



**To:** Planning & Regulatory Committee

**Date:** November 2023

**By:** Planning Development Manager

**District(s)** Elmbridge Borough Council

**Electoral Division(s):**

**Walton**

**Mrs Lake**

**Case Officer:**

**Janine Wright**

**Purpose:** For Decision

**Grid Ref:** 510804 167444

**Title:** Surrey County Council Proposal EL2023/1953

### **Summary Report**

#### **Land south-west of Waterside Drive, Walton on Thames, Surrey**

**The construction of a new special educational needs school, including sport courts and pitches, vehicle parking, landscaping and new vehicular and pedestrian access from Waterside Drive.**

The proposed development comprises the construction of a new special educational needs school, including sport courts and pitches, vehicle parking, landscaping and new vehicle and pedestrian access from Waterside Drive.

The proposed development would comprise of a two storey L-shaped building providing separate primary and secondary education to pupils aged between 4 and 19.

The application site is located in the borough of Elmbridge and is situated on a rectangular piece of land measuring approximately 3 hectares. It is currently being used for grazing of horses. The application site lies within the Metropolitan Green Belt.

The proposed development is considered to be inappropriate development within the Green Belt, which is by definition harmful. The other harm resulting from the inappropriate development is the loss of openness to the Green Belt, encroachment of the countryside and harm to the visual amenity of the area through the change in the character of the site, from one which is currently open to the construction of a new SEN school.

The Very Special Circumstances put forward by the applicant include educational need, lack of alternative sites, anticipated economic and social benefits, community use, access to local schools and retention of families in the local area.

The application has been publicised by posting site notices and an advert has been placed in the local newspaper. Owner/occupiers of neighbouring properties were directly notified by letter and a total of 13 letters of objection have been received and 4 letters of support. The letters of objection mainly refer to traffic congestion, visual amenity, erosion of Green Belt and flooding.

Officers have considered all the aspects of this proposal in the planning balance and consider that Very Special Circumstances exist in this case.

The recommendation is subject to referral 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.

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## **Application details**

### **Applicant**

SCC Property

### **Date application valid**

15 June 2023

### **Period for Determination**

14 September 2023 (extension of time requested)

### **Recommendation**

The application is recommended for approval, subject to referral to the Secretary of State.

### **Amending Documents**

Applicant's response to SuDs comments ref: 01847-ENG-XX-XX-TN-C-0001 dated 13 July 2023.

Email from applicant dated 14 August 2023 regarding land contamination.

Albury SI Phase II Site Investigation Report ref: 22/12344/A/KJC dated August 2022.

Applicant's response to landscape planning comments 30 August 2023

Landscape maintenance and management plan rev P01

HCS-WWA-ZZ-ZZ-D-L-0501-S4 Rev P03 – paving tree pit details

HCS-WWA-ZZ-ZZ-D-L-0301 S4 P02 – tree planting plan

HCS-WWA-ZZ-ZZ-D-L-0119-S4 RevP01 – urban Greening factor

HCS-WWA-ZZ-ZZ-D-L-0105 – S4 Rev P08 – green infrastructure strategy

HCS-WWA-ZZ-ZZ-D-L-0102-S4 Rev P14 – landscape Masterplan

Response to consultee comments ref: PC-22-0253-LT1 dated 4 September prepared by Pace Consult.

Hopscourt School: Potential Community Use

Bat Preliminary Ground Level Tree Roost Assessment and Activity Survey Ref: dated September 2023 prepared by Ecology Partnership.

Biodiversity Net Gain Report and Biodiversity Metric Calculation Ref: RGA220 V0.1 dated September 2023 prepared by Richard Graves Associates

Response to Air Quality comments ref: Air Quality Assessment ref: P2212 dated 22 August 2023 by ADM Limited.

Email dated 26 September regarding potential community use at Hopescourt School

Addendum letter from Surrey Wildlife Trust dated 8 September 2023

AQA (further information) ref: P2212 dated 16 October 2023

Revised Tree Planting Plan ref: HCS-WWA-ZZ-ZZ-D-L-0301 S4 Rev P03 dated 25 July 2023

BNG Off-set Assessment dated October 2023 prepared by Richard Graves

Provision of Biodiversity Net Gain (BNH) dated October 2023 prepared by Vail Williams

Ecology Response issue 2 (Technical Note) prepared by Ecology Partnership dated 20 October 2023

Site Plan for Grove Farm off-site BNG – ref 1452 Rev A dated 22 March 2018

Response to Stantec Letter ref: 21482/3515 332510336 CBH/JC/CC dated 19 September by Ashfield Solutions Group

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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 / Need	Yes	40-80
Green Belt Assessment / Review and conclusion	Yes	81-92
Impact on Character of the Area	Yes	93-102
Impact on residential Amenities	Yes	103-110
Noise	Yes	111-121
Highway Safety and Parking	Yes	122-136
Contamination	Yes	137-143
Flood Risk and Drainage	Yes	144-157
Air Quality	Yes	158-164

Landscape Character	Yes	165-178
Ecology and Trees	Yes	179-201
Biodiversity Net Gain	Yes, subject to off-site provisions	202-214
Archaeology	Yes	215-219
Climate Change and Sustainability	Yes	220-225
High Pressure Pipeline	Yes	226-227

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### Illustrative material

Site Plan

Plan 1 – Aerial Photograph of site

Plan 2 – Site location plan

Plan 2 – Site layout

Plan 3 - Elevations

Photographs of site

### Proposal

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### Background

#### Site Description

1. The application site is located on the corner of Waterside Drive and Terrance Road (A3050), south-east of the Elmbridge Excel Leisure Centre and Sports Hub. The site is approximately 1.25km to the north-east of Walton on Thames town centre and is within the borough of Elmbridge. A newly developed secondary school, known as Walton Heathside, is situated north of the application site and Grovelands Primary School is to the east.
2. The *River Thames* is approximately 400m to the north-west. A BP fuel storage terminal is located approximately 180m to the north-west of the site.
3. Residential properties lie directly to the north-west (Franklyn Road) and south-east (Terraced Road). An area of allotments lie to the south of the site.
4. The application site is rectangular in shape and measures approximately 3 hectares. It is currently being used as grazing land for horses but previously formed part of wider area used for sand and gravel extraction which was subsequently infilled during the 1970s and 1980s. To the north west of the site, beyond Franklyn Road, lies the BP fuel storage terminal and a high

pressure fuel pipeline crosses the application site. Information submitted by the applicant states that the landfill on this site is generally construction waste and includes relatively small amounts of organic material that could decay, and a limited number of voids.

5. The application site lies within the Metropolitan Green Belt and is within Flood Zone 1. The Queen Elizabeth Storage Reservoir and Knight and Bessborough Reservoirs are located north-east approximately 420m and 530m respectively.

### **Planning History**

6. The application site previously formed part of a wider area which was used for sand and gravel extraction, following which landfill operations commenced in the 1970s. The site was largely filled with inert waste.
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### **The proposal**

7. Planning permission is being sought for the construction of a new special educational needs school, including sport courts and pitches, vehicle parking, landscaping and new vehicular and pedestrian access from Waterside Drive.
8. The proposed development would comprise a two storey L-shaped building providing separate primary and secondary education to pupils. The primary element would occupy the eastern wing of the building and the secondary element would occupy the western wing. The building would be internally linked.
9. The proposed two storey building would have a flat roof which would rise to a height of 8.1m. The materials to be used on the fabric of the building include brick with render and an aluminium cladding. The overall footprint of the building would be 4,540sqm.
10. The proposal would provide a range of classrooms and supporting rooms, separate hall and dining areas, a communal kitchen, staff facilities, library and fitness suite. The hall would have a double height ceiling to allow for sporting activities.
11. New vehicular access points are proposed along Waterside Drive. A one way system would ensure that vehicles enter midway along Waterside Drive and exit further along towards the northern corner of the site.
12. A car parking area is proposed in the north-western area of the site. This would provide sixty-eight spaces for staff and visitors including 3 accessible bays. In addition, five long stay and twelve short stay minibus spaces and thirty-seven drop off spaces would be provided. Twenty cycle spaces are also proposed.
13. The proposal also includes a Multi-use Games Area (MUGA) and habitat area which would be located at the eastern end of the site along the Waterside Drive/Terrace Road junction. Grass recreational areas and a secondary school soft play area would be provided towards the south-western corner of the site.
14. The site would be enclosed by a 2.4m high green weldmesh fence which would be situated predominantly behind existing hedgerows along Waterside Drive and Terrace Road. The applicant is proposing to retain existing trees and vegetation.

## Consultations and publicity

### District Council

15. Elmbridge Borough Council : Objection Raised, development amounts to inappropriate development in the Green Belt. Harm identified from the design of the building and location of the MUGA to the character and appearance of the area. Possible harm to the amenities of neighbouring properties from the MUGA. The proposal is considered to cause unacceptable harm to the Borough of Elmbridge.

