

WA/2023/02761 – Change of use of the field to community recreation space, allotments, open space, and a community orchard and new vehicular access and car park. at LAND KNOWN AS NICOLS FIELD CHURT ROAD HINDHEAD

Applicant: Douglas & Phylis Nicol Charitable Foundation Trust
 Parish: Haslemere
 Ward: Hindhead & Beacon Hill
 Grid Reference: E: 486798
 N: 136474
 Case Officer: Simon Dunn-Lwin
 Neighbour Notification Expiry Date: 16/01/2024
 Expiry Date/Extended Expiry Date: 19/03/2024 / 31/07/2025
 Planning Committee Meeting Date: 09/07/2025

RECOMMENDATION That delegated authority be given to the Assistant Director of Planning to complete a s106 legal agreement and subject to conditions, permission be **GRANTED**

1. Introduction

The application is brought to the Committee because it has received 31 local objections to date, exceeding the threshold permissible for a delegated decision.

2. Site Description

The application site comprises an open field of approximately 2 hectares (20,000 sq.m) in area located on the south side of Churt Road (A287) west of Hindhead and south of Beacons Hill beyond the settlement boundary designated in the Haslemere Neighbourhood Plan. The field is enclosed by boundary trees on all sides with timber fencing along the Churt Road frontage:

There is an existing gate on Churt Road to gain access to the field. The north side of Churt Road comprises large, detached houses in spacious plots. Larger more dispersed housing plots lie to the southwest, west and east of the site. All located on the southside of Churt Road.

The site lies within the designated Surrey Hills National Landscape (formerly AONB). The wider area is primarily residential and rural in character.

3. Proposal

The application is for the change of use of the field to a community recreation space, comprising allotments, open space, and an orchard with a new vehicular access on Churt Road and a car park for 12 parking spaces, including one disabled space.

The existing access from Churt Road to the east would be closed.

A total of 24 allotments each measuring 10m by 5m (50 sqm) are proposed.

The applicant states that *The Douglas & Phyllis Nicol Foundation Trust is a Charitable Trust that was established in accordance with the terms of the late Mr Frank Douglas Nicol's Will dated 12th August 1991.*

One of the assets of the Trust is Nicol's Field, Churt Road, Hindhead, which has remained unused since the death of the Settlor in 1999. Under the terms of the Trust, it was the Settlor's intention for the field to be used for the benefit of local residents and, therefore, the Trustees propose to change the use of the field to enable it to be used for the benefit of the local residents, rather than remain a dormant space.

The proposed change of use of the land began when the Trustees were approached by a small football team, local to the area of Nicol's Field, about potentially changing the use of the field to a football pitch and changing facilities. This proposal was met with a lot of negativity from the local community and, as a result, the Trustee's decided to reduce the proposed change of use of the land to provide allotments and walking space for the local residents instead.

4. Relevant Planning History

Reference	Proposal	Decision
WA/2004/1707	Erection of Stables/Tack Room/Hay Store.	Granted 22/09/2004
WA/2006/2374	Retention of a fence (on Churt Road frontage).	Granted 07/12/2006
WA/2022/00829	Change of use of land to community recreation and sport including parking and associated works (Use Class F2 – Local Community Uses)	Withdrawn 21/02/2023

5. Relevant Planning Constraints

Name	Details	Value
Design Statements	Some villages and towns have adopted design statements, for use by case officer.	Haslemere DS Hindhead and Beacon Hill
Agricultural Grade of Land	The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The	Non Agricultural

best and most versatile land
is defined as Grades 1, 2 and
3a by policy guidance

East Hants SPA 5km
Zone

East Hants Special
Protection Area 5 Km
zone

Wealden Heaths I
Special Protection Area
5km zone

Wealden Heaths I
Special Protection Area
5 Km zone

Wealden Heaths II
Special Protection Area
5km zone

Wealden Heaths II
Special Protection Area
5 Km zone

Historic Planning
Applications - Polygons

Historic planning application
records which were pre-iLap.

