. Officers have modified the wording of this condition (proposed condition 36) requiring the submission of a method statement and phasing plan for the control and eradication of the Japanese Knotweed to be provided to include monitoring of the site. The applicant agrees to this wording.

### ***Soil Movement and Storage (Conditions 37 and 38)***

193. The proposal would involve the stripping of soils from the application site so that the clay could then be won and retaining them on site for their use in the restoration phase. Paragraph 174 of the NPPF states that planning decisions should protect and enhance



soils. Paragraph 002<sup>42</sup> of the NPPG states that soil is an essential natural capital asset that provides important ecosystem services. Defra has produced a Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and whilst this proposal would not involve construction in the traditional sense, the document does provide advice on the use and protection of soil in construction projects, including the movement and management of soil resources. The application site is classified as Agricultural Land Grade 3 (good to moderate) which is classified as best and most versatile agricultural land. Whilst the site extends to 9.5ha, the agricultural land extends to around 4.1ha with the remaining land being overgrown by scrub and not in agricultural use.

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194. The applicant proposed condition 27 that the stripping and storage of soils would be carried out in accordance with the Soil Resources Plan (SRP) within chapter 8 of the EIA report, to ensure the avoidance of damage to and loss of the resource. The SRP states that soils would be stripped and handled in accordance with the Defra Code cited above, that soils would be handled in a dry and friable condition and would be stored to 2m in height. It should be noted that the applicant has chosen to strip soils from the eastern half of the application site already, and these are stored within the bund along the northern boundary as shown in photographs accompanying this report.
  195. Proposed condition 37 was proposed by the CGC. This is because whilst the chapter refers to various documents, it does not commit to following the requirements of the codes of practice referred to. BS 8601 (subsoil) and BS 3882 (topsoil) also contain requirements for handling soil. The CGC also commented the soil chapter did not contain robust enough information on the monitoring, reporting and approval process. As such, proposed condition 36 is proposed to address these matters and to ensure the protection of soils on the site.
  196. Proposed condition 38 ensures that topsoil and subsoil remain on the application site and for their intended use.

#### ***Contaminated Land (Condition 39 – 41)***

197. The applicant provided a Geoenvironmental Desk Study as part of the Environmental Statement which provided information in relation to the historic use of the site and potential for contamination in accordance with the requirements of the NPPF. Paragraph 183(a) states that planning decisions should ensure that a site is suitable for its proposed use taking account of any risks arising from contamination and that this includes risks arising from former activities such as mining and any proposals for mitigation including land remediation.
198. The applicant's Geoenvironmental Desk Study identifies that there are moderate contamination risks at the site which stem from made ground and storage, Japanese knotweed (this is covered above and is not covered in this section) and ground gas. The Desk Study recommends that as the proposal would involve significant ground works, the risks at the site would need to be addressed and would require mitigation. The applicant's condition 28 recognises this point and recommends a Remediation Method Statement be submitted for approval by the CPA.
199. The CGC has reviewed the Desk Study and commented that the document addresses the minimum requirements under the NPPF for land potentially affected by contamination. The CGC goes on to say that the Desk Study recommends a targeted ground investigation to determine the need for a scope of mitigation during the proposed earthworks and the CGC recommends this alongside further risk assessments and as required, the preparation of a remediation and/ mitigation strategy, earthworks, materials handling strategy and verification reporting is secured via a condition. Proposed

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<sup>42</sup> Paragraph: 002 Reference ID: 8-002-20190721

Condition 39 sets out these requirements and that the details be submitted and approved before clay extraction commences in Phase 1. This should ensure that no activities take place that could lead to potential risks to human health before this programme is submitted and approved.

200. Proposed Condition 409 is a new condition and is a standard condition imposed to ensure that if contamination that was not previously identified is found at the site, a scheme is submitted to the CPA for how such contamination would be dealt with.
201. Proposed Condition 41 is also a new condition and seeks to protect the water environment from the proposal and any potential for spillages of oils, fuels or chemicals.

#### ***Limitations (Conditions 42 and 43)***

202. Proposed Conditions 42 and 43 are new conditions recommended by Officers. Condition 42 stipulates that no screening or crushing of material shall take place at the application site to safeguard residential amenity and the environment. The Planning Statement states that restoration of the site would be undertaken by the importation of inert waste and that is what Condition 43 seeks to achieve by ensuring material brought to the site for restoration of the excavation area is inert, uncontaminated material.

#### ***Stability (Conditions 44 – 50)***

203. The applicant did not advance any conditions on stability as part of their submission but did provide a Slope Stability Analysis as part of the Environmental Statement. As with contamination above, the NPPF paragraph 183(a) requires that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from instability with any proposals for mitigation included. Paragraph 184 of the NPPF states that where a site is affected by land stability issues, responsibility or securing a safe development rests with the developer and/ or landowner. The proposal is to excavate clay from the application site. Weald Clay (with its very low permeability of  $1 \times 10^{-9}$  m/sec or lower), when excavated will contain a short to medium term negative pore water pressure or suction. This increases the short to medium term stability of the slope. However, with time the material “relaxes” and these negative pore water pressures dissipate due to stress relief from unloading (swelling), drainage effects and weathering. This overall effect has the potential to reduce the stability of the slope. Therefore, most cutting faces in stiff over-consolidated clay or mudstone can stand unsupported in the short to medium term but their stability cannot be guaranteed in the long term. Furthermore, the presence of higher permeability layers within the clay can act to alter the pore water pressure within the slope.
204. The stability of quarry faces and spoil heaps during the operational phase of the quarry will be regulated by the Mines and Quarries Inspectorate and the stability of any waste deposited will come under the Environmental Permit regime. It is the long-term stability of the final restored quarry faces and soil slopes forming the restored and landfilled areas and ensuring there would be no potential impact on the landscape or third party property or persons that is of concern to the Mineral Planning Authority.
205. The CGC reviewed the stability work undertaken in support of the application and commented it was preliminary in nature. The CGC recognises that while the site is operational, stability of temporary pit faces is covered by the Quarry Regulations, and these should not be duplicated. However, the CGC raised concerns about the western face of the application site and the railway line; and the eastern face of the noise bund being near the gardens of residential properties. The CGC recognises that some boreholes have been drilled at the site, the testing and slope stability analysis that should have been undertaken from these boreholes has not been submitted. The CGC recommends that detailed stability work including investigation, testing monitoring and a detailed stability assessment should be the subject of a condition before work

commences on site. The CGC comments that the likelihood of failure under effective stress drained conditions needs to be assessed and this depends on how long the excavation would be open as, as stated above, the stability of over-consolidated clay or mudstone cannot be guaranteed in the long term. Proposed Condition 44 addresses this point. The CGC has gone on to say that information demonstrating the slope buttress with a wedge of fill placed against the cut face at a shallow slope angle is required and that buttressing the eastern face adjacent to the residential properties as soon as possible after any new excavation should take precedence over filling the central areas.

206. Network Rail have raised similar concerns with regards to the slope stability of excavated faces in proximity to the railway line and that open, unstable faces along the western flank could cause slippage of the land and the railway track. Network Rail have requested the imposition of a condition to address this matter which is proposed Condition 45. Network Rail have also requested that suitable volumes of materials should be maintained in Phases 3 and 4 of the quarry excavations at all times to form a buttress to the western flank of the railway property. Proposed Condition 45 addresses this point. And finally, Network Rail have requested a condition be imposed that no tipping or buildings be erected between the western boundary of the application site and the railway boundary. Proposed condition 47 deals with this point.
207. Proposed Condition 48 deals with a situation/ situations where the Quarry Regulations do not apply to the application site that a Geotechnical Stability Assessment be undertaken to ensure stability of long term non-operational slopes. The applicant agrees to this condition. Proposed Condition 49 requires the submission of a final stability and settlement review report for the restored site to ensure stability of the slopes when in aftercare. Condition 50 is a condition requested by Network Rail to ensure trees within the application site do not cause a hazard to the railway line. The applicant raises no objection to the imposition of these.

### ***Rights of Way***

208. Footpath 178 runs along the northern boundary of the application site. Proposed Condition 51 seeks to provide protection to users of the footpath whilst the development is taking place to reduce conflict with HGVs and ensure suitable signage is in place.

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### ***Human Rights Implications***

209. 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.
210. Decision makers must weigh any adverse impacts of development for which planning permission is sought against the benefits of that development for the public at large. This application is not for a new planning permission but relates to the review and updating of planning conditions for an existing development. Officers consider the introduction of modern planning conditions to the mineral extraction development granted in 1975 should ensure that adequate operational standards are met and will secure restoration and landscaping to an afteruse that will key in with the surrounding landscape. Officers do not consider the proposals for working, restoration and landscaping and scale of any impacts are sufficient to engage Article 8 or Article 1 and that potential impacts will be mitigated through the mitigation measures incorporated into the proposals and through the recommended conditions and other regulatory regimes. This proposal is not considered to interfere with any Convention right.

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### ***Conclusion***

211. This application seeks to impose modern conditions at Auclay Brickworks which was classified as a dormant site following the enactment of the Environment Act 1995. Paragraph 180 of the NPPG states that minerals development (the winning and working of minerals) cannot lawfully commence until the applicant has submitted an application for appropriate mineral conditions and conditions have been agreed by the mineral planning authority. The applicant has submitted a proposed schedule of conditions. Having taken consultees views and the environmental information provided in the Environmental Statement into consideration, Officers consider the submitted conditions as modified and the additions are necessary and should ensure modern standards of environmental control are maintained for the working of the mineral and subsequent restoration of Auclay Brickworks.
212. Highway matters are a concern with this proposal as evidenced by the number of objections and concerns raised within letters of representation on this particular topic. The applicant has proposed within their conditions a daily average of 149 HGV movements when measured over a 6 month period. The County Highway Authority are not in agreement with this figure and propose a lower level due to the inadequacy of Knoll Farm Road to accommodate the high frequency of HGV movements the applicant proposes. The reasons for this are set out above and Officers are satisfied that the approach taken to establish the total daily HGV movements have been established in a fair and objective manner.
213. Officers have assessed the proposal based on relevant guidance and methodologies alongside evidence provided by the applicant and available to officers. Officers also have to consider Schedule 13 of the Environment Act 1995 regarding the restriction of working rights and not impose conditions which effectively affect to an unreasonable degree either the economic viability of operating the site or the asset value of the site.
214. Officers consider that the modified highway conditions, other modified conditions and proposed new conditions do not restrict the working rights of the site in respect of the size of the area which may be used for the winning and working of minerals or depositing of mineral waste, the depth to which any operations may extend, the height of any deposit of mineral waste, the rate at which any particular mineral may be extracted, the rate at which any particular mineral waste may be deposited, the period of expiry; or the total quantity of minerals which may be extracted from or of mineral waste which may be deposited. Officers also consider that those conditions that have not been agreed by the applicant do not prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site given the evidence advanced by the applicant.

## ***Recommendation***

The recommendation is to **APPROVE** the conditions as proposed by the applicant, with modifications and additional conditions as set out in Column 2 of "The Table of Conditions" and informatives subject to the prior approval of a Section 106 Legal Agreement to secure: a) for a 25 year Landscape and Ecological Management Plan and b) a 25 year Management of Geological Conservation Agreement.