### Consultees (Statutory and Non-Statutory)

16. County Arboricultural Officer : An amended tree protection plan should be submitted to include all the hedging which is to be protected. Alternative planting of Sorbus torminalis or something similar should be considered by the applicant. No objection raised, subject to planning conditions.
17. Archaeological conditions : No objection raised, subject to planning conditions
18. County Ecologist : following the submission of additional information on BNG and bats no objections are raised subject to planning conditions.
19. Environment Agency : Standard advise provided
20. Natural England : no comments received
21. Rights of Way :no comments received
22. County Noise Consultant :an updated noise report should be provided to include a revised site layout, plant assessment, road traffic change assessment and MUGA assessment.
23. Sport England : no objection, subject to planning conditions
24. Lead Local Flood Authority conditions : no objection raised, subject to planning conditions
25. Thames Water raised : standard advice provided and no objection
26. County Highway Consultant conditions :no objection raised, subject to planning conditions

27. County Geologist Consultant (contaminated land) :following the submission of additional information the application can be recommended for approval subject to planning conditions to ensure the satisfactory remediation of the site prior to the commencement of the development.
28. British Pipelines Agency : no objection raised
29. Fisher German on behalf of Exolum Pipeline System : No objection raised, subject to planning Conditions to enable access for future works to the pipeline if required (and a suitable works consent agreement).
30. County Landscape Consultant :following the submission of additional information no objection has been raised, subject to planning conditions.
31. Health and Safety Executive - Oil and Gas : No objection raised
32. County Air Quality Consultant : No objection raised, subject to planning conditions

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

33. The application was publicised by the posting of 8 site notices and an advert was placed in the local newspaper. Owner/occupiers of neighbouring properties were directly notified by letter. A total of 18 letters of representation have been received. 13 letters of objection, 4 letters of support and 1 comment have been received.
34. The following concerns have been raised within the letters of objection:-
  - Visual amenity and impact on the wider area
  - Traffic congestion, parking and highway safety
  - Erosion of Green Belt and open green space
  - Contrary to Policy
  - Noise
  - Contaminated land
  - Impact on wildlife habitats including bats
  - Unsuitable location
  - Flooding
  - Design
  - Existing use is a valuable community resource
35. Representations received in support of the application have raised the following points:-
  - Shortage of SEN schools
  - Reduced journey time for pupils
  - Improved schooling facilities for SEN local children
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36. Officers have considered all the letters of representations which have been submitted.

## Planning considerations

37. 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.
38. In this case the statutory development plan for consideration of the application consists of the Elmbridge Borough Core Strategy 2011 (ECS), Elmbridge Borough Development Management Plan (EDMP)2015 and supplementary planning documents. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. These include the National Planning Policy Framework 2023 (NPPF) and National Planning Policy Guidance (NPPG). In this case the main planning considerations are: Principle of Development and Need, Design and Visual Impact, Contamination, Ecology and biodiversity, Highways, Residential Amenity, Climate Change and Sustainability and Green Belt.

## Policy Documents

39. In addition to the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the following local policies and guidance are relevant to the determination of this application:

### Elmbridge Core Strategy 2011 (ECS)

- CS1 – Spatial Strategy
- CS3 – Walton on Thames
- CS12 – The River Thames Corridor and its tributaries
- CS14 – Green Infrastructure
- CS15 – Biodiversity
- CS16 – Social and Community Infrastructure
- CS17 – Local Character, Density and Design
- CS26 – Flooding

### Elmbridge Development Management Plan 2015 (EDMP)

- DM1 – Presumption in favour of sustainable development
- DM2 – Design and Amenity
- DM4 – Comprehensive development
- DM5 – Pollution
- DM6 – Landscape and Trees
- DM7 – Access and parking
- DM9 – Social and community facilities
- DM17 – Green Belt (development of new buildings)
- DM21 – Nature conservation and biodiversity

## Principle of Development / Need

40. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that, development proposals that accord with the development plan should be approved.

41. The proposed development is for a new SEN school which would provide specialist education for pupils with Autism Spectrum Disorder (ASD) within the borough of Elmbridge.
42. The application site is situated within the Metropolitan Green Belt and is an open field currently used to graze horses. The proposal includes a two storey building, new access, associated car parking, sports pitches and a multi-use games area (MUGA).
43. The Governments approach to protecting Green Belt land is set out within Section 13 of the NPPF.
44. Policy DM17 of the EDMP upholds the fundamental aims of the Green Belt, which are set out within paragraph 137 of the NPPF and states:

“The Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. The principle consideration is whether or not the proposed development is inappropriate development within the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications within the Green Belt, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very Special Circumstances (VSC)” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

45. Paragraph 138 clarifies the five purposes of the Green Belt which include:
  - 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.
46. When assessed against the five purposes mentioned above, the proposal would conflict with point c) as it would fail to safeguard the countryside from encroachment and would prevent the Green Belt land from being permanently open.
47. The application site lies within the Metropolitan Green Belt where the construction of new buildings is to be regarded as inappropriate development, subject to a number of specifically identified exceptions outlined in paragraphs 149 and 150 of the NPPF.
48. Paragraph 149 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are:
  - a) Building for agriculture and forestry;
  - b) Provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facility preserve the openness of the Green Belt and do not conflict with the purposes of included land within it;
  - c) Extensions and alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- d) Replacement buildings, provided new building is in the same use and not materially larger than the one it replaces;
  - e) Limited infilling in villages;
  - f) Limited affordable housing for local community needs under policies set out in the development plan;
  - g) Limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continue use
49. Paragraph 150 of the NPPF further states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:
- a) Mineral extraction;
  - b) Engineering operations;
  - c) Local transport infrastructure which can demonstration a requirement for a green belt location;
  - d) Re-use of buildings provided that buildings are of permanent and substantial construction;
  - e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);
  - f) Development including buildings brought forward under community right to building order or neighbourhood development order
50. A new SEN school would not fall within any of the exceptions listed in paragraphs 149 and 150 of the NPPF and is therefore considered to be inappropriate development. Thus “Very Special Circumstances” need to be demonstrated by the applicant and those very special circumstances need to outweigh the harm caused by virtue of the proposal’s inappropriateness as well as any other harm identified.
51. The applicant has submitted a Green Belt Statement (GBS) setting out the ‘Very Special Circumstances’ for this development. The following “Very Special Circumstances” have been put forward by the applicant:-
- Educational need
  - Lack of available alternative sites
  - Anticipated economic and social benefits
  - Community use
  - Access to local schools and retention of families in the local area
- Educational Need*
52. Policies CS3 and CS16 of the ECS seeks to work in partnership with service providers to improve education provision and to develop an action plan to meet the level of need outlined in the Surrey Education Organisation Plan and the Elmbridge Education Provision Assessment.
53. Policy DM9 of the EDMP states that new development for social and community facilities will be encouraged provided that it meets identified local need, is in a sustainable safe and accessible location, accords with the character and amenity of the area, achieves high quality design providing acceptable parking provisions and does not adversely affect traffic movement and highway safety.

54. Paragraph 95 of the NPPF states that “it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.”
55. The applicant has submitted an Educational Needs Analysis Report (ENAR) and accompanying documentation in support of the application.
56. The application is for a new school which would provide accommodation for 200 pupils (primary and secondary school) with special educational needs. The school would enable pupils to achieve their potential and be fully prepared for adult life and future employment.
57. The ENAR states that there has been a significant growth in the number of children and young people, aged between 4-19 years, with additional educational needs and disabilities within the Borough of Elmbridge and the wider north-eastern quadrant of Surrey.
58. The ENAR further notes that there is a country wide requirement for additional SEN provisions and the proposal would be an essential component in meeting the provisions within Surrey.
59. At present, a high proportion of children and young people with additional educational needs and disabilities, who live in Elmbridge and surrounding areas, have to travel long distances outside of the county to attend specialist schooling. The proposal would ensure that facilities are provided within the County, where demand has been identified.
60. The proposal would be funded and delivered by Surrey County Council. The school would accommodate 200 additional SEN places for primary and secondary pupils. 80 pupils would be accommodated during the first year of opening, which is anticipated to be September 2024 reaching its capacity by September 2028/2029.
61. The proposal would align with the Surreys All Age Autism Strategy and SEN Capital Strategy ensuring sufficient delivery of ASD designated specialist school places and realisation of strategic priorities by 2030.
62. Officers recognise that there is an established need for special educational schools in the north-eastern quadrant of Surrey. Officers also recognise that currently, due to the absence of local provisions, children in this area with Special Educational Needs have to travel long distances, sometimes outside of the County, to secure appropriate schooling. Officers accept that the desire of Surrey County Council (in its role as Education Authority) to address this in a more sustainable way accords with both development plan and national planning policy in respect of school places and can be supported, and indeed given great weight.
63. Based on the evidence contained within the ENAR officers accept that there is an identified need for further specialist educational schooling, which the proposal would contribute towards. Officers have placed significant weight upon the identified need and consider that the proposal would accord with the requirements of policies CS3 and CS16 of the ECS and policy DM9 of the EDMP in this regard.

#### *Alternative Sites*

64. The applicant has submitted an Alternative Site Assessment (ASA) in support of the application.
65. The ASA has set out the search parameters for finding alternative sites. Sites in the Walton-on-Thames region were considered by the applicant, including sites off and on the open market. A range of ownership types and uses were considered, including sites owned by SCC.
66. Sites which were considered and discounted include the former Hurst Park School site on Hurst Road and the Joseph Palmer Centre on Walton Road, West Mosley. Alternative assessments on other non-Green Belt sites have also been considered by the applicant.
67. The site search extended for a distance of six miles from the application site and sought to determine whether any other sites of suitable size and criteria were available to accommodate the proposed new school.
68. 10 alternative sites were considered by the applicant and none were identified as being suitable for a new SEN school. The reason for this is that the existing uses of many of the identified sites are in a commercial or employment use, which are protected by local planning policies. Other sites were not immediately available on the open market or attracted a high monetary value.
69. Having considered all the available alternatives, the application site was identified as being most suitable for an educational use. Furthermore, the site is within the ownership of Surrey County Council which enables delivery of the project, to meet the school placement demands.
70. Officers consider that the applicant has carried out a thorough 'alternative sites' search. The results of the search indicate that there are no other suitable sites within the immediate area and that those sites considered were subject to other constraints.
71. The application site represents a location within the borough where there is a need for a SEN school, providing provision for 4-19 year olds. The lack of alternative sites in the borough is therefore considered to contribute to the Very Special Circumstance which can be attributed great weight in the planning balance.