HAS5883 - - Decision:
Refused - Proposal:
House and poultry farm
etc - Appeal Decision:

Historic Planning
Applications - Polygons

Historic planning application
records which were pre-iLap.

HAS5935 - - Decision:
Refused - Proposal:
Erection of four houses
- Appeal Decision:

Historic Planning
Applications - Polygons

Historic planning application
records which were pre-iLap.

HAS6507 - - Decision:
Refused - Proposal: To
develop land to form a
smallholding mushroom
farm and to erect a
bungalow - Appeal
Decision:

Planning Policy Constraints

Code	Details	Value
RE1	Countryside which occurs beyond the designated Green Belt.	Countryside beyond the Green Belt
RE3	Areas defined for their landscape character.	Surrey Hills National Landscape (AONB) &

6. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, SP2, ST1, LRC1, RE1, RE3, TD1, HA1, NE1, NE2, CC4.
- Waverley Borough Local Plan (Part 2) 2023: DM1, DM2, DM4, DM5, DM9, DM11, DM15, DM25 and DM26.
- Haslemere Neighbourhood Plan (2021) H1, H7, H9, H10, H12

Other guidance:

- The National Planning Policy Framework 2024 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)
- Council's Parking Guidelines (2013)
- Surrey Vehicular and Cycle Parking Guidance (2018)
- Surrey Hills AONB Management Plan (2020-2025)
- Haslemere Design Statement (2012)
- National Design Guide (2019)
- Climate Change and Sustainability Supplementary Planning Document (October 2022)

7. Consultations and Town/Parish Council Comments

Haslemere Town Council	No objection and comments that:- <ul style="list-style-type: none"> • It supports the implementation of allotments on the site • It would like issues raised by Surrey Highways to be resolved before permission is granted and will be writing to the local County Councillor to ask that 30mph speed limit is implemented in the stretch of road on which the entrance is situated
SCC Highways (CHA)	No objection. Conditions recommended.
SCC Drainage (LLFA)	No objection. Condition recommended
Environment Agency	No comment
Surrey Wildlife Trust (SWT)	No objection. Conditions recommended.
Surrey Hills National Landscape (AONB) Advisor	Objection. Contrary to national (NPPF paragraph 182) and local planning policies, including the Surrey Hills AONB Management Plan
WBC Tree Officer	No objection. Conditions recommended.
WBC Heritage Officer	No harm to heritage assets.

8. Representations

31 representations (18 from 4 households) have been received raising objections on the following summarised grounds:

- Traffic hazard/highway safety
- Dangerous access for motorists and pedestrians on bend (40mph road).
- Negative environmental impacts of allotments (waste/temporary structures)
- Loss of trees – to form new access.
- Loss of sitewide natural habitat for wildlife/biodiversity
- Insufficient parking provision/displacement on local roads leading to congestion
- Ground contamination from allotment use (waste and manure).
- Impact on National Landscape (AONB)
- Issues on access management and security
- Future management and maintenance
- Air pollution from traffic
- Noise pollution from agricultural machinery
- Allotments are an eyesore – visual impact
- Existing covenant on the land prohibits access and structures
- Demand for water
- Potential for future residential development
- Lack of sanitary facilities for allotments

9. Planning Considerations:

10. Principle of development

The application site falls outside of the settlement boundary of Beacon Hill, within the Countryside beyond the Green Belt. The site also lies within the Surrey Hills National Landscape and within the AGLV. Policy RE1 of the Local Plan (Part 1) 2018 states that the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.

Policy LRC1 of LPP1 outlines that the Council will seek to retain, enhance and increase the quantity and quality of leisure and recreation facilities and to improve access to them. Paragraph 98 of the NFFP outlines that access to a network of high- quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

Policy DM15 seeks to avoid isolated development. Policy H1 of the Haslemere Neighbourhood Plan states that development outside the settlement boundaries will be strictly controlled. Development proposals in such locations will only be supported which otherwise conform with national and local planning policies.