<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>APPLICANT'S PROPOSED CONDITIONS</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>RECOMMENDED CONDITIONS</b></p>
<p>1. From the date of this decision until the cessation of the development to which it refers, a copy of this decision including all documents hereby approved and any documents subsequently approved in accordance with this decision, shall be displayed at the offices on the site, and shall be made known to any person(s) given the responsibility for the management or control of operations.</p>	<p><b>Copy of the Decision Notice</b></p> <p>1. From the date that any works commence in association with this decision notice until the cessation of the development/completion of the operations to which it refers, a copy of this notice including all documents hereby approved and any documents subsequently approved, shall be available to the site manager, and shall be made available to any person(s) given the responsibility for the management or control of operations.</p>
<p><i>Reason: To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with Surrey Minerals Plan Core 2011 Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>2. The development hereby approved shall be carried out in accordance with the following approved plans and drawings: [To be Confirmed]</p> <ul style="list-style-type: none"> <li>• AB 102</li> <li>• AB103 Section Location</li> <li>• AB 104 Cross Sections</li> <li>• Landscape Master Plan 3440 / DR/001</li> </ul>	<p><b>Plans and Drawings</b></p> <p>2. The development hereby permitted shall be carried out in accordance with the following plans and drawings:</p> <ul style="list-style-type: none"> <li>• Drawing Ref. AB/90 Land Ownership Rev. 1 dated March 2015</li> <li>• Drawing Ref. AB/99 Existing Contours dated January 2017</li> <li>• Drawing Ref. AB/102 Site Location Plan Rev. D dated February 2017</li> <li>• Drawing Ref. AB/103 Excavation and Restoration Phasing Plan Rev. G dated 21 December 2017</li> <li>• Drawing Ref. AB/103 rev 00 Location Plan Slope Stability and Proposed GI dated 19 October 2017</li> <li>• Drawing Ref. AB/104 Quarry Cross Sections Rev. A dated September 2016</li> <li>• Drawing Ref. AB/105 Proposed Restoration Contours Rev. B dated January 2014</li> <li>• Drawing Ref. AB-107 Location of 2m high bund and 2m high fence Rev. C dated October 2017</li> <li>• Drawing Ref. AB-108 Site Compound and Stockpile Location Rev. E dated October 2017</li> </ul>



	<ul style="list-style-type: none"> <li>• Drawing Ref. DR-L-0001 Proposed Sections Rev. P03 dated 18 December 2017</li> <li>• Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev. B dated October 2015</li> <li>• Drawing Ref. 3440_DR_002 Tree Survey Drawing Sheet 1 of 2 Rev. A dated October 2015</li> <li>• Drawing Ref. 3440_DR_003 Tree Survey Drawing Sheet 2 of 2 Rev. A dated October 2015</li> <li>• Drawing Ref. 3440_DR_004 Indicative Landscape Restoration Cross Sections dated October 2015</li> <li>• Drawing Ref. 3440_DR_005 Tree Protection Plan Rev. B dated 20 October 2017</li> <li>• Drawing Ref. 2016-D1153-SK301 Drainage Strategy</li> <li>• Drawing Ref. 2016-D1153-SK302 Drainage Strategy Reinstatement Phasing Plan Rev. B dated October 2016</li> <li>• UK16087-DRG-02 rev 0 Fig 8.1 Stability Cross Section Locations dated 28 November 2016</li> <li>• Drawing Ref. 2015/2516/010 rev G “Proposed Access Arrangement and Highway Works” dated April 2019</li> <li>• Drawing Ref. 2015/2516/012 rev D “Swept Path Analysis” dated April 2019</li> </ul>
<p><i>Reason: For the avoidance of doubt and in the interested of proper planning.</i></p>	
<p><b>3.</b> The development hereby permitted shall begin before the expiration of three years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.</p>	<p><b>3.</b> The development hereby permitted shall begin before the expiration of 3 years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within 7 working days of the commencement of development.</p>
<p><i>Reason: 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.</i></p>	
	<p><b>Duration</b></p> <p><b>4.</b> Extraction of minerals and operations involving the deposit of waste hereby permitted shall cease and all buildings (with the exception of those shown on Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015), plant, machinery, sanitary/welfare/office facilities and their foundations and bases, together with any internal haul roads and vehicle</p>

	parking shall be removed and the site shall be restored in accordance with the plans and documents listed in condition 2 above and subsequently approved pursuant to condition 30 below by no later than 21 February 2042.
<i>Reason: To enable the County Planning Authority to exercise planning control over the development so as to minimise the impact on local amenity and the environment, and to ensure the prompt and effective restoration so as to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Core Strategy Policy MC17.</i>	
	<b>5.</b> In the event of a cessation of winning and working of minerals prior to the achievement of restoration or part restoration, which in the opinion of the County Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, or subsequent versions or similar replacement legislation; or where the developer has written to the County Planning Authority giving written notice of their intention of cease operations; a scheme including details of restoration, landscaping and aftercare shall be submitted for approval to the County Planning Authority within 3 months of the County Planning Authority issuing an order of suspension of winning and working of minerals or the cessation of working. The approved scheme shall be fully implemented and maintained within 2 years of its written approval.
<i>Reason: In order to secure the proper restoration of the site in the event of premature cessation of the quarrying activities to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.</i>	
	<b>6.</b> In the event that mineral working is temporarily suspended for a period exceeding 2 years, within 3 years from the date of suspension an interim reclamation scheme for the site and timetable for its completion shall be submitted to the County Planning Authority for approval in writing. The approved interim reclamation scheme shall be implemented and maintained within 2 years of its written approval.
<i>Reason: In order to secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.</i>	
	<b>7.</b> If mineral working is suspended for a period of 6 months or more, within 7 months of the date of suspension of mineral working, the operator shall give

	written notification to the County Planning Authority of the date upon which mineral working was suspended.
<i>Reason: In order to secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with the objectives of Surrey Minerals Plan 2011 Core Strategy Policy MC17.</i>	
8. The working of minerals hereby approved shall be carried out in accordance with the approved phasing drawing AB/10 and the quarry extraction methodology described in the EIA chapter 14.	<p><b>Programme of Working</b></p> <p>8. Prior to the commencement of clay winning and working and the restoration of any individual Phase (1, 2, 3 and 4) as shown on Drawing AB/103 Rev G dated 21 December 2017, a scheme of working and restoration of that individual phase shall be submitted for approval in writing to the County Planning Authority for that individual phase. The scheme should include:</p> <ol style="list-style-type: none"> <li>a. volumes of material to be extracted (clay and overburden);</li> <li>b. volumes of infill material to be used and settlement rate with the detail of likely broad locations of any stockpiling delineated on a drawing to be provided as part of the submitted scheme;</li> <li>c. Unless otherwise provided for under the provisions of the Environmental Permit, the Scheme of Working and Restoration shall include, for all areas outside the Environmental Permit boundary, a scheme using off site and onsite inspection, testing, and verification, that demonstrates all materials imported on to the site for any purpose including capping, cover, landscaping, drainage and growing media during restoration are suitable for their intended purpose in respect of their chemical characteristics and the site environmental conditions and proposed after-use, and also in consideration of the baseline condition of the ground and groundwater chemistry on or below the site;</li> <li>d. method of working;</li> <li>e. cross section profile drawings;</li> <li>f. detailed plans showing final pre-settlement levels for that phase</li> <li>g. methods of soil handling (movement, storage and replacement (including topsoil and subsoil depths and remedial treatments e.g. ripping and drainage));</li> <li>h. locations and heights of topsoil, subsoil, mineral waste and excavated clay stockpiles and imported waste materials as referred to in Condition 43 within the quarry associated with working and restoring of each individual phase;</li> </ol>

	<ul style="list-style-type: none"> <li>i. details of what overburden and subsoil ripping would take place within that phase and where within that phase;</li> <li>j. a plan showing the locations or positions of any screen bunding alongside any phasing and repositioning of the screening bunds during any individual phase, the shape and angles of the screen bunding, the grassing up of the screening bunds including seed mix and application rates, weed control and any other maintenance; and information on their duration; and</li> <li>k. a timeframe for implementation and completion of each individual phase.</li> </ul> <p>The winning, working and restoration of each phase shall be carried out in accordance with the scheme as approved.</p>
<p><i>Reason: To comply with the terms of the application, to secure restoration to the required standard and assist in absorbing the site back into the local landscape and enable the County Planning Authority to exercise control over the development in accordance with Policies MC2, MC3, MC14 and MC17 of the Surrey Minerals Plan 2011 Core Strategy and Policy 14 of the Surrey Waste Plan 2020.</i></p>	
<p><b>Restoration</b> 29. The extraction and restoration of the site shall be carried out in stages progressively as the extraction proceeds in accordance with the approved Quarry Phasing Plan (AB/103 Rev D) and Quarry Phasing Programme Gantt Chart.</p>	<p><b>9.</b> No operations hereby approved shall take place except in accordance with the details of working, filling, restoration, and aftercare comprised in the application and the conditions in this decision notice.</p>
<p><i>Reason: To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation in the interests of local amenities and to ensure the protection of the water environment in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Policy 14 of the Surrey Waste Plan 2020.</i></p>	
<p><b>Hours of Operation</b> 10. No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:</p> <p>0730 and 1800 hours Mondays to Fridays 0800 and 1300 hours on Saturdays</p>	<p><b>Hours of Operation</b> <b>10.</b> No lights shall be illuminated nor shall any other operation or activities authorised or required by this decision notice be carried out except between the following times:</p> <p>0730 to 1800 hours Monday to Friday 0800 to 1300 hours on Saturday</p> <p>No operations or activities shall be undertaken on a Sunday or Public, Bank or National Holiday.</p>

<p>There shall be no working on Sundays, Bank Holiday or National Holidays.</p>	<p>Notwithstanding the above times, HGV access to and egress from the application site shall only be between the following times:</p> <p><u>HGV access</u> 0900 to 1600 hours Monday to Friday 0900 to 1300 hours on Saturday</p> <p><u>HGV egress</u> 0900 to 1630 hours Monday to Friday 0900 to 1300 hours on Saturday</p> <p>This condition shall not prevent the emergency operations including (a) operation of pumps necessary for the control of water; (b) operation of electrical generating equipment in the event of mains supply interruption; and (c) emergency repairs to plant and machinery. Such emergency operations are to be notified to the County Planning Authority in writing within 5 working days.</p>
<p><i>Reason: To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p><b>Highways, Access and Transport</b></p> <p>4. Before extraction operations are commenced, the access enhancement works set out in the Transport Assessment: Proposed Access Arrangement 2015/2516/006 shall be provided, with visibility splays in accordance with the Transport Assessment: Existing Access Arrangement and Visibility Splays 2015/2516/002.</p>	<p><b>This condition is not taken forward.</b></p>
<p>5. The HGV waiting and turning areas relating to the private access track, as set out in Plan AB/107, shall be implemented prior to any extraction operation on site.</p>	<p><b>This condition is not taken forward.</b></p>





<p>6. The development hereby permitted shall give rise to no more than a daily average of 149 HGV movements when measured over any 6 month period. The site operator shall maintain accurate records of the number of HGV vehicles accessing and egressing the site daily and shall make these available to the County Planning Authority on request.</p>	<p><b>Highways, Traffic and Access</b></p> <p>11. There shall be no more than a total of 42 HGV movements (21 in and 21 out) to or from the, site in any one day for the duration of the works. The site operator shall maintain accurate records of the number of HGVs accessing and egressing the site daily for a period of up to 12-months at any one time and shall submit these to the County Planning Authority on a quarterly basis in April, July, October and January each year.</p>
<p><i>Reason: So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>7. Safe public access will be maintained throughout the period of mineral extraction and restoration in accordance with the Transport Assessment and the Proposed Access Arrangements plan 2015/2516/006. These details shall then be implemented for the duration of the works.</p>	<p><b>This condition is not taken forward.</b></p>
	<p>12. Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 and drawing AB-108 rev E “Site Compound and Stockpile Location” dated 22 February 2018, a Traffic Management Plan containing a package of measures for the safe management of vehicle movements to and from the site via Knoll Farm Road shall be submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented and maintained for the duration of quarrying operations and until completion of restoration operations.</p>
<p><i>Reason: To ensure that appropriate traffic management measures are in place before quarry related traffic uses Knoll Farm Road and its junction with the A24/Horsham Road. So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.</i></p>	