*Anticipated economic and social benefits*

72. The school would create additional full and part time jobs within the borough, as well as other employment opportunities. At full capacity the school would employ a total of 68 teaching and non-teaching support staff. This would be a benefit to the local community and enhance the vitality of the borough.
73. The economic benefits to the borough are considered to be a Very Special Circumstance which would be attributed moderate weight in the planning balance.

*Community use*

74. The location of the application site ensures that it is best placed to provide valuable resources to the surrounding community. The use of the car park, hiring of the school hall and sports facilities, outside of school hours, are being considered by the applicant.
75. Other proposed community projects include the delivery of key support programmes such as "Early Bird" and "Teen Life" course for parents/carers of young autistic children and the use of the grounds, habitat and pond areas for Forest School activities and holiday clubs.

76. The availability of the facilities would provide health and wellbeing benefits to the local community. Other programmes currently being explored, include equestrian opportunities which would be in collaboration with the occupants on the adjacent site.
77. At this point the benefits to the local community would be attributed no weight in the planning balance. However, the applicant has given an assurance that community uses would be explored in due course.

*Access to local schools and retention of families in the local area*

78. Paragraph 95 of the NPPF states that “it is important that a sufficient choice of school places is available to meet the needs of the existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools”.
79. The creation of a new SEN school in the north of the borough would ensure that children within the immediate and wider area would not have to travel extensive distances, often outside of the county, to access specialist schooling.
80. The proposal would be in accordance with paragraph 95 of the NPPF. Access to local schooling is considered to be a Very Special Circumstance which can be attributed great weight in the planning balance.

**Green Belt Assessment / Review**

81. The application site forms a small proportion of a much larger parcel of land within the Green Belt.
82. A Green Belt Boundary Review (GBBR) and supplementary reviews were commissioned in 2016 by Elmbridge Borough Council, as part of the evidence based works associated with the preparation of the new Local Plan.
83. The GBBR assessed all Green Belt land, as defined in the Local Plan in order to establish their roles in fulfilling the purposes for their designation. In accordance with national policy, Green Belts are intended to serve five purposes for which they are designated (refer to paragraph 45 above).
84. The application site is situated on the edge of Strategic Area A, forming part of a section of Green Belt land, south of Waterside Drive. The strategic areas play an important role in meeting the fundamental aims of Green Belt policy, which include the prevention of urban sprawl and keeping the land permanently open.
85. The application site is surrounded by urban development which comprises of roads, residential properties and educational establishments (Grovelands Primary and Heathside Secondary Schools). The character of the immediate and wider area has been impacted by the surrounding built form and is not considered to be completely open. New residential development and large buildings (including the Excel Centre and Heathside Secondary School) are visible along with pockets of open land, which are mainly within recreational uses.

86. It is accepted that the new school building and associated development would add to the existing built form within the Green Belt, however, the playing fields and open communal areas are proposed and would remain permanently open. Whilst the school building would be visible from the south and south-east, it would be viewed against the backdrop of Heathside School and other existing development to the east. The playing fields and car parking area would separate the school building from the residential development along the west (Franklyn Road) retaining the open views across a large part of the site.
87. The 2016 Green Belt Assessment carried out a review of Strategic Area A against the relevant NPPF purposes (paragraph 138). The application site performed weakly against purpose 3 (to assist in safeguarding the countryside from encroachment) and as such the district has concluded that some parts of the green belt, within this area, could accommodate a change of use without causing harm to the integrity of the Green Belt. Officers concur with this view.

*Green Belt and Very Special Circumstances conclusion*

88. The proposed development has been sensitively designed to ensure that the built form is located close to existing development. The sports fields and car parking provisions provide an open view across the site and retain the openness between the development and the existing residential dwellings along Franklyn Road.
89. Furthermore, it has been established through the 2016 Green Belt review that the application site could accommodate a change of use without causing harm to the overall integrity of the wider strategic Green Belt. It is further noted that the Green Belt boundary excludes the surrounding residential development at Franklyn, Terrace and Cambridge Road. All of which add urbanising influences to an area which has been substantially developed over recent years.
90. Officers have considered the Very Special Circumstances put forward by the applicant against the character and nature of the application site as outlined above.
91. Officers consider that the proposal is inappropriate development by definition and it would give rise to an impact on the open character of the Green Belt in this area. It is however considered that in this case the impact of openness is only moderate given the site characteristics and existing development.
92. The following paragraphs will consider other aspects of the proposal and conclude on each of them as to whether the development would result in 'any other harm' which will need to be taken into account in the overall planning balance.

**Impact on the Character of the Area**

93. Policy DM9 requires new development for social and community facilities to accord with the character and amenity of the area.
94. Policy CS3 of the ECS (Walton-on-Thames) states that outside of the town centre, new development will be promoted through redevelopment of previously development land, taking account of relative flood risk in a way that integrates with and enhances local character. It also states that 'a co-ordinated approach will be adopted to the use and management of the area's open spaces, with the aim of balancing the needs of the community with the imperative to protect the site of European and national nature conservation value.' The application site is not

regarded as previously developed land and the proposal would result in the loss of an open field.

95. The application site is surrounded by urban development and is within the designated Metropolitan Green Belt. To the north-east of the site lies the Knight and Bessborough Reservoirs (SSSI) and London Waterbodies Ramsar site. The reservoirs are separated from the site by built development including the Heathside School development along Waterside Drive.
96. The surrounding development along Terrace Road comprises of a mixture of bungalows and two storey residential properties with pitched roofs and off street parking provisions. The properties along Franklyn Road are mainly detached and set back from the road with small front gardens and off street parking.
97. The application site is currently an open field with trees and hedging along the northern, eastern and western boundaries. The land is currently within an agricultural use and grazed by horses. The proposal includes the construction of a two storey building with sports pitch, MUGA and associated parking and landscaping.
98. To the north of the site, separated by Waterside Drive, is the Heathside Secondary School development and further north is Rivernook Close, Sunnyside and Bellway housing developments.
99. To the east of the site, separated by Terrace Road, is Grovelands Primary School. The proposal would be partly visible from Grovelands School, with public views along Terrace Road, although existing hedging would provide some screening. The building and associated development would be more visible from the south due to the adjacent fields and allotments which are predominately open.
100. The proposed scheme would introduce a large two storey building and associated development into an open area, however, the site is set at a lower level than the adjacent road which will reduce its impact. The main school building has been positioned towards the eastern side of the site, where existing built form has already been established. The surrounding urban character wraps around the site ensuring that the building would not be out of place within its setting.
101. Whilst the building would be visible from the adjacent field and allotments officers consider that it would not appear as an uncharacteristically dominant form of development and existing trees and hedging would provide screening to further reduce any visual impacts.
102. It is noted that the character of the area has changed as a result of the accumulative built form development within the immediate area. Officers have noted that there are already two schools within close proximity to the application site and as such the new SEN school would not be harmful to the area's character. Officers therefore conclude that the proposal does not give rise to demonstrable harm in this regard.

#### **Impact on Residential Amenities**

103. Paragraph 185 of the NPPF states that planning policies and decision 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 to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to 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 local amenity

104. There are a number of residential properties situated along Terrace and Franklyn Road with views towards the application site. Although the trees and hedging along the boundaries would be retained, the loss of the open field would have some impact on the amenities of these properties.

105. The properties most likely to be impacted by the proposal are:-

- 143 Terrace Road
- Terrace Road 126 – 134
- Franklyn Road 83 – 91

106. The closest residential property is 143 Terrace Road which is a detached property situated south of the application site with views across the field. The separation distance between this property and the new school building is considered to be sufficient to avoid overlooking, loss of light or have an overbearing impact on the occupants.

107. The landscape and visual appraisal, submitted with the application, concludes that the new building would result in visual changes to receptors within close proximity to the site. However, once the planting has been established the visual effect would lessen.

108. With regard to lighting, the applicant has submitted a lighting plan (ref: HCS-PHA-XX-XX-D-E-7000 rev P01). No floodlighting is proposed and this would be secured by condition. However, low level lighting would be provided within the car parking area. The proposed lighting scheme is not considered to cause harm to the amenities of local residents.

109. A multi-use game area (MUGA) has been proposed along the frontage of Terrace Road along the eastern elevation of the site boundary. The applicant has advised that the MUGA would not be floodlit nor would it be used outside of school hours. A planning condition would be imposed to restrict the hours of use.

110. It is acknowledged that there would be a loss of open views across the application site, however, the proposal has been designed to minimise harm through the positioning of the school building and the implementation of planting and screening. As such, there would be no harmful impacts in respect of loss of light, outlook or overbearing impact.

### **Noise**

111. Policy DM5(a) of the EDMP states that development resulting in noise will be expected to incorporate appropriate attention measures to mitigate the effect on existing and future residents.

112. The applicant has submitted a noise survey (NS) and supplementary documentation (ref: PC-22-0253-RP2 dated 27 September 2023) in support of the application.