The proposed change of use would comprise the provision of community allotments and orchards including a small car park with a new access from Churt Road (A287). No buildings or structures are proposed. While it is recognised that the application site

falls outside the settlement, and within the AONB/AGLV, it abuts the settlement boundary of Beacon Hill along the sites northern edge and is closely related to the context of surrounding existing development in the area.

As such, the development is not isolated or unsustainable in terms of location, and access to services and facilities. It would provide opportunities for leisure, walking and cycling. The proposal is not considered to impact negatively on the character or function of the countryside beyond the Green Belt. The principle of the proposal is therefore acceptable, and no concerns are raised regarding compliance with Policy LRC1 and RE1 of LPP1, Policy DM15 of LPP2 or H1 of the Haslemere Neighbourhood Plan and the NPPF 2024.

11. Design and impact on visual amenity of the AGLV and Surrey Hills National Landscape (SHNL)

Policy TD1 of the Local Plan 2018 (Part 1) requires development to be of high-quality design and to be well related in size, scale and character to its surroundings. The site is located within the Countryside Beyond the Green Belt, the AGLV and SHNL boundary as defined by Policies RE1 and RE3 of the LPP1.

Policy DM15 of the LPP2 relates to development in rural areas, but only part b) of the policy is considered relevant. It states that development should recognise the natural beauty and undeveloped character which is intrinsic to the open countryside, together with the distinctive character and pattern of development in areas of urban-rural transition and rural settlements, while making efficient use of land.

The Surrey Hills Management Plan 2020-2025 (SHMP) sets out the vision for the management of the Surrey Hills National Landscape by identifying key landscape features that are the basis for the Surrey Hills being designated a nationally important National Landscape. Policy P6 states that "*Development that would spoil the setting of the AONB by harming public views into or from the AONB will be resisted.*"

However, Recreation, Health and Wellbeing Management Policy RT1 of the SHMP also states that "*Visitors and facilities that enhance people's health, enjoyment and understanding of the Surrey Hills will be encouraged, whilst conserving or enhancing the landscape character and biodiversity*". In addition, it should be noted that Traffic and Transport Management Policy TTI also states "*Measures to ensure opportunities for all members of society to access the Surrey Hills will be supported.*"

The County AONB/SHNL Advisor has objected to the proposal, stating that allotments are inconsistent with the natural beauty of a National Landscape conflicting with Policy P6 of the SHMP and questions whether the impact on biodiversity is acceptable.

The site is also within an Area of Great Landscape Value (AGLV), which is a local landscape designation. The protection of the AGLV is commensurate with its status as

a local landscape designation, and retained as a buffer to the National Landscape, although as a local designation it holds less weight in policy terms.

NPPF paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.

NPPF paragraph 190 states that when considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for *major* development¹ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Haslemere Town Council confirmed in May 2024 that there is a current waiting list for 97 allotments in the area.

Officers consider that the proposal does not constitute 'major' development for the purposes of paragraph 190 of the NPPF and its location is considered suitable for the reasons set out below.

The application site sits directly adjacent to the settlement edge of Beacon Hill. Directly to the south, the site is bounded by open countryside with a cluster of dwellings to the southwest. To the east and west of the site are residential dwellings.

The site is characterised by rural grassland. No historical agricultural use is associated with the site. The site is predominantly screened from view and visually enclosed by the existing mature hedge and tree cover around its entire perimeter. It is secured by existing timber gates on Churt Road. There is no public access into the site. The proposed access would necessitate the removal of trees. The existing access would be 'blocked up'. There are no open sides to the field other than the proposed main access from Churt Road which would afford limited visibility into the site.

¹ For the purposes of paragraphs 190 and 191, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

The proposal would consist of 24 no. 10m by 5m allotment plots (50sqm each) in two rows with a central 2m wide footpath covering an area of approximately 1352sq.m. A total of 12 car parking spaces are proposed, including one disabled space. The access road and car park amount to approximately 492sqm site coverage and proposed to be surrounded by 8 no. ornamental native trees, consisting of Hawthorn (3no.), Hornbeam (2 no.) and lime (3 no.). The remainder of the site would be formed of two orchards with 15 no. fruit trees (desert apples/pears and plums) surrounded by recreational areas of wildflower grasslands with circulatory footpaths in mown grass with litter/dog waste bins distributed around the allotment and car parking area. Boundary trees, including two mature trees within the site, are retained.