	<p><b>13.</b> With the exception of vehicles associated with the construction of the A24 junction and visibility splays, and vehicles directly associated with the carrying out of surveys required for Conditions 27, 28 and 39; no vehicle associated with the development shall access Knoll Farm Road from the A24 unless and until the junction of Knoll Farm Road and the A24 has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented and maintained together with the visibility zones which shall be kept permanently clear of any obstruction over 0.6m high.</p>
<p><i>Reason: To ensure that the Knoll Farm Road/A24 bellmouth junction and its visibility splays can safely accommodate vehicular traffic associated with the quarry before such traffic makes use of the same. So that the development does not prejudice highway safety or cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15 and the Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p><b>9.</b> Development shall proceed in accordance with the submitted Construction Management Plan. The Construction Management Plan explains:</p> <ul style="list-style-type: none"> <li>• the site working compound and wider works area, including ancillary temporary buildings,</li> <li>• staff parking areas</li> <li>• stockpiles, areas of plant and machinery parking</li> <li>• Site traffic management</li> <li>• HGV haul route</li> <li>• On site turning areas</li> <li>• Management protocols for the extraction of the minerals and arrival of restoration material.</li> <li>• Time of operation</li> </ul> <p>The approved Construction Management Plan shall thereafter be implemented during the extraction and restoration period of the site.</p>	<p><b>This condition is not taken forward as it is covered by other conditions.</b></p>



	<p><b>General Development Procedure Order</b></p> <p><b>14.</b> Notwithstanding any provision to the contrary under Schedule 2, Part 17, Class A and Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order:</p> <ul style="list-style-type: none"> <li>- No plant, building, machinery or structure whether fixed or moveable shall be erected on the application site without the prior written approval of the County Planning Authority in respect of the location, design, specification and appearance of the installation, such details to include predicted levels of noise emission and their tonal characteristics.</li> </ul>
<p><i>Reason: To safeguard the environment and protect the amenities of the locality in accordance with the terms of Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p><b>Noise</b></p> <p>11. Except for temporary operations, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2m and at the property boundary of a residential property that faces the site shall not exceed 55 LAeq for any 1 hour period during 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays.</p>	<p><b>Noise</b></p> <p><b>15.</b> For normal day-to-day activities, the level of noise arising from any operation, plant or machinery on site, when measured at, or recalculated at, a height of 1.2m above ground level at any residential property or other noise sensitive building shall not exceed the existing background noise level by more than 10dB, up to a maximum noise level of 55dB(A) LAeq, 1 hour (free-field) during normal working hours as set out in condition 10 above.</p>
<p><i>Reason: So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p><b>16.</b> For temporary activities (bund construction, emergency operations etc.), the level of noise arising from any operation, plant or machinery on site, when measured at, or recalculated at, a height of 1.2m above ground level at any residential property or other noise sensitive building shall not exceed 70dB(A) LAeq, 1 hour (free-field), for period of up to 8 weeks in a year, during normal working hours as set out in condition 10 above.</p>
<p><i>Reason: So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	

	<p><b>17.</b> All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the manufactures specification at all times and shall be fitted with and use effective silencers in accordance with the manufacturer’s recommendations at all times. Any damage, breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be carried out within a reasonable period, the equipment affected should be taken out of service.</p>
<p><i>Reason: So as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p><b>18.</b> Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 and drawing AB-108 rev E “Site Compound and Stockpile Location” dated 22 February 2018 a Noise Management Plan (NMP) shall be submitted to and approved in writing by the County Planning Authority. The NMP shall detail the measures required to meet the limits set out for normal day-to-day and temporary activities (likely temporary activities to be listed), proposed monitoring, and mitigation procedures to be put in place where the limits are exceeded or complaints are received.</p> <p>The approved NMP shall be implemented and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: So as to comply with the terms of the application, minimise disturbance, avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>15. The noise attenuation and amenity bund proposed shall be implemented in accordance with Plan AB/103.</p>	<p><b>19.</b> Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 and drawing AB-108 rev E “Site Compound and Stockpile Location” dated 22 February 2018, details of the noise</p>

	<p>attenuation and screening bund (2m high bund with 2m high acoustic fence on top located along the eastern boundary of the quarry as shown on plan AB-107 rev C "Location of 2m bund with 2m high fence" dated 3 October 2017) shall be submitted to and approved in writing by the County Planning Authority. Such details to include:</p> <p>(a) The location and dimensions of bund (including a gradual increase in total height of the bund [including fence] from 'Rosemead' to the south of 'Knoll Bungalow' from 4m to between 5/6.5m  (b) Timings and method of bund construction  (c) Details of material used to construct bunds  (d) Details of bund seeding and planting including maintenance measures  (c) The specification (including colour) and height of acoustic fencing to be installed on top of bunds  (b) Phased deconstruction programme during restoration operations.</p> <p>The approved details shall be implemented and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: So as to comply with the terms of the application, minimise disturbance, avoid nuisance to the locality, to safeguard the environment and protect the visual amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p><b>Environmental Protection</b></p> <p>12. The extraction of minerals shall not exceed the contour depth as set out in Plan AB/103. The restoration of the site shall accord with plan AB/105 and shall not exceed a height of the proposed contours on this plan.</p>	<p><b>Environmental Protection</b></p> <p>20. Clay excavation shall take place only within the upper layer of Weald Clay present at the site and shall cease at the top of the first layer of siltstone identified in the 2016 boreholes as shown on Drawing Ref. AB/103 Location Plan Slope Stability and Proposed GI dated 19 October 2017. The nominal base of the excavation shall not be deeper than 80.50m AOD in the area of BH A; 81.00m AOD for BH B; and 84.80m AOD for BH C; or as revealed by local geological variation in the depth of the top of the first siltstone layer.</p>
<p><i>Reason: To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>13. Prior to the commencement of development, a Dust Action Plan (a document describing the</p>	<p><b>Dust Management Plan</b></p>



<p>techniques to be used to prevent or minimise the release of dust from the site) shall be submitted to and approved in writing by the County Planning Authority. The dust control and mitigation measures set out in the Dust Action Plan shall then be implemented for the duration of the development.</p>	<p><b>21.</b> Prior to commencement of any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 and drawing AB-108 rev E “Site Compound and Stockpile Location” dated 22 February 2018, a Dust Management Plan (DMP), in general accordance with Section 10.6 of Regulation 22 Request Addendum to EIA Ref. 2017/0004 dated February 2018, shall be submitted to and approved in writing by the County Planning Authority. The approved DMP shall be implemented and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: To enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>14. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and mitigation for drainage management set out in the FRA and EIA Chapter 9.</p>	<p><b>Surface Water and Drainage</b></p> <p><b>22.</b> Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 a scheme of works for the management of surface water and drainage shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall cover the extraction, restoration and aftercare phases of the development and include but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) A drainage design that satisfies the SuDS Hierarchy and follows the principles set out in the Flood Risk Assessment Ref. 2016/D1153/FRA1.3 dated October 2017;</li> <li>(b) The current drainage arrangements including the point of discharge to any receiving watercourse;</li> <li>(c) Drawings and details clearly showing the proposed phasing of the works and the proposed drainage strategy for each phase including details of the Land Drainage Consents granted;</li> <li>(d) Details of surface water management proposals, including construction details of the proposed drainage arrangements and water attenuation arrangements between the western flank of the quarry excavation and the railway boundary; such design to ensure (1) water does not flow on to National Rail property, including during flood events and (2) the minimum of seepage from the drainage ditch into</li> </ul>



	<p>the underlying ground so as not to present a ground stability risk to the adjacent railway line;</p> <p>(e) Pumping rates and location of any proposed discharge points during the extraction and filling phases;</p> <p>(f) Detailed drawing showing drainage layout, long or cross sections of each drainage element, pond sizes; details of flow control devices and invert levels;</p> <p>(g) Appropriate drainage design calculations to support the sizes of the various elements and how the relevant local and national SuDS standards have been met;</p> <p>(h) Details of the measures proposed to safeguard water quality, including suspended solids and spillages;</p> <p>(i) Details of who will undertake the long-term inspection and maintenance of the surface water drainage system and the proposed maintenance regimes during the operational phases of the quarry, aftercare period, and for the restored site in the long-term;</p> <p>(j) Proposals for verification and periodic reporting to the County Planning Authority as drainage systems for each interim phase of the works are put in place and decommissioned.</p>
<p><i>Reason: To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p><b>23.</b> The drainage aspects of clay extraction and restoration operations at the site shall be carried out strictly in accordance with the scheme of works for the management of surface water and drainage approved pursuant to condition 22 above, and reports shall be submitted to the County Planning Authority for approval in writing as required by and approved pursuant to condition 22(j) above.</p>
<p><i>Reason: To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p><b>24.</b> Upon completion of the construction of the surface water drainage scheme for the final restored site a construction verification report shall be submitted to the</p>

	County Planning Authority to demonstrate that the SuDS system has been constructed as per the details approved pursuant to condition 22 above.
<i>Reason: To ensure that the development does not increase flood risk on or off site, has no significant adverse impact on the water environment and meets the technical standards for SuDS in accordance with paragraphs 148 to 165 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, and Surrey Waste Local Plan 2020 Policy 14.</i>	
16. Surface water management shall be carried out in accordance with the Drainage Strategy Reinstatement Phasing Plan 2016-D1153-SK302 Rev B found in the Hydrology and Drainage chapter of the EIA. The surface water management plan shall be implemented for the duration of the development.	<b>This condition is not carried forward.</b>
17. The archaeological recommendations set out in the EIA shall be implemented. This shall include the opportunity for visual inspections of the geological areas of interest.	<b>Archaeology</b> <b>25.</b> No enabling works, including construction of the site compound, works to Knoll Farm Road, construction of the acoustic bund or ecological mitigation and translocation works; or clay extraction from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the County Planning Authority.
<i>Reason: To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i>	
	<b>26.</b> No development shall take place until an Historic Building Record (Level 2 of Historic England’s Guidance – Understanding Historic Buildings) of the existing architectural and historic features of the former brickwork buildings has been submitted to and approved in writing by the Local Planning Authority
<i>Reason: To accord with paragraph 205 of the National Planning Policy Framework to ensure that a record is made of the heritage asset before it is demolished and in accordance with the Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i>	

	<p><b>Ecology and Biodiversity</b></p> <p><b>27.</b> Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017, details of habitat enhancement works as shown on plan 3440/DR/001 rev B dated 28 October 2015 to be carried out for the whole application site shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:</p> <ol style="list-style-type: none"> <li>a) The timing of delivery of all habitat enhancement across the application site by phase and season and habitat</li> <li>b) The works to be carried out including the creation of hibernacula and refugia piles for reptiles, the grass cutting regime, installation of any reptile fencing along the perimeter of the area, waterbodies for newts and frogs, hedgerow planting, grassland and native shrub</li> <li>c) Identification of where reptiles would be trapped on the site and when</li> <li>d) Seed mixes and planting species</li> <li>e) A maintenance regime</li> <li>f) A plan identifying the phasing of habitat enhancement with timescales and detail of what would take place within each phase</li> </ol> <p>The scheme shall be implemented and maintained in accordance with the approved details.</p> <p>Phase 2 shall not commence until the habitat enhancement as detailed within the scheme has been implemented and the County Planning Authority have signed off their instalment. The works shall be supervised by a suitably qualified ecologist.</p> <p>Phase 3 shall not commence until the habitat enhancement is established on Area A as shown on drawing AB/103 Rev G dated 21 December 2017 and the County Planning Authority have signed off their instalment.</p>
<p><i>Reason: To ensure protected species identified on the site are protected and suitable replacement habitat is provided in a timely manner, in the interests of amenity and wildlife conservation in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Plan 2020 Policy 14.</i></p>	
<p>18. All tree works and removal of scrub shall be conducted outside of the bird nesting season unless a full breeding bird survey is conducted immediately prior to</p>	<p><b>This requirement to be subject to an informative as the same falls outside the remit of the County Planning Authority.</b></p>