113. The submitted NS details that ambient and background noise level surveys were carried out within the vicinity of the site. The modelling was based on a 'worst case scenario' of noisy activities and the minimum background noise and ambient noise levels measured 55dB and 63dB respectively.
114. Concerns have been raised regarding the potential increase in noise levels from construction works, traffic and school activities. It is acknowledged that there would be an impact on nearby residential properties as a result of the school use and the noise levels generated by traffic movements during drop off and pick up times.
115. The school would operate during the core educational hours (between 8:45 – 15:30 for both primary and secondary phases) and there would be a short period before and after for pupil drop off and pick up. The use of the outdoor areas during teaching and breaktimes are expected to generate some additional noise levels, however, these areas would only be used for short periods of time throughout the school's core hours. The sports pitches (including the MUGA) and outdoor amenity areas would not be in use outside of the core school hours and no floodlighting is proposed. The use of these areas, particularly the MUGA and sports pitches, would be reduced during the Autumn and Winter seasons due to a lack of lighting, resulting in a reduction in the overall use and impact on the amenities of nearby neighbours.
116. Furthermore, the sports pitch and amenity areas, including the MUGA, are not directly abutting neighbouring properties, although residents along Franklyn and Terrace Road may experience some impact. Whilst there may be some additional noise generated as a result of the outdoor activities, the overall impacts would not be so great as to materially harm the amenities of those neighbouring properties. Officers are satisfied that the proposed mitigation measures would overcome any adverse noise impacts.
117. With regard to plant equipment, the NS states that air source heat pumps are to be installed on site and noise omitted from the equipment would be controlled to minimise any potential impacts on nearby residential occupants. The plant equipment would operate during the day between the hours of 08:30 – 17:00 and would be designed to ensure that cumulative noise levels are no greater than 53dBA and in accordance with the British Standards. A planning condition would be imposed to ensure that the noise levels from plant equipment and machinery are no greater than the recorded background sound levels at any time.
118. The proposed development is likely to cause disturbances to nearby residential properties during the construction phases. However, these disturbances would be for a temporary period and would cease once the building works have been completed. To reduce the temporary impact on residents, officers propose planning conditions to restrict the construction hours and the implementation of the submitted Construction Traffic Management Plan (CTMP).
119. The submitted NS has been reviewed by the County Noise Consultant (CNC). The CNC requested additional information in relation plant noise, MUGA, traffic changes and background noise levels. Following receipt of the additional information the CNC is satisfied that the noise impacts could be adequately mitigated through planning conditions.
120. On balance officers consider that the use and redevelopment of the application site would not have an adverse impact on the amenities of nearby residents as the impacts associated with noise and disturbances could be mitigated through planning conditions.

121. The proposal is therefore considered to comply with local plan policy DM5. Officers therefore conclude that, subject to appropriate planning conditions, the proposal would not give rise to demonstrable harm to the residential amenity of neighbouring properties.

### **Highway Safety and Parking**

122. Policy DM7 of the EDMP refers to access and parking. With regard to the access the policy states:

- i. The layout and siting of accesses should be acceptable in terms of amenity, capacity, safety, pollution, noise and visual impact;
- ii. Access to and from the highway should be safe and convenient for pedestrians, cyclists and motorists;
- iii. Provisions for loading, unloading and the turning of service vehicles are expected to be designed into the scheme ensuring highway and pedestrian safety;
- iv. The proposal should minimise the impact of vehicle and traffic nuisance, particularly in residential areas and other sensitive areas.

In association with parking, the policy states:

- i. 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.
- ii. Garaging, cycle stores and car parking designs should be integrated into the scheme and respect the character of the area;
- iii. Hardstanding should be designed and constructed with permeable (or porous) surfacing. Impermeable paving should be limited and the use of soft landscape maximised;
- iv. Provision of car, cycle and disabled parking should accord with the Elmbridge Parking Standards at Appendix 1.

123. Policies DM9 of the EDMP and CS16 of the ECS encourage new social and community facilities in sustainable locations which are accessible by public transport, cycling and walking.

124. The NPPF promotes sustainable transport achieving safe and suitable access to the site. Paragraph 111 of the NPPF, states 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.

125. The applicant has submitted a Transport Assessment (TA) (ref: D001 V1.1 dated August 2023) and Car Parking Management Plan (CPMP) in support of the application. In addition, the applicant has sought pre-application advice from the County Highway Officer (CHO) prior to submitting the application.

126. The TA forecast that 50% of the pupils would arrive at the school by minibus, 30% by taxi and 20% by car, resulting in 90 vehicle trips during pupil drop off and pick up times. The start and finish times at the school (both primary and secondary phases) would be staggered. The majority of pupil drop offs would be between 8:15 -8:30 and pick up between 15:00-15:15. The proposed hours for primary school pupils (70) would be 9:15 – 15:30 and secondary pupils (130) would be 8:45 -15:00.

127. Sixty-eight staff parking bays would be provided on site, with an additional three accessible parking bays. Electric charging points are to be included and would be available and accessible to all users. The CHO has reviewed the CPMP and has confirmed that the provisions are suitable to meet the demands of the site provided that the CPMP is implemented. A planning condition would be imposed to ensure the delivery and implementation of the CPMP.
128. The proposed development is unlikely to generate any on street parking demands as sufficient parking provisions have been included within the scheme. The parking layout has been specifically designed to provide sufficient capacity ensuring that vehicles do not back up onto the highway. As such, the applicant has not undertaken an on-street parking survey. The proposal is not expected to generate any long-stay parking concerns and anyone arriving late to collect or drop off pupils (up to 6 vehicles) would be able to park in the main car park. Given that the proposal is for a SEN school it is anticipated that the majority of staff and pupils would arrive on site by vehicle.
129. In terms of accessibility, the site is located outside of the Walton-on-Thames town centre. The Walton-on-Thames train station is approximately 3.5km to the south of the application site. The nearest bus stop is located approximately 300m to the south of the site along Sandy Lane and is served by route 564 (Elmbridge Leisure Centre – Brooklands Tesco). Route 461 (Kingston upon Thames – Addlestone – Chertsey) is located approximately 800m to the west of the site along Cottimore Lane. Whilst pupils are unlikely to arrive at school by train or bus, these options would be available to teachers, support staff and visitors who may wish to utilise the public transport network.
130. Adequate pedestrian and cycle provisions are located along Waterside Drive and Terrace Road, enabling safe travel to and from the site. In addition, twenty on site cycle bays with sheltered stands have been provided for staff and visitors. Electric charging provisions have also been included with a three-point pin plug socket for recharging.
131. With regard to existing traffic, a junction capacity assessment (JCA) has been undertaken to assess the performance of the Terrace Road/Waterside Drive roundabout. This junction would accommodate future traffic arriving/departing from the application site. The assessment concludes that the junction is not experiencing any material queuing or delays in the baseline situation and the models show there is a good level of capacity during both morning and peak afternoon periods.
132. Future modelling of the roundabout and proposed access/egress junctions show that the junction would operate within capacity following the construction of the new SEN school and that this would have minimal impact on the highway network in terms of queuing and delays. The TA concludes that the impact on congestion, parking and road safety would be negligible. The CHO has reviewed the TA and is in agreement.
133. As mentioned above, the construction works would have a temporary adverse effect on nearby residents. The submitted CTMP seeks to address the management of construction traffic during the construction works and would ensure that the impact to the highway network and nearby residents would be minimised. A planning condition would be imposed to ensure that the CTMP is implemented.
134. The CHO has reviewed all the submitted documentation and has raised no objections to the proposed development, subject to planning conditions.

135. Overall, it is accepted that the proposal would result in an increase in vehicular traffic movements within the immediate area, given the change of use of the land. However, through the implementation of the proposed mitigation measures, the proposed development is not considered to have an adverse impact on the local highway network nor would it have an impact on highway safety, access and parking provisions.

136. The application has been assessed on safety, capacity and policy grounds and is considered to be in accordance with the development plan policies and NPPF. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

### **Contamination**

137. Policy DM5(e) of the EDMP, supports development which affects contaminated land provided that the site is remediated to ensure it is suitable for the proposed use, taking into account the sensitivity of future users to pollutants. Paragraph 183 of the NPPF is consistent with policy DM5.

138. The applicant has submitted a Phase 1 and 2 Site Investigation Report and supplementary documentation in support of the application.

139. The application site is a former landfill and surveys of the site have identified contaminants including low levels of methane and asbestos which may be found at former landfill sites. Petroleum hydrocarbons has also been detected within borehole 11. The County Geological Consultant (CGC) reviewed the submitted information and supplementary documentation and requested additional information in relation to human health and land stability. The applicant was also asked to demonstrate that suitable remediation and/or mitigation measures are available to ensure suitability for use. The Environment Agency was consulted on the application and provided standard advice in relation to the proposal.

140. Further information has been submitted by the applicant and following a review by the CGC no objections have been raised to the proposal, subject to planning conditions. The CGC has requested that a Remediation Strategy be provided by the applicant to deal with known contamination and land stability issues on the site prior to its redevelopment in order to mitigate the risks to construction workers and users of the school. The remediation strategy would be secured by planning condition prior to the commencement of the development. Such remediation works would also be a separate requirement of Building Regulations approval.

141. The main areas which need to be addressed via remediation are:

(a) properly surveying and dealing with known ground gas such as methane including its potential for escape via vapor from groundwater – possible mitigation being the installation of geotextile membranes;

(b) properly surveying and dealing with other known contaminants such as asbestos – similar mitigation as in (a) above;

(c) properly surveying and dealing with potential land instability – mitigation will revolve around construction methods;

(d) the proper disposal of materials from the site – mitigation largely covered by other regimes and bodies.

