



Appeal Decision

Inquiry Held on 20 to 23 October 2020

Site visit made on 16 October 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/D3640/W/20/3248476

Woodside Cottage, Chapel Lane, Bagshot GU19 5DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Julian; Charles and Julian-Ann and S. Korn; N.Hall and Kentish Barnes (c/o CALA Homes Thames Ltd) against the decision of Surrey Heath Borough Council.
 - The application Ref 19/0235, dated 15 March 2019, was refused by notice dated 20 January 2020.
 - The development proposed is described as '*full planning application for the proposed erection of 44 dwellings with accesses from Chapel Lane, landscaping and associated works following the demolition of the existing dwelling*'.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of 44 dwellings comprising 7 No. two bedroom, 9 No. three bedroom, 16 No. four bedroom two storey homes and 7 No. one bedroom and 5 No. two bedroom flats within a three storey building along with access, parking/garaging, and landscaping, following the demolition of the existing dwelling and associated outbuildings at Woodside Cottage, Chapel Lane, Bagshot GU19 5DE in accordance with the terms of the application, Ref 19/0235, dated 15 March 2019, subject to the conditions set out in the attached schedule.

Application for costs

2. Prior to the Inquiry an application for costs was made in writing by Julian; Charles and Julian-Ann and S. Korn; N.Hall and Kentish Barnes (c/o CALA Homes Thames Ltd) against Surrey Heath Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Chapel Lane Action Group ('the Rule 6 Party') were represented at the Inquiry under Rule 6 of the Inquiries Procedure Rules.
4. The application was refused by the Council for 5 reasons. At the first case management conference ('the CMC') the Council confirmed no evidence would be offered in respect of the second reason for refusal which related to effects on living conditions of neighbouring occupiers through increased traffic and associated noise and disturbance. Prior to the second CMC, on 11 September reason 4 relating to the payment of a contribution towards a highway

- improvement scheme, was withdrawn due to an alternative scheme having been agreed with the highway authority that could be secured by condition.
5. The Council had indicated at the first CMC that an updated 5-year housing land supply and affordable housing statement was expected in September 2020. This was submitted on 28 August 2020. This statement confirmed that the Council could no longer demonstrate such a supply. At the second CMC on 14 September the Council confirmed that they would no longer be defending the first reason for refusal in terms of character and appearance. This was because they did not feel able to demonstrate that the adverse impacts would significantly and demonstrably outweigh the benefits because of the Council's 5-year housing land supply position. The presumption in favour of sustainable development¹ contained within paragraph 11 d) ii² of the National Planning Policy Framework ('the Framework') therefore indicated that a decision should be made other than in accordance with the development plan.
 6. A draft Unilateral Undertaking ('the UU') was submitted before the Inquiry. A signed UU dated 28 October 2020 was duly received and the Council confirmed that this would address reasons 3 and 5 concerning the absence of a legal agreement to secure mitigation for the Thames Basin Heaths Special Protection Area ('the SPA') and affordable housing. The Council were represented at the Inquiry for matters relating to conditions and planning obligations and I return to these as necessary below. The Rule 6 Party only contested the first reason for refusal.
 7. A number of other submissions were received prior to, during and after the Inquiry as set out at the end of this decision, including amended highways and planting plans submitted for clarification. I was satisfied that in all cases the material was directly relevant to and necessary for my decision. All were given opportunities to comment and there would be no prejudice to any party from my consideration of these documents and I have taken them into account.
 8. By agreement with the parties, I conducted an unaccompanied visit to the appeal site and area on the Friday before the Inquiry opened. This was necessary to inform myself properly of the features of the site and its surroundings before hearing the evidence. It was left open at the start of the Inquiry whether a further site visit would take place but, by the close, no further site visit was requested by the parties or deemed necessary and having heard the evidence I was satisfied that a further visit was not necessary.
 9. The Council is working towards a new local plan ('the ELP') for 2016-2032 and consultation is due to take place later this year. In accordance with the requirements of paragraph 48 of the Framework I agree with the Rule 6 Party that the ELP carries limited weight.
 10. The description of development in the banner heading above has been taken from the application form. However, a different description is provided on the appeal form. The appellant has confirmed that the amended description was agreed which is a more accurate description of the development proposed. The Council dealt with the proposal on that basis and so shall I. There would be no prejudice to any party, and I have therefore used that description in the formal

¹ Because the Council cannot demonstrate a 5-year supply of housing land, in accordance with footnote 7 of paragraph 11 d).