The car park and allotments would comprise approximately 9% of the total site area of approximately 2 hectares (20,000 sqm).

The planting strategy would result in dense layers of landscaping which would screen the proposed allotments once they have been established and would appear as woodland, reinforcing this positive character to the landscape.

The committee is informed that s66B(6) (a) of the Levelling-Up and Regeneration Act of December 2023 amended s.85 of The Countryside and Rights of Way Act 2000 requiring a general duty for the Local Planning Authority as a relevant authority for the purposes of the Act, in exercising or performing its function in relation to, or so as to affect, land in a National Landscape "*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*".

Officers consider that, on balance, the proposal would further the conservation and enhancement of the SHNL in terms of habitat creation, high quality new planting with ecological value, biodiversity enhancement as well as access to nature through direct means of entry to the site for health and wellbeing to meet the statutory duty.

The proposal by design seeks to minimise the visual harm to the wider (SHNL) landscape and provide a positive contribution to accessible green infrastructure and countryside access in line with LPP1 Policy LRC 1 (leisure and recreation Facilities) and Policy NE2 on Green and Blue Infrastructure provision.

In view of the above, it is considered that the proposal would not be harmful to the SHNL or the AGLV. The proposal would be in accordance with Policies TD1, RE1 and RE3 of the LPP1 and Policy DM15 of the LPP2 and the NPPF 2024.

12. Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 and Policy DM1 of the Local Plan Part 2 seeks to protect existing amenities for occupants and neighbours and ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Paragraph 135(f) of the NPPF relates to amenity.

The proposal would be located between residential properties to the east and west, set approx. 40m and 45m away from the site respectively at Southlands and the Lodge (distance from the boundary). Forest Fall to the southwest is located approximately 71m from the boundary. Residential properties on the north side of Churt Road opposite the site are located from west to east at distances of approximately 22m (Penfold Lodge), 27m (Loxley), 25m (Hazlewood) and 21m (Links House) and 17m (The Laurels). Neighbouring properties are screened by boundary trees, albeit the proposed access will sit opposite Loxley which is enclosed by a front boundary hedge and separated by Churt Road.

The proposed use of the site would result in an increase in coming and goings from the site along with more activity. However, it is considered that a community allotment and orchard would not be a significantly noisy or disruptive use of the site, which would harm the amenity of the neighbouring properties, especially when considering the existing surrounding uses and activities including traffic movement on the Churt Road.

To ensure the site is secured to safeguard amenity from potential antisocial activity or fly tipping outside of daylight hours a condition is recommended to lock the proposed gates (vehicular and pedestrian gates) at the site entrance.

The proposed development would not result in harm to the residential amenity of neighbouring properties in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policy DM5 of the Local Plan (Part 2) 2023.

13. Access and Highway Safety

Policy ST1 of the Local Plan 2018 (Part 1) states that development schemes should be located where it is accessible by forms of travel other than by private car; should make necessary contributions to the improvement of existing and provision of new transport schemes and include measures to encourage non-car use. Policy DM9 of the Local Plan (Part 2) 2023 also promotes sustainable transport, safe highways design and layout and parking standards.

The application is supported by a Transport Statement and access plans. The County Highway Authority (CHA) considers that the proposal will not have a material impact on highway safety and that the proposed access and parking provision are satisfactory. A Road Safety Audit (RSA) has been undertaken by the County Road Safety Team to assess the pedestrian crossing/access arrangement. Additional representation by the community on the RSA and transport matters have been considered by CHA. The CHA is satisfied that the amended site access proposals will provide safe and suitable access to the site for all users. A separate s278 highway agreement will deal with the detailed design stage for the pedestrian crossing with a kerb build-out and new 'slow' road markings on the carriageway will provide a material improvement in highway safety on this section of Churt Road by helping to reduce vehicle speeds.