142. In addition to this it is likely that the school would have to have a protocol in place to mitigate further unknown risks. The following key requirements (not exhaustive) could be captured within an Asset Management Plan:

(a) details of the restrictions to be put in place in order to preserve the integrity of the capping layer e.g. establishment of 'no-dig' zones;

(b) preventing disturbances by burrowing animals;

(c) the need to ensure no growing of vegetables / fruit upon the ground surface;

(d) inspection schedule for all soft cover areas and maintenance requirements;

(e) protocols / risk assessments / method statements where excavations are needed e.g. for maintenance / repair / landscaping;

(f) action to be taken in event of odours;

(g) inspections and cleaning procedures in event of site flooding.

143. Having regard to the above, officers conclude that subject to appropriate planning conditions, to secure remediation prior to the commencement of the development to include ongoing measures on the site, the proposal would not give rise to demonstrable harm in this regard.

#### **Flood Risk and Drainage**

144. The application site lies within Flood Zone 1 and in accordance with the requirements of paragraph 167 and (footnote 55) of the NPPF, a flood risk assessment is required to be submitted for sites of 1 hectare or more.

145. Paragraph 167 of the NPPF 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. Development should only be allowed in areas at risk of flooding, where, in the light of this assessment it can be demonstrated that b) the development is flood resistant and resilient and it could be quickly brought back to use without significant refurbishment; c) incorporates sustainable drainage systems; e) safe access and escape routes are included as part of an agreed emergency plan.

146. The applicant has submitted a Flood Risk Assessment (FRA) and a drainage strategy in support of the application.

147. The FRA has identified that there is a high risk of flooding from the nearby reservoir (in the event of breaching), and a low risk of flooding from fluvial, tidal, surface water and groundwater sources.

148. The application site previously formed part of an historic landfill which has been infilled. The permeability of the infill is expected to be low due to the thickness of the ground. A small area of the site is shown to be at a low to medium risk of surface water flooding.

149. The topography of the land shows that there is a change in levels towards the centre of the site and within this area surface water pooling occurs during heavy rainfalls.
150. The applicant has confirmed that surface water would be managed on site by a range of sustainable drainage measures which include rain gardens, tree pits, attenuation basin and permeable paving.
151. The proposed drainage provisions would be managed in accordance with the drainage hierarchy. Officers acknowledge that infiltration into the ground is not possible due to contamination. There are no immediately adjacent water courses that the site could outfall to.
152. Surface water attenuation would be provided to store events up to the 1 in 100-year plus climate change event. The attenuation features will need to be isolated from the existing landfill with an impermeable membrane to prevent possible contamination of the water from the fill materials.
153. A new foul drainage system would be constructed and connect (via gravity) to the existing Thames Water foul sewer which runs along Terraced Road to the south-east of the site. Thames Water have confirmed that there would be sufficient sewage capacity for the proposed development.
154. The applicant has confirmed that surface water would be managed on site by a range of sustainable drainage measures which include rain gardens, tree pits, ponds and permeable paving.
155. The Lead Local Flood Authority (LLFA) has reviewed the submitted information and has raised no objections to the proposal, subject to planning conditions requiring the submission of a detailed design for the surface water drainage scheme. A verification report prior to the occupation of the building has also been requested and this would be secured via a planning condition. The Environment Agency have raised no objections to the proposal.
156. Flooding concerns raised by local residents, in their letters of representation, have been considered by officers and raised with the LLFA. The flood officer has visited the site and has concluded that the proposed on-site drainage and attenuations provisions are satisfactory and meet with the requirements set out in the NPPF and Non-Statutory Technical Standards for sustainable drainage systems.
157. The proposal is considered to be safe for its users and would not increase flood risk elsewhere on the site or immediate area and is considered to comply with development plan policies. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

#### **Air Quality**

158. The application site does not fall within an Air Quality Management Area (AQMA), however, the Walton AQMA and Spelthorne AQMA are within 1km of the site.
159. Air Quality Assessment (AQA) has been submitted by the applicant in support of the application.

160. The submitted documentation reviewed the impact of the construction and operational phases of the development and the impact upon the local air quality.
161. The County Air Quality Consultant (CAQC) has reviewed the submitted information and initially requested additional information in relation to the impact of dust during the construction works and the impact of vehicle emissions on the surrounding area as well as the nearby AQMA.
162. A revised AQA (ref: P2212 by ADM Ltd dated 22 August 2023) has been submitted by the applicant and the report concluded that the emissions from traffic generation arising from the proposed development are expected to have a negligible impact on air quality. The applicant has stated that site-specific measures would be implemented to ensure that the dust impacts from the construction phase of the development are mitigated and reduced to negligible. To ensure that the mitigation measures are imposed, a planning condition is recommended.
163. The County Air Quality Consultant (CAQC) has reviewed the submitted information and supplementary documentation and has raised no objections to the proposal subject to the inclusion of planning conditions.
164. The proposal is considered to be acceptable and in accordance with development plan policies. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

#### **Landscape Character**

165. Paragraphs 126-136 of the NPPF seeks to promote the creation of well-designed places and highlights the importance of appropriate and effective landscaping as part of this wider objective.
166. Policy CS17 of the ECS refers to local character and states that new development will integrate sensitively with the local distinctive townscape and landscape.
167. The applicant has submitted a Landscape and Visual Appraisal (LVA) in support of the application.
168. The application site is located within the LCARF3 River Thames Flood Plane: South character area in the Thames Valley National Landscape. Character Area RF3 covers an extensive area and not all of the characteristics are found around the application site.
169. The application site comprises of an open field which is currently being used to graze horses. Mature trees and hedgerows surround the site along the road boundaries and access onto the site is via an existing entrance off Waterside Drive. The site itself is characterised by a low lying flood plain landscape.
170. An urban character comprising of residential development, educational establishments, a leisure centre and oil terminal are located north, east and west of the application site. The *River Thames* and its path are located 300m from the sites north-western boundary with intervening land uses (residential and leisure) separating the application site from the *River*.
171. Pastureland and allotments are located to the south and provide a more open, semi-rural character. The wider area is surrounded by new development which indicates that the landscape is changing from a predominantly rural character to a more urban townscape.

172. The proposed development would present changes to the landscape character of the site as well as the immediate surroundings. Whilst the changes would be permanent they would be limited to a small area towards the east of the site and close to existing built forms. The Heathside School development would also be visible in the backdrop.
173. The building and associated development would be most prominent from the south of the site from the adjacent field and allotments, with views along Terraced Road. Partial views would be visible from Franklyn Road and Waterside Drive, however, the established hedgerows would provide some screening which would partly mask the building from full view.
174. The LVA concludes that the proposed development would lead to minor adverse landscape effects during the construction works, however, these effects would reduce once the building works have been completed. Moderate adverse impacts would occur during the first year following completion of the construction works and would decrease once the landscaping has matured and the building weathered.
175. Officers consider the landscape character has changed as a result of the surrounding built development and whilst there would be changes to the land, the new building and associated development would not be out of character within the locality.
176. The County Landscape Consultant (CLC) has reviewed the LVA and supporting documentation. Additional information was initially requested in relation to the landscape effects and mitigation as well as clarification on the weldmesh fence which is to be erected around the attenuation pond. Following the submission of the supporting information the CLC has raised no objections to the proposal subject to planning conditions.
177. Officers acknowledged that the use of the site as a school would have an impact on the character of the area, when compared with the existing use (grazing land). However, these changes would not have a significant impact on the overall character of the area, particularly as there are a number of educational and leisure facilities within close proximity to the site.
178. The proposal is considered to be acceptable and in accordance with development plan policies. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

#### **Ecology, Trees and Biodiversity Net Gain**

179. Section 15 of the NPPF refers to conserving and enhancing the natural environment.
180. The Bessborough and Knight Reservoirs, which are designated as Ramsar Sites, and Queen Elizabeth II Reservoir, designated as a SNCI, are situated to the north-east of the application site.
181. The applicant has submitted an Ecological Impact Assessment (EIA), Biodiversity Net Gain Report (BNGR) and supplementary information in support of the application.
182. The EIA was undertaken across the site to identify and describe all potential significant ecological effects associated with the proposed development and to identify mitigation measures to make the proposed development acceptable.

183. The submitted EIA identified the likelihood for the site and surrounding areas to support birds, bats, great crested newts and invertebrate species. Further supporting information has been submitted by the applicant in relation to bat and great crested newt activity at the site.
184. The supporting documentation (ref: Ecological Technical Note – foraging and commuting bats) provides further information in relation to foraging and commuting bats and references the results of bat activity surveys commissioned for the Heathside School development, located opposite the application site. The results of the previous surveys indicated low levels of bat activity from common pipistrelle and soprano pipistrelle bats. The single survey, commissioned in September 2023, recorded similar results to those recorded for the Heathside School development.
185. The applicant’s ecologist has stated that the survey results suggest limited use of both sites have occurred and a ‘core’ habitat for bats, in the landscape, has not been formed. As such, it is likely that the bats are utilising other habitats such as woodland and scrubland within the wider area.
186. The applicant has proposed planting along the western boundary of the application site to create additional foraging and commuting opportunities for bats. No floodlighting would be erected on site and careful consideration would be given to a lighting strategy to ensure that the proposed development does not have an impact on bat foraging and/or commuting. A planning condition would be imposed to ensure that a lighting strategy is submitted to the County Planning Authority for consideration.
187. A Great Crested Newt review (GCNR) was undertaken in November 2022 and the findings submitted in support of the application. The review concluded that a District Level Licence in partnership with Nature Space Partnership (NSP) should be entered into. A District Licence Report (ref: 202210034) has accompanied the application.
188. The District Licence Report has concluded that the site is within a green impact risk zone and therefore no mitigation measures are required. However, planning conditions have been proposed to ensure compliance with the requirements of the District Licence ref: WML-OR112.
189. The County Ecologist (CE) has reviewed the submitted reports and supporting documentation and sought clarification in relation to the number of bat activity surveys undertaken on site. Following the submission of additional information the CE is satisfied that previous concerns in relation to bat habitats have been appropriately addressed. The CE has raised no further objection to the proposal, subject to planning conditions.
190. Overall, officers are satisfied that the mitigation measures incorporated into the scheme would result in the proposal having no significant effect to bats and or other ecological habitats. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

### **Trees**

191. Paragraph 131 of the NPPF refers to trees and states ‘Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments and that

appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing are retained where possible’.