<p>commencement of the works by a suitably qualified ecologist which confirms that no birds are nesting. Where a full breeding bird survey is prepared this must be submitted to and approved by the Council prior to commencement of any tree and shrub removal works.</p>	
<p>19. Prior to the commencement of Phase 3, the improvements to the Auclay SSSI shall be undertaken, as described in Chapter 8 of the EIA.</p>	<p><b>Geological Conservation</b></p> <p><b>28.</b> Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017, a scheme of works for the 25-year management of geological conservation at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall include but not be limited to:</p> <p>(a) An improvement plan for the geological SSSI present on site, defining the area and vertical extent of the exposure outcrop area to be conserved and justification thereof;</p> <p>(b) A detailed description of the measures that will be put in place to reverse the current decline and improve the condition of the SSSI (currently listed by Natural England as ‘unfavourable declining);</p> <p>(c) A maintenance plan so that the ‘improved’ long-term condition of the SSSI is maintained for the duration of the Landscape and Ecology Management Plan period approved;</p> <p>(d) A procedure for recording (before filling takes place) the geological information from the area of the existing SSSI that will be filled;</p> <p>(e) An access statement in respect of the new clay excavations in the overall working extraction area subject of this planning consent, describing the controlled access arrangements that will be put in place to allow perpetual recording and research by geologists of the clay sections exposed so long as the geological outcrop remains designated a SSSI. For instance Natural England, British Geological Survey, Geological Society, or other geoconservation stakeholders and geological researchers;</p> <p>(f) A procedure for the segregation, recovery and long-term storage of nodules from the clay excavation extraction area to allow for their safe examination;</p>



	<p>(g) Measures for ensuring that no root or stump of any tree or shrub in the course of vegetation clearance associated with the SSSI is removed from the ground;</p> <p>(h) An access statement for the exposure outcrop area of the SSSI to be improved and conserved/maintained under (a) and (b) above, providing details as to how the site will be secured, how access for the general public will be maintained (gates and footpaths etc.), and the education facilities such as interpretation/information boards etc. that will be put in place;</p> <p>(i) An implementation timetable and a verification plan providing details of the monitoring and reporting that will be adopted to demonstrate compliance to the County Planning Authority.</p> <p>The scheme of works for the 25-year management of geological conservation shall be implemented and maintained as approved.</p> <p><i>*To Note: The approved scheme of works for management of geological conservation is to be secured by a s106 agreement. Accordingly, the officer recommendation will be subject to such an agreement being entered into by the relevant parties.</i></p>
<p><i>Reason: To conserve, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in accordance with paragraphs 174 to 180 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Natural Environment (Geodiversity) Paragraphs: 001 Reference ID: 8-001-20190721 and 002 Reference ID: 8-002-20190721, revision date 21/07/2019, and Policy MC14 of Surrey Minerals Core Strategy 2011 and Policy 14 of the Surrey Waste Local Plan 2020.</i></p>	
	<p><b>29.</b> No root or stump of any tree/shrub shall be removed from the earth in the course of vegetation clearance associated with the SSSI.</p>
<p><i>Reason: To conserve, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in accordance with paragraphs 174 to 180 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Natural Environment (Geodiversity) Paragraphs: 009 Reference ID: 8-009-20190721, 010 Reference ID: 8-010-20190721, 011 Reference ID: 8-011-20190721, 013 Reference ID: 8-013-20190721, 014 Reference ID: 8-014-20190721 revision date 21 07 2019, and Policy MC14 of Surrey Minerals Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>24. The landscaping scheme including the after use of the site shall be implemented as set out</p>	<p><b>Landscape</b></p>

<p>on the Landscape Master Plan (Ref:3400/DR/001) and described in Chapter 6 of the EIA.</p> <p>25. Within 6 months of the commencement of extraction a Planting Schedule shall be submitted to and approved by the council. The schedule shall include plant locations and specification (type and size). Planting shall be implemented in accordance with the phased restoration plan hereby approved and if any plants should die within the first 5 years, these should be replaced on a like for like basis.</p>	<p><b>30.</b> Within six months of the date of these conditions taking effect, a landscape restoration scheme shall be submitted for approval in writing by the County Planning Authority. The scheme shall:</p> <ul style="list-style-type: none"> <li>a) Be in general conformity with Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015 and Drawing Ref. AB/103 Rev G Excavation and Restoration Phasing Plan dated September 2016;</li> <li>b) Take account of the location of the site within the 'WW8: Cranleigh to Charwood Wooded Low Weald' landscape character area;</li> <li>c) Include a detailed plan showing exact make-up, extent and location of new planting, seeding, and habitat areas;</li> <li>d) Include written specifications for cultivation, other operations associated with planting and grass establishment, implementation, and phasing;</li> <li>e) Include full schedules of and timetables for planting and seeding detailing native species of local provenance (including beech and oak and excluding ash), sizes, numbers, and densities;</li> <li>f) Include details of any fencing, gates and hard surfacing (where appropriate);</li> <li>g) Detailed plans showing final pre-settlement levels;</li> <li>h) Cross section profile drawings;</li> <li>i) Volumes and depth of topsoil and subsoil to be used within the agricultural area and nature conservation areas and other landscape elements;</li> <li>j) Provide for an appropriate maintenance regime and arrangements for implementation, monitoring, and remedial measures (where appropriate) during the course of the development.</li> </ul> <p>The approved scheme shall be implemented in accordance with the phasing as shown on Drawing Ref. AB/103 Rev G Excavation and Restoration Phasing Plan dated September 2016 and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: To comply with the terms of the application and in the interests of the local landscape, nature conservation, and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p><b>Landscape</b> 20. The development shall not commence until a Landscape and Ecology Management Plan</p>	<p><b>31.</b> Within six months of the date of these conditions taking effect, a 25-year Landscape and Ecology Management Plan (LEMP) (5-year aftercare and 20-year management for ecological areas, and 5-year aftercare for agricultural</p>

<p>(LEMP) has been submitted and approved by the Local Planning Authority. This plan should include details of how the geological interests at the site will be managed, the management of flora and fauna during the quarrying and restoration phase and the biodiversity enhancement.</p>	<p>land) shall be submitted for approval in writing by the County Planning Authority. The LEMP shall:</p> <ol style="list-style-type: none"> <li>a) Set out aims and objectives (and the management options to achieve these aims and objectives) of the LEMP for the completion of all phases of restoration and the subsequent aftercare and management periods;</li> <li>b) Include a detailed plan showing management compartments for each habitat or landscape type;</li> <li>c) Describe and evaluate features including any new planting and hibernacula;</li> <li>d) Identify any constraints which may influence aftercare and management;</li> <li>e) Set out any specific measures aimed at enhancing habitat quality or specific species including details of management for undesirable species or alien invasive species for all management compartments;</li> <li>f) Provide detailed prescriptions for management actions including mitigation, enhancement, and vegetation removal and replacement;</li> <li>g) Demonstrate how new planting is to develop from newly planted to established habitat;</li> <li>h) Set out how the landscape will be maintained including tree aftercare and replacement;</li> <li>i) Include detailed work schedules for progressive restoration phasing including a matrix providing timings of annual operations;</li> <li>j) Provide detail of and specifications for any fencing or gates;</li> <li>k) Set out the resources to be used in and personnel responsible for implementation of the LEMP;</li> <li>l) Specify steps to be taken and the period during which they are to be taken for an annual meeting between the operator, the County Planning Authority, and other interested parties;</li> <li>m) Be in general accordance with Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015 and Drawing Ref. AB/103 Rev G Excavation and Restoration Phasing Plan dated 21 December 2017.</li> </ol> <p>The approved LEMP shall be implemented immediately following its approval and maintained as approved.</p>
<p><i>Reason: In the interests of amenity and nature conservation in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	

21. Bunds for amenity and noise mitigation purposes shall not exceed 5m in height.	<b>This condition is not carried forward.</b>
	<p><b>32.</b> Prior to any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 Rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017, details of the temporary 2m high hoarding fence to be installed from the north east corner of the site for some 120 metres along Knoll Farm Road and Public Footpath 178 as shown on plan AB-108 rev E “Site compound and stockpile location” dated 7 April 2017 and a permanent hedgerow in front of it, shall be submitted to and approved in writing by the County Planning Authority. The details shall include:</p> <ol style="list-style-type: none"> <li>a. Site layout drawing(s) (to a suitably detailed scale) showing the location of the hoarding fence and hedgerow;</li> <li>b. Information on the construction, appearance and colour of the hoarding fence;</li> <li>c. Information on the species composition for the hedgerow, planting numbers/densities and ongoing maintenance of the hedgerow;</li> <li>d. Details of protection measures (including fencing) to retained trees, including groups G1C2 and G2C2 as shown on plan 3440_DR_005 Rev B “Tree Protection Plan” dated 30 October 2017, from damage and harm including to tree roots and canopies.</li> </ol> <p>Sufficient room shall be provided between Knoll Farm Road and the hoarding fence for the planting of the hedgerow. The hedgerow shall be a double staggered row configuration and shall be planted in the next available season following the approval of these details. In the event of the failure of any hedgerow planting in the first five years of planting, such planting shall be replaced with an equivalent number of live specimens of the same species and size by not later than the end of the first available planting season following the failure, damage or removal of the planting. The fence shall be constructed and maintained in accordance with the details as approved.</p>



<i>Reason: To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i>	
22. The height of material stockpiles within the site shall not exceed 12 metres and stockpiles and areas of mineral extraction shall not occur within 5m of the boundary of any residential property.	<b>33.</b> No stockpile within the site shall exceed 4m in height nor shall any stockpile be located east of the noise attenuation and screening bund(s) (as shown on drawing AB-107 rev C "Location of 2m bund with 2m high fence" dated 3 October 2017).
<i>Reason: To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i>	
23. Prior to commencement of the first phase of extraction, tree and hedgerow works including tree protection measures shall be implemented in accordance with Arboricultural Report.	<p><b>Tree Protection</b></p> <p><b>34.</b> Prior to the enabling/ access works commencing on site (including any plant or materials being delivered to the site, tree and hedgerow works including tree protection measures being undertaken and installed), an Arboricultural Method Statement shall be submitted to and approved in writing by the County Planning Authority. The Arboricultural Method Statement shall be prepared pursuant to Chapters 4, 5 and 6 of the Arboricultural Impact Assessment Ref. 3440_RP_005 dated 21 November 2016 and Drawings Ref. 3440_DR-002 Tree Survey Drawing Sheet 1 of 2 Rev.A dated 29 October 2015; 3440_DR-003 Tree Survey Drawing Sheet 2 of 2 Rev.A dated 29 October 2015; and 3440_DR-005 Tree Protection Plan Rev.B dated 20 October 2017; and shall include measures for a pre-commencement site meeting with the County Arboricultural Officer.</p> <p>The tree protection measures and works within the construction exclusion zone shall be carried out strictly in accordance with the approved Arboricultural Method Statement.</p> <p>Only the trees as identified in paragraphs 3.5 – 3.7 of the Arboricultural Impact Assessment shall be removed or pruned. No plant, machinery or materials should pass through or be placed on the root protection areas unless and until specialist ground protection methods such as those detailed in Section 4 of the Arboricultural Impact Assessment have been implemented. The line of protective barriers and ground protection boards within the site must be in place as shown on drawing 3440_DR-005 Tree Protection Plan Rev.B dated 20 October 2017.</p>



*Reason: To comply with the terms of the application and in the interests of the local landscape and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.*

*Reason for pre-commencement: To ensure that appropriate measures are in place to protect trees and hedgerows to be retained on or around the site before any works are undertaken which may adversely affect the same.*

**35.** Prior to the construction of the access road, vehicle turning area and visitor parking area and the installation of the site office in Phase 1 (Part 1) as shown on plan AB-108 Rev E "Site Compound and Stockpile Location" dated 22 February 2018, details of how the visitor parking area shall be constructed so to protect tree group G2C2 as shown on plan 3440\_DR\_005 Rev B "Tree Protection Plan" dated 30 October 2017 from damage and harm including to tree roots and canopy shall be submitted to and approved in writing by the County Planning Authority. The details shall include information on what tree protection fencing shall be used and measures employed for protection of the trees. The details of the visitor parking area shall be implemented and maintained as approved.