The proposal for a new community allotment and leisure space, with a small car park is not considered to result in a significant increase in vehicular trips on the surrounding highway network. The proposed 12 no. parking spaces are considered sufficient to meet potential demand. Subject to recommended planning conditions, the CHA are satisfied with the proposal.

The proposal is therefore considered compliant with LPP1 Policy ST1, LPP2 Policy DM9 and Neighborhood Plan Policy H7.

14. Impact on Trees

Policy NE2 of the Local Plan (Part 1) 2018 outlines that the Council will seek, where appropriate to maintain and enhance existing trees, woodland and hedgerows. Policy DM11 of the Local Plan (Part 2) 2023 seeks to retain woodland and important trees and hedgerows, outlining that trees or hedges are adequately protected during construction to avoid root damage including activities causing soil compaction or severance of roots. Policy H9 of the Neighbourhood Plan seeks to retain, enhance and protect woodland, trees, and hedgerows; and incorporate high quality landscaping schemes into developments.

The application is supported by an Arboricultural Impact Assessment (AIA). The AIA outlines that approximately 15-20 trees will require removal to facilitate the new access which mainly comprise trees that are considered Category C. The removal of one mature Douglas Fir within the site is also required to facilitate the car parking area. All other trees would be retained.

The proposal includes compensatory tree planting around the car park and orchards of fruit trees within the site together with wildflower grasslands. The additional planting is considered to adequately mitigate the loss of trees required for the new access. Selective tree pruning to 3 no. trees involving crown lifting is also proposed to provide sufficient clearance for pedestrian access gates.

The Council's Tree Officer has considered the proposal and raises no objection, subject to conditions for tree protection during the construction phase which are recommended. Additional measures to ensure the site is managed and maintained in perpetuity is secured by the proposed s106 legal agreement set out below.

Officers are satisfied that, subject to the recommended conditions, the proposed development would be in accordance with Policy NE2 of LPP1, Policy DM11 of the LPP2 and Policy H11 of the Neighbourhood Plan.

15. Biodiversity and Compliance with Habitat Regulations 2017

Policy NE1 of the Local Plan 2018 (Part 1) and DM1 of the Local Plan Part 2 states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any

negative impacts are avoided or, if unavoidable, mitigated.

Further, Circular 06/2005 states *'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'*

The application is supported by an Ecological Impact Assessment which has surveyed and assessed the likely impact on local fauna, among others including badgers, bats, amphibians, reptiles, birds and hedgehogs. The submission asserts that the development would primarily affect habitats of negligible ecological importance, namely modified grassland. The report concludes that with an appropriate Landscape and Ecological Management Plan (LEMP) to secure the long term management of the proposed habitat enhancements including tree planting and management of the retained grassland, as well as the provision for specific species groups such as bats and bird boxes and hibernacula would appropriately mitigate the impact of the proposal on habitats.

Surrey Wildlife Trust (SWT) have reviewed the submitted evidence to date and they are satisfied that with appropriate conditions, including a LEMP, Construction Environmental Management Plan, a Reptile Mitigation Strategy and a Sensitive Lighting Management Plan, the biodiversity of the site would be addressed.

In view of the above, officers consider the proposal would be Policy NE1 and DM1 compliant.

16. Impact on Heritage Assets

Policy HA1 of LPP1 outlines that the Council will ensure that the significance of heritage assets are conserved or enhanced to ensure the continued protection and enjoyment of the historic environment. Policy DM20 of the LPP2 relates to development affecting Listed Buildings.

Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 states that in considering whether to grant Listed Building Consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraphs 206, 207, 208 and 210 of the NPPF are of particular relevance when considering the impact of a proposed development on the significance of a designated heritage asset, and great weight should be given to the asset's conservation.

The Council's Heritage Officer has considered the proposal and the potential impact on the setting of the heritage assets nearby. Namely The Lodge located at a distance of 45m to the west, and Beacon House, located 75m to the northeast on Churt Road. Both are Grade II Listed Buildings. It is concluded that the special heritage interest would not be directly affected by the proposal given the dense tree line and proximity.