192. Policy DM6 of the EDMP states that development proposals should be designed to include landscape, tree retention and protection.
193. The application site is an open field void of any significant arboricultural features. Mature trees and hedgerows surround the site along the northern, western and eastern boundaries. An arboricultural impact assessment (AIA), Tree Survey and Tree Protection Plan (TPP) have been submitted in support of the application.
194. The submitted Tree Survey recorded a total of 26 individual trees and 6 groups, within or adjacent to the application redline boundary, which would be impacted by the proposed development. The trees range from category B – C.
195. The individual species comprise of native trees including hawthorn, elder, rowan, field maple and wild cherry and larger native species include ash and english oak. The groups of trees comprise of native and non-native species including blackthorn, sycamore and dead elm. Most of the individual and group trees are low amenity quality.
196. The AIA advises that the proposed development would result in the loss of 9 individual and group trees, largely due to the formation of the new access. The trees to be removed are mainly B (moderate amenity value) and C (low amenity quality) category trees.
197. The trees to be retained on site will be protected during the construction works and where the works occur within a root protection area they will be undertaken by hand. A construction exclusion zone will be established to prevent construction access within close proximity to retained trees, this will include protective fencing around the root protection areas of the trees. All protective fencing will remain in situ until the construction works have been completed.
198. A detailed landscaping scheme is to be submitted and will include the planting of additional trees, hedgerows and shrub planting.
199. The County Arboricultural Officer (CAO) has reviewed the submitted documentation and has proposed a planning condition requiring compliance with the submitted Tree Protection Plan (ref: HCS-WWA-ZZ-ZZ-D-L-0301 S4 rev P03). The officer has also requested that the proposed tree planting be amended to include the *Sorbus Torminalis* or a similar species.
200. Overall, officers are satisfied that the tree protection measures are acceptable and that the existing trees would be adequately protected during the construction works. Furthermore, the submission of a landscaping scheme would include additional tree planting.
201. The proposal is considered to be acceptable and in accordance with development plan policies. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

### **Biodiversity Net Gain**

202. Paragraphs 174-188 of the NPPF seeks to ensure that planning policies and decision making contributes to and enhances the local and natural environment. In particular, they should seek to minimise impacts on and provide net gains for biodiversity, ensuring that any harm is

adequately mitigated. If significant harm cannot be avoided (through relocating on an alternative site with less harmful impacts), adequate mitigation, or, as a last resort, compensated for, then planning permission should be refused (paragraph 180(a)). Subsection (d) states that development whose primary objective is to conserve or enhance biodiversity should be supported.

203. Policies DM21 of the EDMP requires all new development to preserve, manage and where possible enhance existing habitats, protect species and biodiversity features. Support will be given to proposal that enhance existing and incorporate new biodiversity features.
204. Policies CS16 and CS17 of the ECS states that development should be appropriately landscaped and where appropriate should incorporate biodiversity habitats. Developments should contribute to a net gain in biodiversity and avoid any loss.
205. A Biodiversity Net Gain (BNG) metric and provision of Biodiversity Net Gain report has been completed for the development and submitted in support of the application.
206. The submitted BNG metric outlines the different types of habitats across the application site and the baseline situation for each one. The calculations show that the proposal would result in a net loss of 2.54 habitat units.
207. Due to on site constraints the application site would be unable to provide biodiversity net gain whilst also achieving all the functions required by the school. Therefore, off-site provisions have been proposed.
208. Grove Farm (Arran Way, Esher, Surrey, KT10 8BE) has been identified as a suitable area of off-site land which could be used to off-set the loss of habitats from the application site. The site is within the ownership of Surrey County Council and is 3.24 kilometres to the east of the application site.
209. The site has an overall area of approximately 26 hectares and the applicant is proposing to use a small part of the site (yet to be determined) to create off-site biodiversity opportunities and enhancements. The measures to be provided would be required secured by a planning condition for a baseline survey and metric calculations. To date, a high level walkabout of the site has been conducted to determine its suitability for Biodiversity Net Gain (BNG) uplift. It has been agreed that the size and nature of habitats present are suitable to incorporate the uplift needed to satisfy BNG for the application site.
210. Grove Farm is considered to provide opportunities for BNG provisions as it encompasses a variety of different habitats. These include grassland, woodland, scrubs, ponds as well as native hedgerow species and mature trees (large oaks).
211. The highest uplift would be achieved by enhancing grassland habitat over the majority of the site and restoring/enhancing ponds with woodland habitats to the south and west.
212. Although the majority of the BNG provision would be provided off site, the application site would incorporate some enhancements, through the landscaping scheme, SuDS provision and retention of existing hedgerows and trees.
213. The County Ecologist (CE) has reviewed the submitted documentation and supporting information and is satisfied that Grove Farm has the potential to provide opportunities for

biodiversity net gain. The officer has raised no objection to the proposal, subject to the inclusion of planning conditions to secure appropriate surveys and documentation of the off-site units at Grove Farm.

214. The off-site provisions put forward by the application to mitigate the loss of on site habitats are considered to be acceptable. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

### **Archaeology**

215. Policy DM12(e) of the Elmbridge Development Management Plan 2015 states that permission will be granted for development which protects, conserves and enhances the Borough's historic environment. Point e) refers to areas of high archaeological potential and states that development should take account of the likelihood of heritage assets with archaeological significance being present on the site.
216. A desk based archaeological assessment (AA) has been submitted in support of the application. The document has examined all the relevant and current available resources to determine whether the site has any archaeological potential and whether the proposal would have an impact on any heritage assets in the vicinity.
217. The report concluded that no heritage assets would be directly affected by the proposed works, however, the archaeological potential at the site is unknown. The report has recommended that an archaeological evaluation of the site should be undertaken.
218. The County Archaeological Officer (CAO) has reviewed the AA and agrees with the recommendation. The CAO has raised no objections to the proposal, subject to a planning condition requiring the implementation of a programme of archaeological works, prior to the commencement of development.
219. The proposal is considered to comply with policy DM12(e) of the Development Management Plan 2015 and NPPF. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

### **Climate Change and Sustainability**

220. In 2020, Surrey County Council adopted the Surrey's Climate Change Strategy which seeks to achieve a 'net zero' carbon emissions target by 2050. Paragraph 154 of the NPPF states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from Climate Change. When new development is brought forward in areas which are vulnerable, care must be taken to ensure that the risks can be managed through suitable adaptation measures and that the development can help to reduce greenhouse gas emissions through location, orientation and design.
221. Paragraph 157 further states that in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supplies and take into account landform, layout, orientation, massing and landscape to minimise energy consumption.
222. Policy CS27 of ECS seeks to reduce the carbon foot print of new development through the use of sustainable construction techniques that promote the reuse and recycling of building

materials. Where possible high building standards would be encouraged and opportunities for renewable energy sources should be explored.

223. The proposed development has been designed to perform to stringent environmental standards and requirements, which will drive down the carbon footprint, with the aspiration to deliver a net zero carbon building in operation. This means that the thermal fabric of the building will outperform current legislation, reducing the energy required to heat the space, without compromising on the quality of the school environment. In addition to this, the building makes use of renewable energy through air source heat pumps to meet its space heating requirements.

224. Other features such as the rain garden and landscaping would contribute towards a more sustainable development.

225. Officers conclude that the proposal would demonstrate compliance with policy CS27 of the ECS and NPPF.

### **High Pressure Fuel Pipeline**

226. The application site is bisected on an approximate west/east axis by the Exolum Pipeline Systems (EPS). This pipeline provides fuel between Heathrow and Gatwick Airport.

227. Fisher German, on behalf of EPS, were consulted and have raised no objections to the proposal, subject to the inclusion of planning conditions. The Health and Safety Executive, through their online planning consultation system, have also been consulted and have raised no objections on safety grounds. Officers therefore conclude that, subject to appropriate planning conditions, the proposal does not give rise to demonstrable harm in this regard.

### **Overall Conclusion on Green Belt and Planning Balance**

228. The proposed development amounts to inappropriate development within the Green Belt, which is by definition harmful. The other harm resulting from the inappropriate development is the loss of openness to the Green Belt, encroachment of the countryside and the harm to the visual amenity of the area through the change in the character of the site, from one which is currently open to the construction of a new SEN school. The NPPF requires substantial weight to be applied to this harm.

229. Very Special Circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations. The considerations have been set out within the report and a summary is as follows:-

- Educational need
- Lack of alternative sites
- Anticipated economic and social benefits
- Community use
- Access to local schools and retention of families in the local area

230. Paragraph 95(a) of the NPPF states that 'great weight' should be given to the need to create new schools and it is also noted within paragraph 81 that 'significant weight' should be placed on the need to support economic growth through the planning system.