*Reason: To enable the County Planning Authority to exercise control over the development and in the interests of the local environment and amenity to retain tree cover and screening in accordance with the NPPF paragraph 109 and Surrey Minerals Plan Core Strategy 2011 Policy MC14.*

**26.** Prior to the commencement of the first phase of extraction, Japanese Knotweed shall be eradicated and disposed of in accordance with Chapter 5 of the EIA report. Should eradication overrun into excavation phases, a 10m buffer shall be installed around each stand in order to prevent further spread.

**36.** Prior to the extraction of clay from Phase 1 as shown on drawing AB/103 Rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017, a method statement and phasing plan for the control and eradication of Japanese Knotweed shall be submitted to and approved in writing by the County Planning Authority. The method statement shall be in general accordance with paragraph 5.2.5.4 of 'Environmental Statement, Auclaye Clay Quarry dated January 2017' and paragraph 5.4.2 of the Phase I Geoenvironmental Desk Study by Burohappold Engineering dated 4 March 2016 and include post-treatment monitoring of the site to ensure continuous 12-month period of where no Japanese Knotweed is identified growing on the site. Following this first continuous 12 month period a written report shall be submitted to the County Planning Authority detailing the effectiveness of the treatment and whether the treatment should be extended in time and geographical area. In the event that any Japanese Knotweed is identified as growing during the 12-month monitoring period then treatment shall resume and continue until a 12-month period where no growth of Japanese



	<p>Knotweed occurs. Following a period of 12-months in which no Japanese Knotweed is identified as being present in any area of the site, a written report shall be submitted to the County Planning Authority that demonstrates that no growth of Japanese Knotweed is occurring at the application site.</p>
<p><i>Reason: To control the spread of invasive plant species and comply with the terms of the application, and in the interests of the local landscape, nature conservation, and amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
<p>27. Soil Methodology/protection –Stripping and storage of soil resource will be carried out in accordance with the Soil Resources Plan within chapter 8 of the EIA report.</p>	<p><b>Soils</b></p> <p><b>37.</b> Prior to any further disturbance or stripping of soils on the site (including those currently placed with the bund adjacent to Knoll Farm Road) or the creation of any further bunds in association with the proposal as shown on drawings AB/103 “Excavation and Restoration Phasing Plan” Rev G dated December 2017, AB/107 rev C “Location of 2m bund with 2m high fence” dated October 2017 and AB-108 Rev E “Site Compound and Stockpile Location” dated February 2018, a written scheme of works for the management and conservation of soil resources at the site shall be submitted to and approved in writing by the County Planning Authority. The scheme of works shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>a) An assessment of the topsoil and subsoil resources present on site by a suitably qualified and experienced soil scientist or agronomist;</li> <li>b) A soil resources management plan describing the procedures that will be adopted to excavate, identify, transport, store (stockpile), maintain (quality), and re-use the topsoil and subsoil resources present on site;</li> <li>c) A detailed description of the measures that will be put in place to conserve topsoil and subsoil resources when handling, re-using and, if necessary, treating (mechanical treatment and/or fertilising) the soils present during restoration to agricultural use in accordance with the details approved pursuant to condition 30 above;</li> <li>d) Verification and reporting procedures to demonstrate compliance to the County Planning Authority.</li> </ul> <p>The development hereby permitted shall be carried out strictly in accordance with the approved scheme of works and verification/ reporting procedures.</p>

*Reason: To conserve, contribute to and enhance the natural and local environment by protecting and enhancing soils in accordance with paragraph 174 of the National Planning Policy Framework 2021; MHCLG Planning Practice Guidance on the Natural Environment: Paragraph 025 Reference ID: 8-025-20140306, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.*

**38.** No topsoil or subsoil shall be removed from the application site or used for any purpose other than site restoration without the prior written approval of the County Planning Authority.

*Reason: To prevent loss or damage of soil and to ensure that the land is restored to a condition capable of beneficial afteruse to comply with the Surrey Minerals Plan 2011 Core Strategy Policies MC14 and MC17.*

30. Materials used for the amenity bunds and for the restoration of the site shall comprise suitable waste materials including topsoils and subsoils.

**This condition is not taken forward.**

28. Within 12 months of the commencement of extraction, a Remediation Method Statement shall be submitted to and approved by the council to address the potential risks identified in the Phase 1 Geo-environmental Desk Study (Ref. 034145).

**Contaminated Land**

**39.** Prior to commencement of any enabling works, works to the access including on Knoll Farm Road, ecological mitigation and translocation works, bund creation works, drainage works, and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 and drawing AB-108 rev E “Site Compound and Stockpile Location” dated 22 February 2018, a programme of land contamination investigation works, assessment and, if necessary, remediation and/or mitigation shall be undertaken at the site. The programme of works shall incorporate the recommendations of the Phase 1 Geoenvironmental Desk Study Report (Buro Happold dated 4 March 2016) and include:

(a) The submission of a written scheme (Method Statement) of intrusive ground investigation, testing, monitoring and risk assessment for the written approval of the County Planning Authority before commencement of the programme of land contamination investigation works.

(b) The investigation shall be completed, and the results of the risk assessment, and if necessary, a remediation and/or mitigation strategy, a programme of works, and Implementation and Verification Plan shall be submitted to the County Planning Authority for approval in writing.

	<p>The enabling works, works to the access including on Knoll Farm Road, ecological mitigation and translocation works, bund creation works, drainage works, and the extraction of clay shall be carried out strictly in accordance with the approved remediation and/or mitigation strategy, programme of works and verification plan.</p>
<p><i>Reason: To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, MHCLG Planning Practice Guidance on Land Affected by Contamination, and with UK Government Guidance on Land Contamination Risk Management (LCRM) How to assess and manage the risks from land contamination.</i></p>	
	<p><b>40.</b> In the event that contamination that was not previously identified is found at any time when carrying out the development hereby permitted, details of the unexpected contamination shall be submitted to and approved in writing by the County Planning Authority including:</p> <ul style="list-style-type: none"> <li>(a) A survey of the extent, scale and nature of the contamination;</li> <li>(b) An assessment of the potential risks to previously identified receptors, and;</li> <li>(c) If necessary, an appraisal of remedial and mitigation options, and the submission of the proposed remediation strategy and an Implementation and Verification Plan to the County Planning Authority for approval in writing.</li> </ul> <p>The remediation or mitigation works shall be completed in accordance with the approved remediation strategy and the Implementation and Verification Plan.</p>
<p><i>Reason: To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Minerals Plan Core Strategy 2011, MHCLG Planning Practice Guidance on Land Affected by Contamination, and with UK Government Guidance on Land Contamination Risk Management (LCRM) How to assess and manage the risks from land contamination.</i></p>	
	<p><b>41.</b> Within three months from the date of these conditions taking effect, details of any facilities for the storage and usage of oils, fuels, lubricants or chemicals associated with the development shall be submitted for approval in writing by the County Planning Authority. The details shall include:</p>

	<p>(a) secondary containment that is impermeable to both the oil, fuel or chemical and waste, with no opening used to drain the system;</p> <p>(b) a minimum volume of secondary containment of at least equivalent to the capacity of the tank plus 10% and if there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of total tank capacity, whichever is the greatest;</p> <p>(c) all fill points, vents, gauges and sight gauges to be located within the secondary containment;</p> <p>(d) the allocation of a dedicated hard surfaced compound area outside the area of extraction for the fuelling and maintenance of all plant and vehicles with a suitable containment and drainage system incorporating fuel/ oil interceptors etc and a programme of regular inspection and maintenance;</p> <p>(e) associated above ground pipework protected from accidental damage;</p> <p>(f) below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks;</p> <p>(g) all fill points and tank vent pipe outlets designed to discharge downwards into the containment;</p> <p>(h) a written scheme of contingency action for dealing with any hydrocarbon or chemical spillage.</p> <p>The approved details shall be implemented prior to any storage of oils, fuels on site, and thereafter maintained in accordance with the manufacturer and installer recommendations.</p>
<p><i>Reason: To ensure that the proposed activities do not harm ground or surface water resources in line with paragraph 170 of the National Planning Policy Framework 2019, Policy MC14 of the Surrey Mineral Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p><b>Limitations</b></p> <p><b>42.</b> No form of material screening or crushing shall take place on site under any circumstances.</p>
<p><i>Reason: To comply with the terms of the application and in the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Mineral Plan Core Strategy 2011 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	





	<p><b>43.</b> No material other than:</p> <ul style="list-style-type: none"> <li><b>a.</b> imported waste to infill/ restore the site to top of landfill cap; and</li> <li><b>b.</b> site derived uncontaminated soils (these being mineral waste, clean non-toxic naturally occurring material and overburden) and naturally occurring uncontaminated imported soils, to create the upper 600mm surface layer of restorations soils above the landfill cap.</li> </ul> <p>Shall be used at the application site.</p>
<p><i>Reason: To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation in the interests of local amenities and to ensure the protection of the water environment in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	
	<p><b>Stability</b></p> <p><b>44.</b> Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017, a written scheme of works for the management of land stability at the site has been submitted to and approved in writing by the County Planning Authority. The scheme of works shall incorporate the recommendations of the Buro Happold Engineering Slope Stability Design Review dated 30 October 2019 and shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) The submission of a slope buttress stability design report and volumetric assessment of the buttress fill needed and its required geotechnical properties;</li> <li>(b) An excavation and filling operational plan for the slope buttressing work, compacting specifications for engineering the buttress fill and a programme of works;</li> <li>(c) An evidence base that the applicant/operator has access to the required buttress fill and a programme of works;</li> <li>(d) The submission of a scheme of slope stability and groundwater inspection and observation (Stability Monitoring Plan) including early warning stability decision trigger criteria and a Contingency Action Plan with mitigation and/or remedial measures as appropriate, together with a periodic review and reporting procedure such that the buttress design and the Stability Monitoring Plan can be amended as necessary based on the actual stability conditions observed;</li> <li>(e) Implementation and Verification Plan.</li> </ul>