Consequently there would be no harm to the named heritage assets. As such, the proposal would be LPP1 Policy HA1 and LPP2 Policy DM20 compliant.

Officers conclude that in terms of the statutory duty under s66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 to have special regard to the setting of nearby listed buildings the proposal would preserve their special architectural and historic interests.

17. Effect on East Hants and Wealden Heaths I and II SPAs

The proposed development is not likely to result in a significant increase in the number of people permanently residing on the site given the recreational and leisure use and therefore would not have a likely significant effect on the integrity of the SPAs in accordance with Policy NE1 of the Local Plan 2018 (Part 1). An appropriate assessment is not therefore required.

18. Climate Change and Flood Risk

Climate Change Policy CC1 of the Local Plan (Part 1) 2018 states that proposals should provide appropriate flood storage capacity and address flood risk through the application of Policy CC4 to reduce the overall local risk of flooding.

A Flood Risk Assessment (FRA) and Drainage Strategy Report supports the proposal. According to the Environment Agency (EA) indicative flood maps for planning, the development site is within a Flood Zone 1 classification, i.e. land assessed as having less than a 1 in 1000 annual probability of fluvial flooding (<0.1%) in any year.

The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) at Surrey County Council have been consulted on the application. The EA do not wish to make any comments. The LLFA consider that while the submission notes there is no increase in impermeable area, it is noted that a new access road is to be constructed. It is unclear whether this is impermeable or permeable and what drainage is required (if any). The LLFA support the proposal subject to a condition which is set out in the recommendation below.

As such the proposal is considered to be capable of compliance with LPP1 Policies CC1 and CC4.

19. Officer Comments on Local Representation

The concerns expressed by local residents on the material planning considerations relating to highway safety, access, ecological impact, loss of trees and others as summarised above are largely addressed above and by the conditions recommended below. Additional recent representation on the traffic/road safety issue and the RSA have also been considered and addressed above

With regards to the long terms management and maintenance of the site, it is considered that a s106 legal agreement should be applied to secure this certainty in perpetuity. Officers consider the following Heads of Terms should be applied:-

- Details of the future management arrangements
- Nomination rights/allocation of the allotments
- Funding for future management and maintenance of the site
- Public access
- Monitoring fee

The applicant has agreed to enter into a s106 legal agreement with the Council on these terms.

20. Equality and Human Rights considerations

Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has also been given to S149 of the Equality Act 2010 (as amended), which imposes a public sector equality duty that requires a public authority, in the exercise of its functions, to have due regard to the need to:

- a. Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act,
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and
- c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

21 Conclusion

The planning balance assessment concludes that the proposal is in accordance with the Development Plan, and as such, planning permission is recommended for approval.

Recommendation

That, delegated authority be given to the Assistant Director of Planning to complete a s106 legal agreement to secure the matters set out in Section 19 of the report and subject to conditions, permission be **GRANTED**:

1. Condition:

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Condition:

The plan numbers to which this permission relates are Location Plan (Ref: SU86793650) and Proposed Site Plan P0576-Rev G. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority

Reason:

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan (Part 1) 2018 and Policies DM1 and DM4 of the Local Plan (Part 2) 2023.

3. Condition:

In this condition 'retained tree' means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council.

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site.

d) any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, or submitted to meet a condition of consent shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Borough Council. This shall include any requirement for arboricultural supervision and site monitoring. This condition may only fully be discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of tree protection throughout construction by the appointed arboriculturist.

Reason:

In order to ensure no harm to trees in accordance with Policy NE2 of the Local Plan (Part 1) 2018 and Policy DM11 of the Local Plan (Part 2) 2023.

4. Condition:

No development shall take place until further arboricultural details have been submitted to and approved in writing by the Borough Council and these works shall be carried out as approved. This scheme shall include details of:

a) the measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials / machinery, including a tree protection plan and an arboricultural method statement in line with BS5837:2012

b) prior to the commencement of works on site and after the installation of the tree protection the applicant shall inform the Local Planning Authority after the installation of the tree protection, but before the commencement of demolition or construction, to allow verification of the protection measures, either with photographic evidence or in-person inspection.