² No party contended Paragraph 11 d) i was engaged.

decision above, removing the references to 'Amended & Additional plans' as this is superfluous given the requirement for an approved plans condition.

Main Issues

11. Given the above, the main issues in this appeal are:

- The effect of the proposal on the character and appearance of the appeal site and area.
- Whether, if conflict with the development plan, when taken as a whole is identified, such conflict is outweighed by other material considerations.

Reasons

Background and planning context

12. The site is part of a larger allocation for residential development under saved Policies H3 and H6 of the Surrey Heath Local Plan 2000 ('the LP'). The Rule 6 party do not allege any conflict with these policies and the allocation is being brought forward in the ELP.
13. A Planning Brief ('the Brief') for the site was prepared in 2001. It is an advisory document that has not been formally adopted as a Supplementary Planning Document. Although it is not referred to specifically in Policy H3 or H6 the pre-text to Policy H6 refers that the Brief '*will set out the detailed requirements*' and as put by the examining Inspector...'*provide guidance on the likely access arrangements, including pedestrian and cycle access to local facilities*. Whilst I was also referred to Appendix 5 of the plan, the text does not form part of the policy and in any event, it does not contain criteria to be assessed.
14. The Brief was published under a quite different national planning policy context and predates the residential development of Earlswood Park and the 5 dwelling cul-de-sac immediately adjacent to the appeal site. The Council raised no objection to Earlswood Park being developed in isolation when granting planning permission for 182 residential units³, 8 less than the '*about 190 dwellings*' in the Brief. That scheme was found acceptable on its own merits and did not require any more open space to be provided as sufficient space was included in its approved layout. The Council as owner of the Brief did not consider failure to adhere to this guidance should count against the proposal. The appeal site was also subject to a local landscape designation at that time which no longer applies⁴.
15. At 7.2 the Brief states vehicle access '*must be from the A30*' but there is also a requirement for a further Traffic Assessment to determine the nature and extent of any highway improvements. In this case the highway improvements and effects would be acceptable and there are no objections from Surrey County Council as Highway Authority.
16. The objective of the Brief was to guide development in accordance with the policies of the LP. However, a number of the policies and the national guidance on which it relied are no longer extant. The Rule 6 Party's primary objection relates to the adverse effects on character and appearance, in part due to the

³ LPA ref: SU/07/0702.

⁴ Policy UE2 'Urban Landscape Quality' is no longer applicable given adoption of the CS.

failure of the proposed development to adhere to guidance within the Brief relating to density, quantum and scale of development and effects from access onto Chapel Lane.

17. The Brief is not part of the development plan and the Rule 6 Party consider limited weight should be given to it. Given the changes to national and local planning policy since it was published the failure to comply with specific requirements within the Brief is not determinative. In a genuinely plan led system the acceptability of any deviation is ultimately subject to consideration of its effects and compliance or otherwise in accordance with the development plan that operate at the time of that decision being made, subject to other material considerations.

Character and appearance

The appeal site and its surroundings

18. The appeal site comprises an area of semi-improved grassland meadow. Part of the site represents previously developed land due to the presence of Woodside Cottage, a detached single storey property accessed directly from Chapel Lane. The site is located within the defined settlement area of Bagshot and a variety of services and facilities are accessible from the site.
19. The site is located to the south east of Chapel Lane, a narrow single-track lane. The north eastern boundary is formed by Footpath 24, a well-used right of way which runs under a railway arch and connects the residential areas of Bagshot located on either side of the railway line. To the immediate north of the footpath is School Lane Playing Fields, an area of public open space. Immediately south east of the site is an area of woodland that separates the site from the railway line. To the south west of the site is the Earlswood Park development, part of the larger allocation.
20. The appeal site is bordered by mature hedgerows interspersed with mature trees, including substantial protected specimens. Land within the appeal site slopes gently down to a ditched stream running broadly central through the site with a belt of Willow and Oak trees. The land then rises gently towards the railway line, part of which, at the northern end of the site, is located on an embankment. Rooftops of the flatted block within Earlswood Park are visible from within the appeal site.

The character and visual assessments

21. The site falls within the 'Sandy Woodland' landscape character type, in the Surrey Landscape Character Assessment 2015, within a spur that extends into the urban area of Bagshot. The site and area display some of the characteristics of that landscape character area, including its peaceful atmosphere, overhanging trees along the Chapel Lane corridor and a sense of intimacy with views contained by woodland. These are all positive elements of the landscape character type.
22. I have been referred to the Local Plan Inspector's report in 1999 in terms of how the area should be described. I concur with that Inspector's findings. My own observations were that the immediate area of Chapel Lane and School Lane has a semi-rural and tranquil character and appearance commensurate with its location in this urban fringe area of the settlement.