	The development hereby permitted shall be carried out strictly in accordance with the approved scheme of works, programme and Verification Plan.
<i>Reason: For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 183 of the National Planning Policy Framework 2021, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.</i>	
	<b>45.</b> No clay extraction shall take place within 50 metres of the western boundary of the site as shown on drawing ref: AB/103 rev G “Excavation and Restoration Phasing Plan” dated 21 December 2017 until a geotechnical appraisal of slope stability of the western quarry flank (Phases 3 and 4) has been submitted to and approved in writing by the County Planning Authority. The geotechnical appraisal shall include the ground investigation factual report, ground investigation interpretative report, the characteristic values selected for design, the ground model, the proposed design in section and plan and outputs of the slope stability showing compliance to relevant standards. The appraisal needs to have regard to the type of material to be used for the infill slope buttress and the compaction specification.
<i>Reason: For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.</i>	
	<b>46.</b> Sufficient volumes of suitable materials shall be maintained within Phases 3 and 4 of quarry excavation as shown on drawing AB/103 rev G “Excavation and restoration phasing plan” dated 21 December 2017 at all times to form a buttress so that the toe of the western flank of the railway property boundary is suitably buttressed following three months of clay extraction.
<i>Reason: For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.</i>	
	<b>47.</b> No soils, restoration soils or overburden shall be tipped nor any buildings erected or haul roads constructed between the edge of the excavation of Phases 3 and 4 as shown on drawing AB/103 rev G “Excavation and



	restoration phasing plan” dated 21 December 2017 and the railway boundary until such time as the excavation has been infilled to the final restoration levels.
<p><i>Reason: For the management of the potential stability hazard to third party property and infrastructure around the site boundaries from potential instability of the external faces of the excavation, in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance on Land Stability, and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.</i></p>	
	<p><b>48.</b> In all circumstances where the Quarry Regulations 1999, subsequent versions, or similar replacement legislation does not apply, Geotechnical Stability Assessments shall be undertaken initially (within 3 months of the date of identification that the Quarry Regulations do not apply to any part of the development site), and thereafter at intervals not exceeding 2 years for a period to be agreed in writing with the County Planning Authority. The initial and periodic assessment reports shall be submitted to the County Planning Authority for approval in writing.</p> <p>For the avoidance of doubt such ‘circumstances’ shall include any spatial areas or zones of the permitted development subject of this consent that may be outside the operational quarry working area defined for the purposes of the Quarry Regulations, and any areas or zones of the permitted development that fall outside the Quarry Regulations by virtue of completion of restoration, landscaping or abandonment.</p> <p>The general scope and content of the Geotechnical Stability Assessments required under this condition shall be as set out and defined in the Quarry Regulations 1999 and its Schedules, subsequent versions or similar replacement legislation, and HSE Document L118 (second edition) 2013, Quarry Regulations 1999 Approved Code of Practice.</p> <p>The Geotechnical Stability Assessments so defined shall include all waste, soil or rock slopes within the permitted development site boundary, whether temporary faces, slopes under restoration, restored final slopes, or temporary stockpile or spoil heap slopes, and whether inward or outward facing.</p>
<p><i>Reason: For the management of potential land stability hazards on any parts of the site that may fall outside the ambit of Quarry Regulations during the operational phase, and to maintain a suitably stable finished landform on completion of restoration and</i></p>	

*aftercare in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance and Land Stability and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.*

**49.** The final stability and settlement review report for the whole restored site shall be undertaken and submitted to the County Planning Authority for approval in writing within 6 months before the end of the agricultural aftercare period as approved pursuant to condition 30 above.

*Reason: For the management of potential land stability hazards on any parts of the site that may fall outside the ambit of Quarry Regulations during the operational phase, and to maintain a suitably stable finished landform on completion of restoration and aftercare in accordance with paragraph 178 of the National Planning Policy Framework 2019, MHCLG Planning Practice Guidance and Land Stability and Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.*

**50.** Trees located along the western boundary of the application site as shown on Plan 01 "Site Location Plan" dated March 2015 shall be managed so that they shall not pose a threat to the railway line. Should any tree be identified as being a health and safety risk or diseased, it shall be removed in consultation with Network Rail. Trees planted in the vicinity of the western boundary of the site should be located at a distance in excess of their mature height from railway property.

*Reason: For the management of potential hazards to the railway line from the application site in accordance with Policy MC14 of the Surrey Minerals Plan Core Strategy 2011.*

**51.** Prior to the commencement of any enabling works, works to the access including on Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017, a Public Rights of Way Scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include but not be limited to:

- (a) Details of the temporary constriction of Footpath No. 178 including the proposed width of the remaining footpath (minimum of 2m to be made available for use by members of the public);
- (b) Details of surface treatment (e.g., rough metalled with road plainings or type 1);

	<p>(c) Details of how the potential for conflict between users of the footpath and HGVs are to be managed including protection measures to prevent vehicles moving off the track and across the footpath;</p> <p>(d) Details of suitable signage to warn users of the footpath and HGV drivers of hazards associated with the mineral working.</p> <p>The approved details shall be implemented before any material is imported to or exported from the site in HGVs and maintained for the duration of the development hereby permitted.</p>
<p><i>Reason: To protect the users of Footpath No. 178 in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC14 and Surrey Waste Local Plan 2020 Policy 14.</i></p>	



## Informatives

1. Subject to the agreed traffic management plan measures (see proposed condition 12) and any resulting works being required within highway limits at the applicant's expense (see proposed condition 13), the decision hereby issued shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
2. In respect of Condition 12 above, the Traffic Management Plan measures should include the following: parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; programme of works (including measures for traffic management); provision of boundary hoarding behind any visibility zones; HGV deliveries and hours of operation; vehicle routing; measures to prevent the deposit of materials on the highway and monitoring of damage along highway verge; within 100 metres of the site in either direction; before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; no HGV movements to or from the site shall take place between the hours of 0900-1630 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in or along the A24 during these times; and on-site turning for construction vehicles; and a list of what vehicles would be associated with the construction of the visibility splays and access works.
3. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council contactable by email on [tdpmolevalley@surreycc.gov.uk](mailto:tdpmolevalley@surreycc.gov.uk).
4. The applicant and operator are 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 shown it is absolutely certain that nesting birds are not present.
5. The rate of excavation of the external clay faces and the length of the open face excavated partially or completely at any one time shall be commensurate with the supply

of incoming inert buttress quality fill such that the slope buttress can be placed against the face within a 3 month period or otherwise agreed in writing by the Mineral Planning Authority. Any section or part of a clay face shall not stand unsupported by a buttress for more than 3 months or otherwise agreed in writing by the Mineral Planning Authority. Buttress quality fill is defined as fill achieving the geotechnical strength and density parameters required to support the faces (proposed condition 44(a) above) and having suitable properties to meet the compaction specification (proposed condition 44(b) above).

6. In respect of proposed condition 44 above, the supply availability of incoming inert buttress quality fill shall be under constant review and clay excavation shall cease if the anticipated supply of incoming inert buttress quality fill is insufficient to buttress and support the slope within a 3 month period.
7. Any works to be carried out which will affect the flow or storage of water within, or which place or alter a structure/obstruction within an ordinary watercourse will require Ordinary Watercourse Consent. These can include permanent or temporary structures or works. An 'ordinary watercourse' is a watercourse that is not part of a main river and includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows. Consent within Surrey is issued by the Sustainable Drainage and Consenting Team within Surrey County Council. The team can provide information on the requirements for consent and the application procedure and is contactable by email on [SuDS@surreycc.gov.uk](mailto:SuDS@surreycc.gov.uk). Please note consent cannot be issued retrospectively. Works affecting designated Main River require consent from the Environment Agency.
8. The applicant's attention is drawn to the need to enter into discussions with the Environment Agency in respect of an Environmental Permit which is required for the development and prior to the commencement of any works. Information on Environmental Permits can be obtained from the Environment Agency's website.
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecute persistent offenders (Highways Act 1980 Section 131, 148, 149).
10. All vehicle drivers visiting the site should be made aware of the Site Rules.
11. The definition of 'cessation' as referred to in proposed condition 5 is as per the definition in the Town and Country Planning Act 1990 Schedule 9 Section 3(2).
12. Attention is drawn to the requirements of Section 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 5810: 1979) or any prescribed document replacing that code.
13. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by: providing pre-application advice including identification of material considerations; resolving validation issues pertaining to the application; assessing the proposal against the National Planning Policy Framework 2021 including its associated planning practice guidance and European Regulations; liaising and facilitating meetings with the County Highway Authority and other statutory consultees on behalf of the applicant in order to resolve identified issues; providing timely and constructive feedback to the applicant in respect of consultation responses received; providing the applicant with early and ongoing sight of amended and new planning conditions; and providing the applicant with a draft schedule of conditions and heads of

terms for the s106 legal agreement for consideration and comment. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.

14. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment. It is recommended that all trees grown abroad, but purchased for transplanting, shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees entered the UK, their origin and the length of time they have been in the nursery should be requested before the commencement of any tree planting. If this information is not available, alternative trees sources should be used. You are advised to consult the relevant UK Government agencies such as the Animal and Plant Health Agency (APHA) and the Forestry Commission for current guidance, Plant Passport requirements and plant movement restrictions. Quality Assurance Schemes followed by nurseries should also be investigated when researching suppliers. For larger planting schemes, you may wish to consider engaging a suitably qualified professional to oversee tree / plant specification and planting.
15. Condition 47 shall not preclude access to the gap between the edge of the excavation and the railway line for minor landscaping and placement of shallow restoration soils, ditch construction or surface water management in accordance with approved design details and planting.
16. The applicant's attention is drawn to SES Water's letter dated 2 November 2021 with regards to safe digging practices near their water main, the attached plan; and Avoiding danger from underground services publication by the Health and Safety Executive (2014).
17. The applicant's attention is drawn to the requirement to inform Southern Gas Network should any extraction/ quarrying take place within 100 metres of their mains pipeline; and to the Southern Gas Network Safety Advice – Valves document and the need to contact the Safety Admin Team on 08009121711 for further information, the Southern Gas Network 'Dig Safely: Measures to avoid injury and damage to gas pipes' document; and the Southern Gas Network "Know what's below: Protection you and your family" document.
18. The applicant's attention is drawn to UK Power Networks letter dated 2 November 2021 and its attachments and the advice contained within it with regards to safe working practices in the vicinity of their electrical lines/ plant.

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**Contact Samantha Murphy**

**Tel. no. 02085417107**

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### **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 [National Planning Policy Framework](#) (NPPF) was updated in July 2021. This revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018 and February 2019. It continues to provide

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](#) [waste](#); [traveller sites](#); [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 (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in 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 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 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).

### **Human Rights Act 1998 Guidance For Interpretation**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into 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.

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 their possessions and that no-one shall be deprived of their 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.

### ***Background papers***

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

For this application the deposited application documents and plans, and responses to consultations, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register. Mole Valley District Council planning register entry for this application can be found under [MO/2017/0953](#).

### ***Other documents***

The following were also referred to in the preparation of this report:

### ***Legislation***

[Environment Act 1995](#)

[The Planning and Compensation Act 1991](#)

### ***Government Guidance***

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

### ***The Development Plan***

[Surrey Waste Local Plan 2019-2033](#)

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)

[Surrey Minerals Plan Site Restoration Supplementary Planning Document \(SPD\) 2011](#)

[Mole Valley Core Strategy 2009](#)

[Mole Valley Local Plan 2000](#)

### ***Other Documents***

[Pioneer Aggregates \(UK\) Ltd v SoS for Environment \(1985\)](#)

[Surrey Landscape Character Assessment, Surrey County Council, 2015](#)

[Institute of Air Quality Management's 'Guidance on the assessment of mineral dust impact for planning', May 2016](#)

[Environmental Protection UK and Institute of Air Quality Management 'Land-Use Planning & Development Control: Planning for Air Quality', January 2017](#)

Draft Heads of Agreement October 2021

Natural England Auclay Geological SSSI Sites View: [SSSI detail \(naturalengland.org.uk\)](#)



## **ANNEX A - GLOSSARY**

Economic viability – “Economic viability in the context of review of mineral permissions means the ability of a site to produce sufficient revenue to cover all of its operating costs (including finance costs and depreciation) and produce an appropriate return on capital. The key test is the extent to which the further restrictions imposed by new conditions would cause extra operating costs or restrict revenue to the extent that economic viability would be prejudiced adversely to an unreasonable degree” (NPPG).

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Asset value – “Asset value of the site is value of the remaining minerals in the ground for which planning permission exists and stockpiled material, together with the land, buildings and fixed plant and machinery. The key test is whether a significant quantity of workable material would be lost relative to the amount of workable material in the site for which planning permission exists” (NPPG).