231. It is acknowledged that the proposed development would contribute to the built up form within the locality, impacting the openness of the Green Belt. However, the proposal would be viewed in the context of the surrounding built form which has already been significantly developed to the east, north and west, incorporating urban influences. Officers consider the impact on openness to be only moderate in this case.
232. With regard to all the other planning matters assessed above, it is not considered that there is any other harm arising from the proposal subject to appropriate planning conditions. It is therefore considered that the Very Special Circumstances put forward by the applicant would outweigh the harm identified – that by reason of its inappropriateness and harm to openness.
233. In light of the Very Special Circumstances which exist in this case, it is considered that a recommendation of approval is justified. The recommendation to approve the application has been made in compliance with the requirements set out within the NPPF and policy DM17 of the EDMP which states that development would not be approved unless the applicant can demonstrate very special circumstances that will clearly outweigh the harm.

#### **Other - Referral to the Secretary of State**

234. Under the Town and Country Planning (Consultation)(England) Direction 2021 the County Planning Authority is required to consult the Secretary of State where the proposal is for inappropriate development within the Green Belt and the proposal consists of a building where the floorspace to be created is 1000sqm or more; or any other development which by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the proposed floorspace is 4,540sqm, the application must be referred to the Secretary of State for final determination.

#### **Human Rights Implications**

235. 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.
236. It is recognised that the development has the potential to have an impact on the local environment and local amenity. Officers consider that these impacts can be addressed through the imposition of planning conditions and that the scale of any potential impacts are not sufficient to engage in Article 8 or Article 1. As such the proposal is not considered to interfere with any Convention right.

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#### **Conclusion**

237. The proposed development constitutes inappropriate development in the Green Belt.
238. Officers accept that very special circumstances exist in this case (comprising largely the need for the school and the lack of alternative sites) and that these do outweigh the objections to the development by virtue of its inappropriateness and the moderate impact on openness which would occur.
239. It is considered that the cumulative benefits arising from the scheme clearly outweigh the identified harm and therefore very special circumstances, required to justify the development, do exist.

240. Accordingly, the recommendation is to grant planning permission subject to the referral to the Secretary of State.

## Recommendation

241. That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning application ref: EL2023/1953 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, BE PERMITTED subject to the conditions and informatives set out below:

242. :

### Conditions:

IMPORTANT - CONDITION NO(S) 3, 4,5, 6, 7,8,9,10 and 11 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:

HCS-HNW-ZZ-ZZ-D-A-1110 Rev P04 Site Location Plan January 2022

HCS-HNW-ZZ-00-D-A-2200 Rev P09 Ground Floor Plan December 2022

HCS-HNW-ZZ-01-D-A-2201 Rev P09 First Floor Plan dated December 2022

HCS-HNW-ZZ-RF-D-A-2202 Rev P08 Roof Plan dated 9 June 2023

HCS-HNW-ZZ-ZZ-D-A-2303 Rev P02 Elevation Plan - Block A dated December 2022

HCS-HNW-ZZ-ZZ-D-A-2304 Rev P02 Elevation Plan - Block B dated December 2022

HCS-HNW-ZZ-ZZ-D-A-2305 Rev P02 Elevation Plan - Block C dated December 2022

HCS-HNW-ZZ-ZZ-D-A-2310 Rev P09 Elevations dated 9 June 2023

HCS-HNW-ZZ-ZZ-D-A-2400 Rev P02 Bay Elevations dated December 2022

HCS-HNW-ZZ-ZZ-D-A-2400 Rev P05 Sections dated December 2022

HCS-WWA-ZZ-ZZ-D-L-0102 Rev P14 Landscape Masterplan dated 30 August 2023

HCS-WWA-ZZ-ZZ-D-L-0104 Rev P07 Levels Plan 6 dated December 2022

HCS-WWA-ZZ-ZZ-D-L-0105 Rev P08 Green Infrastructure Strategy dated 30 August 2023

HCS-WWA-ZZ-ZZ-D-L-0106 Rev P04 Site Security Plan dated 20 December 2022

HCS-WWA-ZZ-ZZ-D-L-0107 Rev P04 Detail Design Area - West dated 20 December 2022

HCS-WWA-ZZ-ZZ-D-L-0108 Rev P04 Detail Design Area - East dated 20 December 2022

HCS-WWA-ZZ-ZZ-D-L-0109 Rev P04 Detail Design Area - Central dated 20 December 2022

HCS-WWA-ZZ-ZZ-D-L-0401 Rev P04 Site Section A-A dated 21 December 2022

HCS-WWA-ZZ-ZZ-D-L-0402 Rev P04 Site Section B-B dated 21 December 2022

HCS-WWA-ZZ-ZZ-D-L-0403 Rev P04 Site Section C-C dated 21 December 2022

HCS-WWA-ZZ-ZZ-D-L-0701 Rev P01 Tree Protection Plan dated 4 May 2023

3. Prior to commencement of the development hereby permitted (including any remediation works) a programme of archaeological work, to be conducted in accordance with a written scheme of investigation, shall be submitted to and approved, in writing, by the County Planning Authority. The development shall be implemented in accordance with the approved details.
4. Prior to commencement of the development hereby permitted a construction and operational plan, detailing any works within 50m of the pipeline, shall be submitted to and approved in writing by the County Planning Authority in association with Exolum Pipeline Systems. The works shall thereafter be carried out in accordance with the approved details.
5. Prior to commencement of development hereby permitted, a supplementary ground investigation and risk assessment (in addition to any assessment provided within the planning application) shall be prepared in accordance with a scheme to assess the nature and extent of any contamination on the site (whether or not it originates on the site). The investigation and risk assessment must be undertaken by a competent person. The scope of the scheme, including a written report, shall be submitted to and approved in writing by the County Planning Authority.
6. Prior to commencement of development hereby permitted, other than the works required to be carried out as part of the investigative works required by condition 5 above, a detailed remediation strategy to include objectives, timetable of works and site management procedures, risks to human health, buildings, properties and other natural and historic environments shall be submitted to and approved in writing by the County Planning Authority.

The detailed remediation strategy, shall be prepared by a competent person and will ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall be implemented in accordance with the details approved.

7. Prior to the commencement of development hereby permitted, the remediation strategy approved under condition 6 shall be carried out in accordance with its terms, unless otherwise agreed in writing by the County Planning Authority. The County Planning Authority shall be notified in writing 14 days before the works commence on site.

Following completion of the remediation measures identified, a verification report demonstrating the completion of works set out in the remediation strategy and its effectiveness shall be submitted to and approved in writing by the County Planning Authority.

8. The development of the site as permitted shall take place wholly in accordance with the terms and conditions of the Council's organisational licence (WML-OR112, or a 'Further

Licence’) and with the proposals detailed on plan 'Thamesfield Farm: Impact Plan for great crested newt licensing (Version 1)', dated 27th January 2023.

- 9. No development of the site hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a ‘Further Licence’), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.
- 10. Prior to the commencement of development hereby permitted, a lighting strategy for all external lighting, shall be submitted to and approved in writing by the County Planning Authority. The lighting strategy shall include measures described in the Ecology Partnership Report (dated 20th October 2023). The lighting strategy shall also be in accordance with the published guidance on Bats and Artificial Lighting at Night (BCT & ILP, 2023). The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposal minimises pollution from glare and spillage.

Any approved external lighting shall be installed in accordance with the approved drawings and permanently retained.

- 11. Prior to the commencement of development hereby permitted a Construction Environmental Management Plan shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall include the following:-

- a) Dust management plan
- b) Construction lighting management measures, including a plan
- c) Outline of programme of works
- d) Details of management responsibilities including complaint recording and management.

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

- 12. No development of the playing field/pitches shall take place unless and until:
  - a. A detailed assessment of ground conditions of the land proposed for the new playing field land as shown on drawing number HCS-WWA-Z Z-Z Z-D-L-0102 has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - b. Details of the results of (a) and the proposed method of construction of the playing fields including timescales have been submitted to and approved in writing by the County Planning Authority.

The works shall be carried out in accordance with the approved scheme.

13. The playing field shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
14. The playing field/pitches shall be constructed and laid out in accordance with Drawing No. HCS-WWA-ZZ-ZZ-D-L-0102 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011).
15. Prior to the installation of the drainage for the development hereby permitted, details of the design of surface water drainage scheme shall be submitted to and approved in writing by the County 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 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate 2.82 litres/second.
  - 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.). Including details of the proposed raingarden, permeable paving, tree pits and attenuation basin.
  - c) 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.
  - d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

16. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the County 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.
17. The development hereby permitted shall not be occupied unless and until at least 20% of all available staff 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) and a further 20% of staff parking spaces are provided with cabling for the future provision of charging points, to be thereafter retained.