Reason:

In order to ensure no harm to trees in accordance with Policy NE2 of the Local Plan (Part 1) 2018 and Policy DM11 of the Local Plan (Part 2) 2023.

5. Condition:

Before any other operations are commenced the proposed vehicular and pedestrian access between the site and Churt Road (A287) shall be constructed in general accordance with Drawing No. 2021/6121/009 Rev P2. Thereafter the visibility splays shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.

Reason:

To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with Policy ST1 of the Local Plan 2018 (Part 1), Policy DM9 of the Local Plan 2023 (Part 2) and the National Planning Policy Framework 2024.

6. Condition:

The development hereby approved shall not be first opened for public use unless and until the existing site access from the site to Churt Road (A287) has been permanently closed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local

Plan 2018 (Part 1), Policy DM9 of the Local Plan 2023 (Part 2) and the National Planning Policy Framework 2024.

7. Condition:

The development hereby approved shall not be first opened for public use 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 area shall be retained and maintained for their designated purpose.

Reason:

To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan 2018 (Part 1), Policy DM9 of the Local Plan 2023 (Part 2) and the National Planning Policy Framework 2024.

8. Condition:

No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) wheel-washing facilities
- (e) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason:

To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan 2018 (Part 1), Policy DM9 of the Local Plan 2023 (Part 2) and the National Planning Policy Framework 2024.

9. Condition:

The development hereby approved shall not be first opened for public use unless and until 2 No. Sheffield Cycle Stands have been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

To ensure the development promotes sustainable forms of transport in accordance with Policy ST1 of the Local Plan 2018 (Part 1), Policy DM9 of the Local Plan 2023 (Part 2) and the National Planning Policy Framework 2024.

10. Condition:

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) 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.).
- b) 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.
- c) Details of drainage management responsibilities and maintenance regimes for the drainage system.

Reason:

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.

11. Condition:

No development shall take place until a Landscape Ecological Management Plan (LEMP) and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall demonstrate how the proposed development will provide space for nature and include a Biodiversity Gain Plan. The LEMP must be written by a suitably qualified ecologist and include the final biodiversity net gain strategy and assessment, to include Biodiversity Metric Calculation Tool. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason:

To ensure the long-term management of habitats, species and other biodiversity features in accordance with Policy NE1 of the Local Plan (Part 1) 2018 and Policy DM1 of the Local Plan (Part 2) 2023.

12. Condition:

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include, but not limited to:

- a) Map showing the location of all ecological features
- b) Risk assessment of the potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protective fencing (including tree protection) exclusion barriers and warning signs
- g) Reptile Mitigation Strategy
- h) Great Crested Newt Precautionary Method of Works.

The approved CEMP shall be adhered to throughout the construction period.
Reason:

To ensure the protection of neighbouring amenities, habitats, species and other biodiversity features in accordance with Policies TD1, NE1 and NE2 of the Local Plan (Part 1) 2018 and Policies DM1 and DM11 of the Local Plan (Part 2) 2023.

13. Condition:

No external lighting shall be installed until a Sensitive Lighting Management Plan which ensures that the proposed development will result in no net increase in external artificial lighting at the development site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In order to safeguard protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

14. Condition:

The pedestrian and vehicular entrance gates to the facility from Churt Road shall be kept locked from dusk to dawn everyday throughout the year to ensure it is secure and used for its designated purpose.

Reason:

To prevent potential fly tipping and discourage antisocial activity in the interest of local amenity to comply with Policy DM1 of the Local Plan (Part 2) 2023.

Informatives:

1. The planning permission hereby granted followed the completion of a related Planning Obligation (either a Unilateral Undertaking or a Legal Agreement) under S.106 of the Town and Country Planning Act (as amended).

Highways

2. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
5. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction

within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

6. 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.
7. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
8. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant utility companies and the developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.

Drainage

9. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2024. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
10. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of Paragraph 39 of the National Planning Policy Framework 2024.