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Mineral waste – waste derived from the winning and working of minerals at that mine or from minerals brought to the surface at that mine or from the treatment or the preparation for sale, consumption or utilisation of minerals from the mine.

**ANNEX B – Flowchart: overview of review of mineral planning conditions (source NPPG)**

**ANNEX C – Draft Heads of Terms**

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Planning & Regulatory Committee 26 October 2022 Item No

## UPDATE SHEET

### MINERALS/WASTE MO/2017/0953/SCC

DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL

**Auclaye Brickworks, Horsham Road, Capel, Surrey, RH5 5JH**

**Review of planning permission Ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995 so as to determine full modern working and restoration conditions.**

## CONSULTATIONS AND PUBLICITY

### *Additional key issues raised by public*

A further 10 letters of representation have been received raising the following issues:

- Overriding concern is the number of HGVs anticipated on the dangerous section of the A24 with bends close to the entrance to the proposed site. Surrey Highways and the Policy took this list into consideration in declaring it to be a dangerous section of road and as a result the speed limit was reduced from 50 mph to 40mph.
- The Highway Authority has expressed concern over the access and egress of the proposed 185 HGVs. The new conditions reduce the number and the operating hours for this and the residents welcome this reduction.
- If the ROMP is granted we would want to see these conditions are applied and enforced.
- The proposed traffic that the site will generate will have a massive impact on the usability of the A24, particularly for local residents. Adding an HGV to the road approximately every 7 minutes will inevitably cause disruption to the traffic flow. Given that the A24 is a single carriageway in this area and is strategic for the north/south flow of traffic between Sussex and Surrey it is not suited to the proposed development. The proposed use is approximately 3x greater permitted traffic than the original usage cap, which given that the A24 is now significantly busier, is a massive increase in original permitted use. The noise pollution is also likely to be significant.
- The proposed lorry traffic flow is 3 times higher than originally envisaged and arrangements for vehicles travelling to the site from the north at Clarkes Green turning right appear completely unsatisfactory with large HGVs blocking the traffic flow for long periods at busy times with the danger that vehicles travelling south behind an HGV leaving Clarkes Green will try to overtake at high speed before reaching the turning to the site where they will be stuck behind the stopped lorry. The proposal could be made safer if the A24 was widened to provide a dedicated right hand turn lane and/or traffic light control but the applicant does not appear prepared to make the necessary investment. The recent reduction in the speed limit from 50mph to 40mph only makes matters worse as drivers will now be more impatient about being held up behind a turning lorry stopping the traffic flow.
- Even with washing facilities on site, it is not clear that the HGVs will be able to effectively remove the clay effectively without bringing substantial quantities to the road which is likely to make the road less safe.
- The proposed intrusive and noisy mineral working development will be extremely detrimental to the currently pleasant rural environment carrying a public footpath

adjacent to the site and these noisy and destructive works will drive large numbers of birds and small mammals out of this unspoiled rural environment.

- There are significant safety concerns given the number of serious accidents that have occurred on the stretch of road that is most impacted by the HGV movement. Even with the mitigating design suggestions that have been proposed for the entry onto the A24, it is likely that the slower vehicles will lead to impatience and risk taking on the part of drivers.
- I have concerns regarding the impact on traffic congestion that this enterprise will have on the local area. Traffic at the Clarkes Green roundabout on the A24 is already high at certain times of the day, and very difficult to join from the minor roads that join, and the noise pollution is high (due to the deteriorating road surface). All the additional HGVs that this enterprise will have will have had significant delays to journeys on the A24 and increase the noise pollution. The single carriage way section is already a bottleneck and would only be exacerbated.
- Even a simple risk assessment based on the additional lorry traffic, shows that the likelihood of a collision between lorry and car is significantly increased as is the likelihood of a collision between a lorry and a cyclist. Under risk assessment terms the consequences of such a collision are a high risk for serious injury or death. Any risk assessment that concludes with a risk of death deems the proposal as unacceptable, with ALL those responsible for approving it as culpable in the event of a resultant death.
- The site is part of a SSSI that "is important for its fossils of Mesozoic insects, with many well preserved bodies from several orders dating to the Lower Cretaceous period. It has produced new species of aculeata (wasps, ants and bees) and crickets" and it would appear that the content of this SSSI is under major threat of substantial damage and/or complete elimination by the proposed clay extraction works. Also I am unclear of the date of the original SSSI designation so does it post date the granting of the original planning permission at this site in 1976 and if so has the existence of that SSSI been fully taken in to account by the County Council?
- The destination and/or lorry routes of the up to 149 additional lorry movements a day from this site is unknown until after the permission is granted I am very concerned that if one of the customers for the clay excavated from the Auclay site was the brickworks in Ewhurst that lorries travelling between the Ewhurst Brickworks and the Auclay site outbound when empty would then need to make the dangerous and space limited (on the central reservation) right hand turn across the A24 from Coles Lane that is not of a suitable construction for frequent transits by large HGV vehicles. Hence if planning permission is to be granted the routes that can be taken by lorries carrying clay to and from the site need to be defined so that they cannot travel on unsuitable rural lanes such as the B2126 Coles Lane to reach the site and serious consideration should probably be given to a width restriction on Coles Lane to prevent lorries using that route and making the dangerous (for large lorries able to carry substantial loads of clay) right hand turn across the A24 at Coles Lane.
- I am concerned about the potential flood risks and the adequacy of drainage at the proposed Auclay clay extraction site as this does not appear to be properly covered or considered in the original 1976 planning permission.

Matters pertaining to highways, traffic movements and highway safety are dealt with in the Officer report paragraphs 113 – 146.

Matters pertaining to drainage are at paragraphs 162 – 167.

Matters pertaining to the geological SSSI are at paragraph 173- 178.

### **CONDITION WORDING**

Condition 3 should be re-worded to:

**Clay extraction** shall begin before the expiration of 3 years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within 7 working days of the commencement of development.

Condition 4 should be re-worded to:

Extraction of minerals and operations involving the deposit of waste hereby permitted shall cease and all buildings (with the exception of those shown on Drawing Ref. 3440/DR/001 Sketch Landscape Masterplan Rev.B dated 28 October 2015), plant, machinery, sanitary/welfare/office facilities and their foundations and bases, together with any internal haul roads and vehicle parking shall be removed and the site shall be restored in accordance with the plans **and documents** listed in condition 2 above and subsequently approved pursuant to condition 30 below by no later than 21 February 2042.

Condition 7 should be reworded to include the following:

If mineral working is suspended for a period of 6 months or more, within 7 months of the date of suspension of mineral working, the operator shall give written notification to the County Planning Authority of the date upon which mineral working was suspended **after which a scheme including details of restoration, landscaping and aftercare shall be submitted for approval to the County Planning Authority within 3 months of the County Planning Authority issuing an order of suspension of winning and working of minerals or the cessation of working. The approved scheme shall be fully implemented and maintained within 2 years of its written approval.**

Condition 17 has a typo:

All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the **manufacturers** specification at all times and shall be fitted with and use effective silencers in accordance with the manufacturer's recommendations at all times. Any damage, breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be carried out within a reasonable period, the equipment affected should be taken out of service.

Condition 18 should be reworded to include the following:

Prior to commencement of any enabling works, works to the accesses on both Knoll Farm Road and at the junction with the A24, ecological mitigation and translocation works, bund creation works; and the extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017 and drawing AB-108 rev E "Site Compound and Stockpile Location" dated 22 February 2018 a Noise Management Plan (NMP) shall be submitted to and approved in writing by the County Planning Authority. The NMP shall detail the measures required to meet the limits set out for normal day-to-day and temporary activities **(likely temporary activities to be listed)**, proposed monitoring, and mitigation procedures to be put in place where the limits are exceeded or complaints are received. The approved NMP shall be implemented and maintained for the duration of the development hereby permitted.

Condition 27(b) is missing the word 'planting' at the end and should read:

The works to be carried out including the creation of hibernacula and refugia piles for reptiles, the grass cutting regime, installation of any reptile fencing along the perimeter of the area, waterbodies for newts and frogs, hedgerow planting, grassland and native shrub **planting**

Condition 38 the tailpiece should be removed as follows:

No topsoil or subsoil shall be removed from the application site or used for any purpose other than site restoration **without the prior written approval of the County Planning Authority.**

Condition 43 should have the following wording added:

No material other than:

- a. imported waste to infill/ restore the site to top of landfill cap; and
- b. site derived uncontaminated soils (these being mineral waste, clean non-toxic naturally occurring material and overburden) and naturally occurring uncontaminated imported soils, to create the upper 600mm surface layer of restorations soils above the landfill cap.

Shall be used **in the backfilling and restoration** at the application site.

Condition 44 should be reworded to:

Prior to commencement of extraction of clay from Phase 1 as shown on drawing AB/103 rev G "Excavation and Restoration Phasing Plan" dated 21 December 2017, a written scheme of works for the management of land stability at the site **shall be has been** submitted to and approved in writing by the County Planning Authority. The scheme of works shall incorporate the recommendations of the Buro Happold Engineering Slope Stability Design Review dated 30 October 2019 and shall include but not be limited to:

Condition 49 should refer to condition 31 (LEMP) not 30.

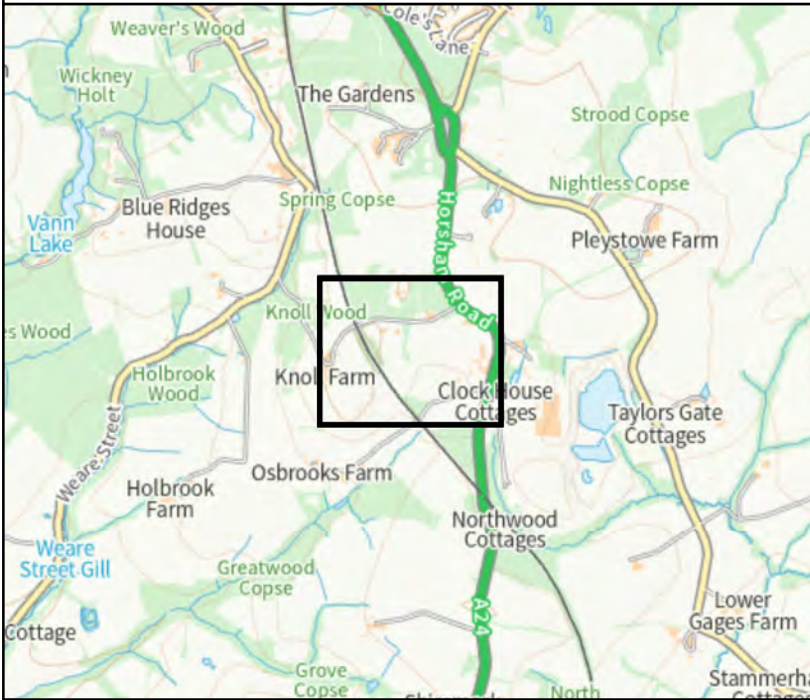
Condition 50 drawing number should be corrected to:

Trees located along the western boundary of the application site as shown on **Drawing Ref. "AB/102 Site Location Plan Rev D" dated February 2017 Plan 01 "Site Location Plan" dated March 2015** shall be managed so that they shall not pose a threat to the railway line. Should any tree be identified as being a health and safety risk or diseased, it shall be removed in consultation with Network Rail. Trees planted in the vicinity of the western boundary of the site should be located at a distance in excess of their mature height from railway property.



Site Location:

# Auclaye Brickworks, Horsham Road, Capel, Surrey, RH5 5JH



Review of planning permission ref MO/75/1165 dated 30 July 1976 pursuant to the Environment Act 1995 so as to determine full modern working and restoration conditions.