23. The parties agree however that the site does not sit within a valued landscape for the purposes of paragraph 170 of the Framework. The Examining Inspector also noted it was not worthy of special protection. Equally, there is no dispute that the landscape here is clearly valued by local people, and that was very apparent at the Inquiry.
24. The appellant drew the areas to be assessed wider than Chapel Lane and identified 4 different character areas that in the Rule 6 Party's view '*diluted the true predication of effects*'. The Rule 6 Party took a more localised view. Both approaches have merit but to my mind the appellant's approach allows for a more comprehensive understanding in accordance with the Brief's approach to view design and layouts in the context of '*immediate neighbouring buildings and the wider area*'. Analysis of the influences of a wider area are part of the kinetic, spatial and visual experience of the area, whilst also considering more localised effects. A recent development of 5 dwellings in Chapel Lane was missing from the Rule 6 Party's baseline assessment.
25. In any event, it was common ground that townscape character and visual harm would be caused. The appellant also acknowledged that at construction and completion there will inevitably be some 'Very Substantial Adverse' adverse landscape effects to the site itself. Further, visual effects from 3 localised viewpoints on Chapel Lane would also be 'Substantial Adverse' reducing to 'Moderate Adverse' after some establishment of the tree planting. There would also be some 'Moderate Adverse' effects at construction and completion, reducing to 'Slight Adverse' for visitors to Bagshot Cemetery and Chapel, a locally listed building, and from School Lane. The Rule 6 Party evidence concluded a '*significant loss of visual amenity for users of Chapel Lane*' but did not assess residual effects from the proposed mitigation.

The effects of the proposal

26. Clearly the change from an open field to a housing development, even allowing for landscaping and planting, would have a permanent effect on character and a consequent change in the appreciation of the immediate townscape. Much of this change would be a consequence of the allocation of the site for housing and would be likely to include loss of the meadow and views across it, tree removal and some loss of the sense of intimacy and tranquillity.
27. Visual receptors affected include the surrounding lane, Public Right of Way Network and nearby residential properties on Chapel Lane. Views are contained, but close to the site the land is clearly visible from Chapel Lane through field access points and gaps in the landscaping. As a result of the proposal, woodland would no longer terminate certain views and the views over the meadowland would be lost. Nevertheless, this would be a function of the development of the appeal site for housing, rather than the nature and character of the development currently proposed.
28. In total, there would be a total loss of 55 individual trees and 9 groups of trees both within the site and along Chapel Lane. No category 'A', veteran trees or trees of high landscape value would be removed, with the majority being category 'C'. Approximately half of the trees to be removed are covered by a Tree Preservation Order. Thirteen young and semi-mature trees along the boundary with Chapel Lane would be removed along with the hedgerow of understory species. These would be replaced by 12 native trees between 5 to 7 metres in height. Four mature Oaks would be retained, but the mature

Cypress G19 group trees alongside the lane, with their distinctive overhanging canopies would be lost.