18. The development hereby permitted shall not be 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.
19. The development hereby permitted shall not be occupied until the proposed vehicular access to Waterside Drive has been constructed and provided with visibility zones in accordance with the approved plans. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
20. The development hereby permitted shall not be occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point with timer for e-bikes nearby have been provided within the development site in accordance with the approved plans and the details within the accompanying Transport Assessment and thereafter the said approved facilities shall be retained.
21. The development hereby permitted shall be implemented in accordance with the details and measures contained within the submitted Construction Traffic Management Plan (ref: CTMP01 V1.0 dated May 2023).
22. The development hereby permitted shall be implemented in accordance with the details and measures contained within the submitted Parking Management Plan (ref: CPMP dated May 2023).
23. The permitted hours for construction works shall take place only during the following hours:
  - 08:00 – 18:00 Monday to Friday
  - 08:00 – 13:00 Saturday

There shall be no construction works on Sunday, Public, National and Bank Holidays or between the hours of 18:00 and 07:00.
24. Noise levels from construction works during the standard construction hours specified in Condition shall not exceed 70 dB(A) LAeq,1h at 1 m from the façade of any noise sensitive receptor (residential or noise sensitive building) within the vicinity of the site. Noise generating works shall not take place outside of the hours permitted in Condition 23 without prior consent from the County Planning Authority.
25. The Rating Level, L<sub>Ar,Tr</sub>, of the noise emitted from all plant, equipment and machinery, including on site vehicle movements, associated with the application site shall be no greater than equal to the existing representative LA90 background sound level at any time at the nearest noise sensitive receptors (residential or noise sensitive building). Any assessment shall be carried out in accordance with the current version of British Standard (BS) 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

The existing representative LA90 background sound level shall be determined by measurement that shall be sufficient to characterise the environment. The representative level should be justified following guidance contained within the current version of BS4142:2014:A1+2019.

26. At the request of the County Planning Authority and/or in response to a noise complaint, noise monitoring shall be undertaken at any noise sensitive receptors (residential or noise sensitive building) within the vicinity of the site or calculated from measurements taken at the site boundary to demonstrate compliance with Condition 25.

Prior to carrying out noise monitoring, proposals for monitoring shall be submitted to and approved in writing by the County Planning Authority, taking into account the noise limits set in Condition 25.

The results of the noise monitoring shall be reported to the County Planning Authority within 30 days of the monitoring. Measurements should only be undertaken by those competent to do so (i.e., Member or Associate grade of the Institute of Acoustics).

Should the site fail to comply with the noise limits set in Condition 25, the applicant shall submit a scheme for approval in writing by the County Planning Authority to attenuate noise levels to the required level which shall be implemented within 30 days, or the source of noise shall cease until the scheme is in place.

27. The permitted hours for use of the MUGA / All Weather Pitches / Hard Play Areas shall be permitted to take place only during the following hours:
- Monday to Friday 08:00 to 18:00 hours
28. Within 6 months from the date of the permission, a landscape and ecological 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:

**On site provisions – Waterside Drive**

- a) details of the management and maintenance of the proposed on site planting and pond;
- b) a plan showing the location of the on site log piles, bird and bat boxes.
- c) a revised BNG metric V4.0 spreadsheet for the on site habitat creation / enhancements

**Off site provisions – Grove Farm**

- d) a plan showing the location of the off site biodiversity provision;
- e) an ecological impact assessment to establish what habitats are present on site (e.g. dormice, great crested newts);
- f) a baseline survey in accordance with the BNG metric V4.0 and Habitat Classification System methodology shall be provided;
- f) habitat creation / enhancement for Grove Farm demonstrating a net gain for hedgerows and habitat units;
- g) details of the management and maintenance of the proposed off site provisions for a 30 year period;

29. Within 6 months of the date of the permission, details of a hard and soft landscaping scheme shall be submitted for approval in writing to the County Planning Authority for approval in writing. The scheme shall include:
- a) A scaled plan showing existing vegetation and features which are to be retained;
  - b) A scaled plan showing the proposed planting;
  - c) Schedule of planting including species, size and quantity;
  - d) Proposed planting protection measures (e.g rabbit guards etc);
  - e) Maintenance and management regimes;
  - f) Proposed ground levels
  - g) Tree pit design
  - h) Permeable paving

All landscape planting shall be carried out in accordance with the approved details in the first available planting season following approval of details and any trees that are found to be dead, dying, severely damaged or diseased within five years of the carrying out of the landscaping scheme, shall be replaced in the next planting season by specimens of similar size and species.

30. The development hereby permitted shall be implemented fully in accordance with the recommendations in the Arboricultural Impact Assessment (ref: HCS-WWA-XX-XX-T-L-0603 Rev PO1) and shall thereafter be carried out in accordance with the approved details.
31. With the exception of initial ground investigation works, no development should take place until all the tree protection measures, as shown on plan (ref: HCS-WWA-ZZ-ZZ-D-L-0701 Rev PO1), have been fully installed. All tree protection measures shall thereafter remain in place for the duration of the construction phases.

**Reasons:**

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that potential impacts of the development can be mitigated through a programme of archaeological works and in accordance with policy DM11 of the Elmbridge Development Management Plan 2015. The programme needs to be in place before any site works commence therefore the condition is required pre-commencement of development.
4. To ensure that the pipeline is protected during the construction works and to enable future access for maintenance and operational requirements. This condition is required pre-commencement to ensure that all groundworks on the site are managed appropriately.
5. To ensure that adverse effects from pollution on the environment, harm to human health or general amenity are avoided and in accordance with policy DM5 of the Elmbridge

Development Management Plan 2015 and NPPF. This condition is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks.

6. To ensure that adverse effects from pollution on the environment, harm to human health or general amenity are avoided and in accordance with policy DM5 of the Elmbridge Development Management Plan 2015 and NPPF. This condition is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks.
7. To ensure that adverse effects from pollution on the environment, harm to human health or general amenity are avoided and in accordance with policy DM5 of the Elmbridge Development Management Plan 2015 and NPPF. This condition is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks.
8. To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112 (or a 'Further Licence') and comply with policy DM21 of the Elmbridge Development Management Plan 2015. This condition is required prior to commencement in order to protect on site habitats.
9. To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112 (or a 'Further Licence') and comply with policy DM21 of the Elmbridge Development Management Plan 2015. This condition is required prior to commencement in order to protect on site habitats.
10. To preserve and enhance protected species and residential amenities and in accordance with policies DM5 and DM21 of the Elmbridge Development Management Plan 2015 and NPPF. This condition is required prior to commencement in order to protect ecological habitats and neighbouring residential amenities.
11. To prevent pollution to the environment, to protect species of conservation concern and to protect residential amenity in accordance with policies DM5 and DM21 of the Elmbridge Development Management Plan 2015. This condition is required prior to commencement in order to protect ecological habitats and neighbouring residential amenities during the construction phase.
12. To ensure that any ground condition constraints can be and are mitigated and to comply with policy CS14 of the Elmbridge Core Strategy 2011.
13. To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with policy CS14 of the Elmbridge Core Strategy 2011.
14. To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with CS14 of the Elmbridge Core Strategy.

15. 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 and to comply with policy CS26 of the Elmbridge Core Strategy 2011.
16. To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS and to comply with policy CS26 of the Elmbridge Core Strategy 2011.
17. To protect sustainable modes of transport in accordance with policy DM7 of the Elmbridge Development Management Plan 2015 and the NPPF.
18. In the interest of highway safety and to comply with policy DM7 of the Elmbridge Development Management Plan 2015.
19. In the interest of highway safety and to comply with policy DM7 of the Elmbridge Development Management Plan 2015.
20. To protect sustainable modes of transport in accordance with policy DM7 of the Elmbridge Development Management Plan and the NPPF.
21. In the interest of highway safety and to comply with policy DM7 of the Elmbridge Development Management Plan 2015.
22. In the interest of highway safety and to comply with policy DM7 of the Elmbridge Development Management Plan 2015.
23. To protect the amenity of noise sensitive receptors during the construction phase of the development and to comply with policy DM5 of the Elmbridge Development Management Plan 2015.
24. To protect the amenity of noise sensitive receptors during the construction phase of the development and to comply with policy DM5 of the Elmbridge Development Management Plan 2015.
25. To protect the amenity of noise sensitive receptors during the construction phase of the development and to comply with policy DM5 of the Elmbridge Development Management Plan 2015.
26. To protect the amenity of noise sensitive receptors during the construction phase of the development and to comply with policy DM5 of the Elmbridge Development Management Plan 2015.
27. To protect the amenities of local residents and to comply with policy DM5 of the Elmbridge Development Management Plan 2015.
28. To enhance and protect habitats and biodiversity and in accordance with policies CS15 of the Elmbridge Core Strategy 2011 and DM21 of the Elmbridge Development Management Plan 2015 and NPPF.
29. To preserve the visual amenities of the locality and in accordance with policy DM6 of the Elmbridge Development Management Plan 2015.

30. To protect and enhance the appearance and character of the site and locality and in accordance with policies CS14, CS15 of the Elmbridge Core Strategy 2011 and policy DM6 of the Development Management Plan 2015.
31. To protect and enhance the appearance and character of the site and locality and in accordance with policy DM6 of Elmbridge Development Management Plan 2015 and NPPF.

### **Informatives:**

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; 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 ecology, noise, contamination, traffic, air quality, flooding, landscape, visual impact and 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 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 2023.
2. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place.
3. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
4. 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.
5. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Department for Children, Schools and Families Building Bulletin 102 'Designing for disabled children and children with Special Educational Needs' published in 2008 and Department of Education Building Bulletin 104

'Area guidelines for SEND and alternative provision' December 2015, or any prescribed document replacing these notes.

6. 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.

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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 Elmbridge Borough Council planning register entry for this application can be found under application reference EL2023/1953.

### **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**

**Elmbridge Borough Council Development Management Plan 2015**

Elmbridge Borough Council Core Strategy 2011

#### **Other Documents**

Surrey County Council Local Transport Plan

Elmbridge Supplementary Planning Documents

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