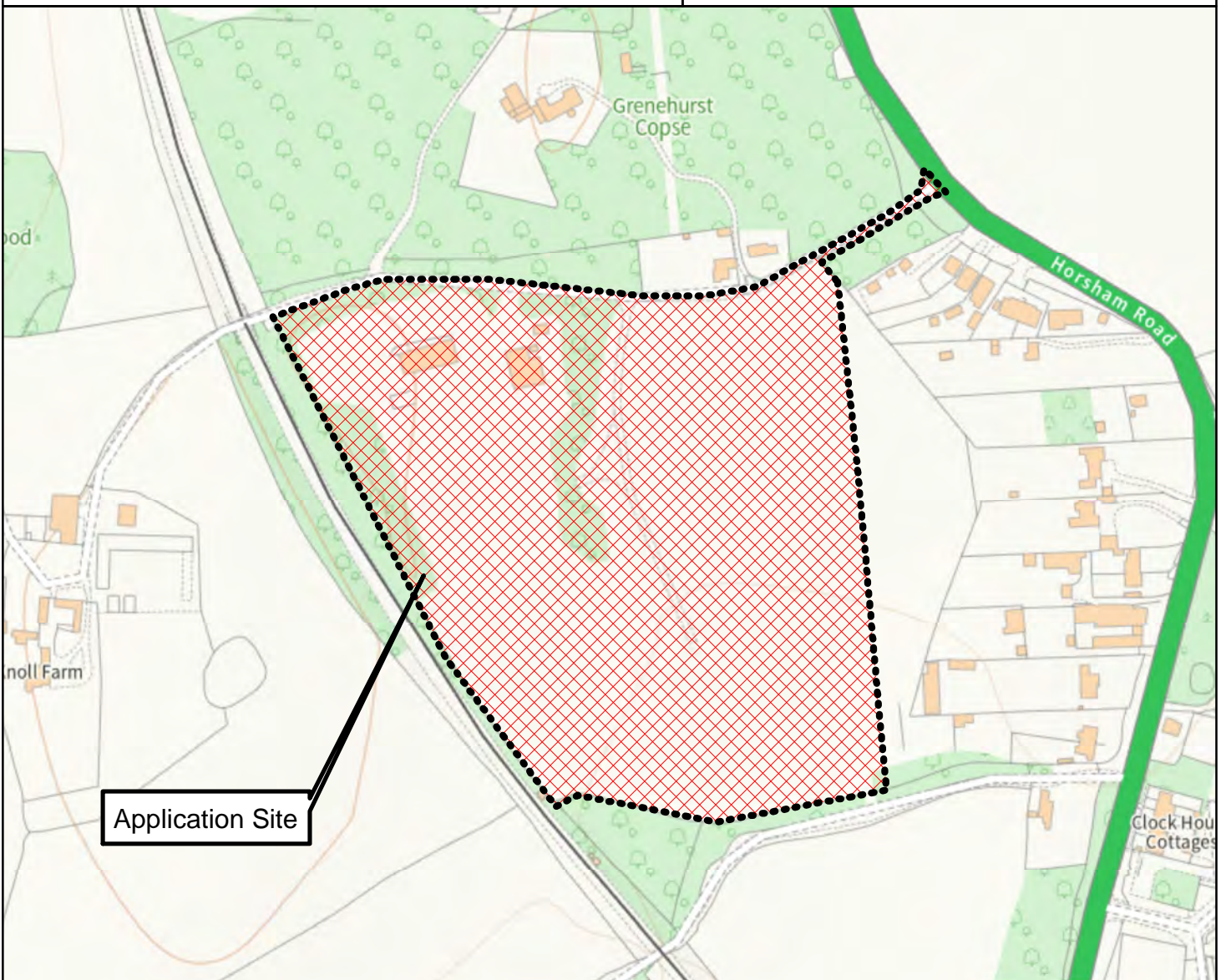
Application numbers:  
MO/2017/0953/SCC

Electoral divisions:  
Dorking Rural

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Note: This plan is for indicative purposes only



Ref No:  
SCC Ref 2017/0004

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Scale: **1:3750**  
Printed on: 09/05/2023

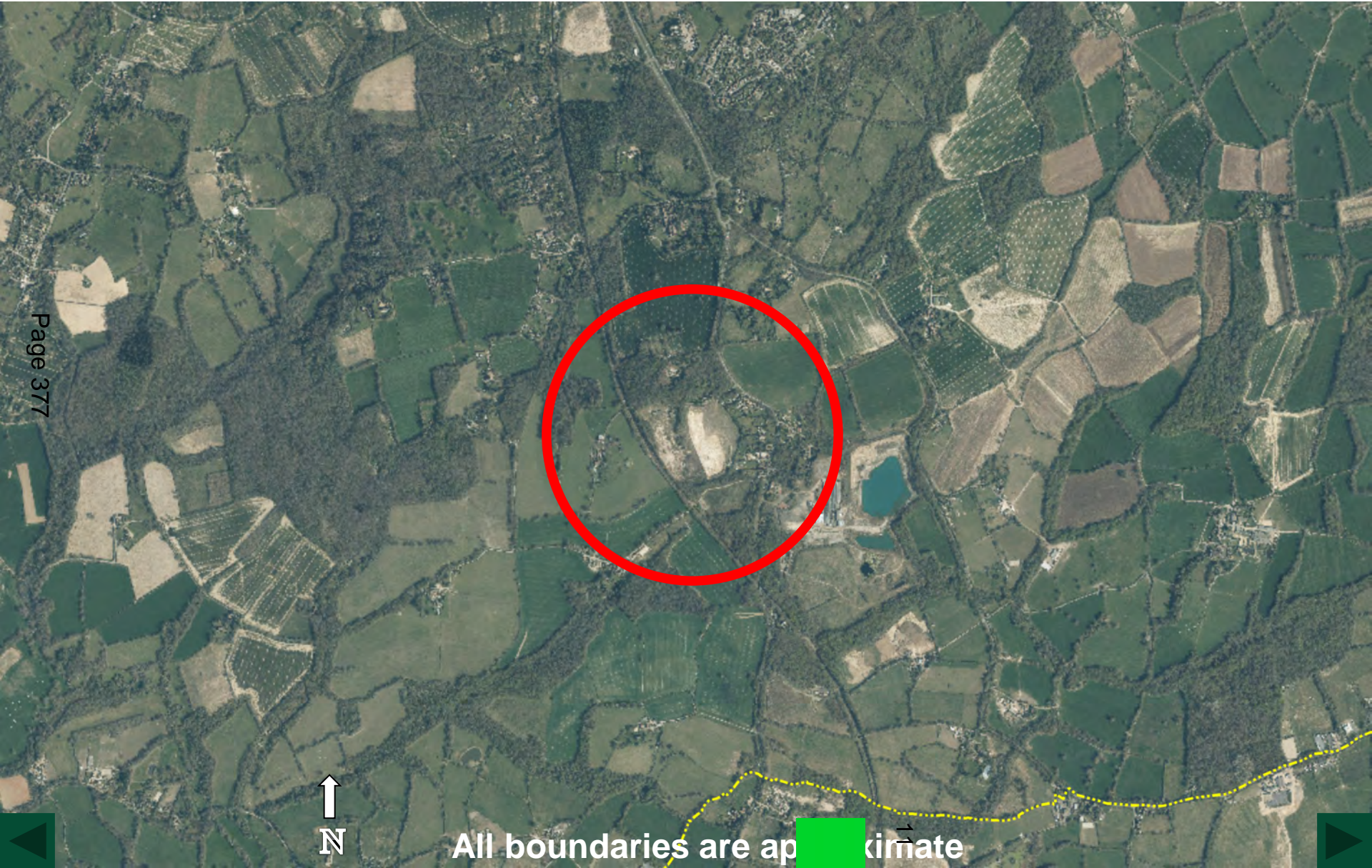
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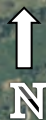


# 2023 Aerial Photos

## Aerial 1: Surrounding area



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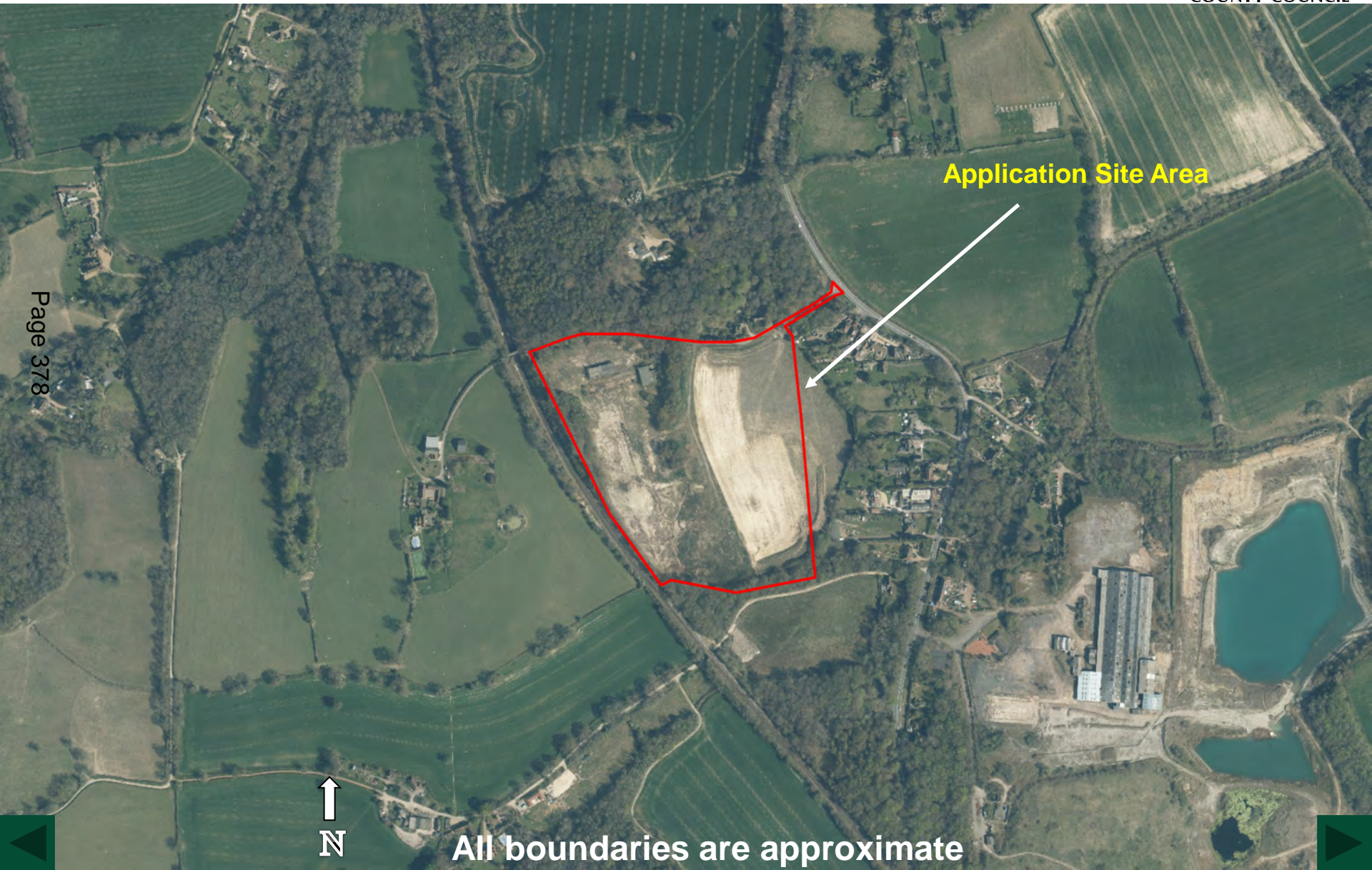
All boundaries are approximate





# 2023 Aerial Photos

## Aerial 2: Application site



Application Site Area

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All boundaries are approximate