29. At the site entrance, a cluster of 5 semi-mature Sycamore trees would be replaced by an avenue of Lime trees half their size. This approach is intended to reduce the visual effects from the lane and provide a sense of place once these trees have matured. There would also be the removal of a pair of semi-mature Beech trees. Overall, there would be a significant loss of trees and landscaping, including from the loss of part of the overhanging canopy. Such fragmentation of the existing tree canopy will diminish the contribution it currently makes to the landscape character as well as result in a loss of visual amenity on Chapel Lane.
30. Within the site 22 of the trees within the TPO tree groups G15 and G16 along the stream would be removed. Four individual specimens would remain. A total of 58 new trees would be replanted within the central corridor, along with the retention of the ditch, shrub planting and promotion of a more naturalistic stream corridor of wildflower grassland and mixed native trees. Views of this area are limited but there would be a loss of visual amenity and a diminishment of the contribution it currently makes to the character and appearance of the appeal site and area.
31. The proposal would also introduce 2 vehicular accesses and a footpath which would necessitate the loss of existing boundary planting referred to above, including some protected specimens. One access would serve Plots 1-6 which would be laid out as a small cul-de-sac, whilst the other would serve the remainder of the proposed dwellings. Cul-de-sacs are evident within the immediate locality, including a wide hard surface access serving 3 dwellings opposite the appeal site. Woodside Cottage on the appeal site also has an existing hard surfaced single access along with Kurrimane, opposite. In this respect the proposal would be similar to these existing arrangements.
32. However, the new footway would be created of 2 different designs, part abutting the lane and part set behind a retained understorey. At the Inquiry there was some uncertainty as to the extent of works required to in terms of signage and the approach to delineation of the verge. Some form of kerbing for the footway and carriageway of the lane was initially proposed but retracted by the appellants.
33. I would expect an appropriate design solution could be found for this and could be secured by condition. A pedestrian and cycle access were also envisaged as a secondary access onto Chapel Lane and would therefore inevitably give rise to some urbanisation. Nonetheless,, the introduction of the more formally engineered central access, with some form of demarcation, surfacing and lighting, and to a lesser extent the secondary access, would result in a significant loss of the hedgerow and soft landscaping. They would create an entirely more suburban feel and appearance to this part of Chapel Lane. In combination with the footway this would be a significant change, directly experienced by users of Chapel Lane and would diminish its sense of intimacy. The associated traffic movements would also have an influence on perceptual qualities and would make the lane evidently less tranquil.
34. Development fronting and accessed from the lane would partly reflect the group of Woodcote, Winterburn and Durning on the opposite side of the lane and the cul-de-sac opposite in Lambourne Drive. However, they are set back a

- greater distance and plots 1, 6 and 7 would side directly onto Chapel Lane, uncharacteristically close to its back edge with little space for any planting in between. At 2 storeys and of a substantial mass, this built form would be a highly prominent and dominant feature on the approach into this section of the Chapel Lane street scene and would be a direct and harmful visual effect of the approach and layout of this proposed development.
35. To supplement the existing landscaping scheme and to address some of the concerns regarding the loss of trees and long-term effects, prior to the Inquiry additional landscape works were proposed following an independent review of the scheme. Four additional trees are now proposed to the rear of plots 39-41 and 6 and 7. These would be Oak and Beech which would reflect local character and the understorey planting would be enhanced. An 'instant hedge' approximately 2 metres in height is proposed adjacent to Chapel Lane which could reasonably grow to 3 metres within a 5-year period.
36. The appellant has also recognised there are further opportunities for increased garden and frontage planting, along with further native tree planting, including additional planting to the School Lane and the south western boundary. This could be secured by condition. The existing woodland which needs management would be enhanced. The uncontested Arboricultural evidence confirms the existing woodland would not come under future pressure for works due to the proximity of some of the dwellings.
37. Where practicable the trees would be semi-mature specimens and planted in strategic locations. They would be smaller than those being replaced but they will have the potential to mature but even so are likely to take 10-15 years to do so. Their success would also be dependent on soil conditions, future management, and maintenance, but given the existing verdant boundary, I consider that the existing soil conditions would be unlikely to hinder the establishment of these trees.
38. Having regard to these additional measures, over time the significance of the landscape/townscape effects would be more in line with the appellant's assessment of 'Substantial Adverse' reducing to 'Moderate Adverse' for the Chapel Lane TCA and 'Slight-Moderate Adverse' for TCA1. In visual terms, 'Substantial' effects reducing to 'Moderate Adverse' effects for Chapel Lane and 'Moderate Adverse' reducing to 'Slight Adverse' for School Lane and Chapel St Cemetery.

Density and Quantum

39. The quantum of development proposed was partly raised in the context of the Brief that seeks a lower density for part of the entire allocated site. Policy H3 states the 'Net Units' for the whole allocation as 150 and does not express that number in any way as a maximum. Paragraph 122 of the Framework supports the efficient use of land and 123 requires that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. The policy text also guides against lower densities.
40. To further assess the suitability or otherwise of the scheme quantitative measures of plot ratios, bed spaces per hectare and the more standard dwellings per hectare have been used by the appellant. Plot ratios can help

indicate how a development will relate to its surroundings as guided by the Planning Practice Guidance ('the PPG').

41. The plot ratio for the appeal site would be 0.16 hectares of built form to each hectare of land. This would be comparable to the 0.22 figure for Earlswood Park and 0.15 for Chapel Lane. Further, at 72 bedrooms per hectare the proposal lies between the 96.6 measurement for Earlswood Park and the 50 bedrooms per hectare for Chapel Lane. In the more commonly used dwellings per hectare ('dph') the appeal scheme has a density of 26.2 dph compared to 41 dph for Earlswood Park, and 13 dph for the Chapel Lane area. None of these figures were disputed at the Inquiry.
42. The proposal would provide a suitable transition between these densities that would reflect the size, shape and rhythm of surrounding plots and spacing and building footprints that exist in the locality. The density of the proposal would be lower than the 30-50dph range within the Brief and is acceptable in the context of immediate neighbouring buildings and the wider area, a requirement of the Brief in density terms.
43. Whilst these quantitative measures provide a useful starting point, a design led approach also requires a number of other considerations and judgements. Development must be appropriate to the local context with regard to the principles of good design and as such, they are only one measure of indicating acceptability insofar as character and appearance is concerned.
44. A number of the properties have 2 tandem parking spaces in front of a single garage and areas of Grass Crete, or a similar porous surface treatment are proposed for the shared central parking areas along with soft landscaping. It is alleged that these are a reflection of the proposed over-intensive use of the site. These design features seek to limit the extent to which the proposed development would be dominated by parking and are a solution to optimising the use of the site, providing attractive streets with reduced on street car parking. They do not in themselves suggest that the density of the proposed development is incompatible with the surrounding area.
45. Although a high-level document of limited weight the appeal site is also identified for development in the Council's 2016 and 2019 SHLAA⁵, with a net capacity of 39 dwellings. This is less than a previous version of that document in 2014 but the latter SHLAA figures appears to be from a requirement to revisit how to make the most efficient use of the appeal site following detailed changes to planning policy and guidance. In addition, this greater quantum has been informed by recent planning applications which although not determined appear to have been considered acceptable by the Council, statutory and other consultees with the only objection relating to lack of mitigation of effects on the SPA.

Scale

46. The scale of the dwellings would be consistent with building heights and the extent of development which they would be in proximity to. Due to the lower topography of the site, intervening landscaping and additional planting, aside from the plots 1,6 and 7, the overall scale and height of the units and their

⁵ Statement of Common Ground between the Council and appellant.

disposition on the site would not be overly dominant or unduly prominent and would be acceptable in visual and spatial terms.

47. Materials would be sympathetic along with detailing and these are buildings and a development which the Rule 6 Party stated would not be '*incongruous*' or '*unattractive*'. Gaps would be retained between building blocks sufficient to retain varying but sufficient degrees of openness between buildings and there would be views of soft landscaping through the central access and in rear gardens. In that context the scale of development would be accommodated and sited in a manner that would be sensitive to that of its surroundings and would not appear cramped or overdeveloped.

Conclusion on character and appearance

48. Insofar as the density, quantum and scale of development are concerned the proposal would be acceptable. Accordingly, there would be no conflict with Principles 6.6 or 7.4 of the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 ('the RDG') which require new residential development to respond to the size, shape and rhythm of surrounding plot layouts and reflect spacing, heights and building footprints of existing buildings.
49. That does not mean to say there would not be any adverse effects from the proposed development and the policies before me clearly require development to both respect and enhance the quality of the urban, rural, natural and historic environments and require compliance with all of their criterion and principles. There would be some initial substantial adverse impacts both visually and to elements of the character of the area, in particular to the character and appearance of the appeal site and a significant section of Chapel Lane.
50. However, the proposed landscaping, tree protection, woodland and biodiversity mitigation and enhancements are significant and could be secured by condition⁶. For a while there would be a significant loss of visual amenity for users of Chapel Lane and a loss of character, but I do not share the conclusion of the Rule 6 Party that it would result in a '*total loss*' of character⁷.
51. In the longer term, once the proposed landscaping and tree planting is established my view is that the effects will have reduced significantly and overall the proposal would result in moderate harm to the character and appearance of the appeal site and area. Consequently, the proposal should be regarded as being in conflict with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 ('the CS') and Principle 6.4 of the RDG, insofar as they require development to both respect and enhance the local and natural character of the environment and for new housing to not compromise the appearance of an area. I return to matters of weight and the Framework in the balancing exercise below.

⁶ The Council also confirmed future discharge applications would include consultation with local residents as per their normal procedures.

⁷ Paragraph 10.5.2 of MB PoE.

Other Considerations and Matters

Thames Basin Heaths SPA

52. Effects on the SPA were not discussed in detail at the Inquiry because on receipt of the UU, the Council withdrew its objection in relation to this matter. Further, the Council have confirmed that the agreed approach with Natural England ('NE') is that proposals which meet the requirements of the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD ('the strategy') 2019 are deemed to not have an adverse effect on the SPA.
53. The SPA is a European site and is protected from adverse effects under The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). The site is within the 5Km zone of influence for the SPA which is an important recreational and economic resource and it is likely that occupants of the proposed development would visit it. The SPA is a network of heathland sites which are designated for their ability to provide a habitat for internationally important rare bird species. The evidence before me is clear that the proposal, when combined with other development in the area, would be likely to have a significant effect on this habitat designation, particularly to ground nesting birds, through increased disturbance as a result of recreational activity. It is therefore necessary to undertake an Appropriate Assessment ('AA') of the proposal.
54. The AA must consider the implications of the plan or project for the European site's conservation objectives and must include consultation with the appropriate nature conservation body, which in this case is Natural England (NE). Avoidance measures in the form of contributions towards Suitable Alternative Natural Green Space ('SANG') and Strategic Access Management and Monitoring ('SAMM') are required. The SANG contributions are taken through CiL in accordance with the strategy and the Council's CiL statement sets out the detailed background and justification. The appeal site falls within the catchment area for the Windlemere SANG which is close by and where the Council have confirmed there is capacity to absorb the effects. The contribution secured within the UU would address the SAMM element of the strategy.
55. I am satisfied, on the basis of the specific evidence before me, that the UU is a sufficient mechanism to enable the delivery of proportionate and relevant mitigation pursuant to the Council's strategy for development which could affect the SPA. The proposed mitigation measures are intended to avoid or reduce the effects. On that basis I consider that the proposal will not have any adverse effects on the integrity of the European site, either alone or in combination with other plans or projects drawn to my attention. I have also consulted NE who have raised no objections to this approach.
56. Accordingly, the proposal would comply with Policy CP14 of the CS and NRM6 of The South East Plan 2009 which seek development that would not affect the integrity of the SPA. It would also comply with the provisions of the Conservation of Habitats and Species Regulations 2017 as amended and the Framework insofar as they seek to secure the long-term protection of Special Protection Areas and mitigate any harmful impacts to them.

Protected Species

57. The proposals require the removal of the majority of the habitats within the centre of the site including the poor semi-improved grassland, marshy grassland, introduced shrub and dense scrub. Protected species exist on the site and in the locality including slow worms and grass snakes, occasional day roosts for pipistrelle bats within the existing bungalow and active and partially used badger setts. The presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat.
58. The proposal would retain and enhance high quality habitats identified on site including the stream, hedgerows and woodland adjacent to the site. However, the bungalow would be demolished, and an outlier sett would also be closed. The Woodland Management Plan sets out measures for the protection of badger setts and foraging areas both during construction and through the implementation period.
59. A lighting strategy would ensure effects on sensitive ecological receptors and proposed mitigation for bats includes 2 bat access tiles and 2 access panels. A further 32 additional roosting features and bat boxes would be installed and there would be additional and alternative nest sites for birds. Due to the reptiles present, it will be necessary to implement a reptile translocation exercise prior to the commencement of any construction.
60. The appellant has addressed initial comments from Surrey Wildlife Trust in terms of the initial survey data and biodiversity net gain and the updated ecological assessment contains the detailed recommendations for mitigation and compensation. Compliance with that assessment would be secured by condition and I am satisfied the proposal would not result in loss or harm to protected species and there would be habitat enhancements in the longer term. I see no reason in principle why the proposal would not meet the relevant derogation tests and that the necessary licences would not be granted by NE.

Non-designated heritage asset

61. Bagshot Cemetery Chapel lies on the north side of the lane and is a locally listed building and therefore a non-designated heritage asset. For users of the cemetery residential development and associated effects already provides a strong influence both in visual and spatial terms. There would be some varying effects for users at different points, including some effects on tranquillity and some slight visual effects at completion. In accordance with paragraph 197 of the Framework and having regard to the significance of the asset and the scale of the harm, this carries a small amount of weight against the proposal.

Alternative access

62. The Rule 6 Party contend that an alternative access point at the end of a turning head in Gomer Rd on the adjoining Earlswood Park development would be preferable and would follow the guidance in the Brief. This would reduce the significant harm to the character and appearance of the area, in particular to Chapel Lane. Access from this point is not part of the proposal before me.

63. I have considered the *Langley Park*⁸ judgement and I have found the extent of harm and conflict to be moderate. When other considerations are taken into account, I consider that a decision should be taken other than in accordance with the plan and the proposal is acceptable in planning terms.
64. However, if such harm or its conflict should be regarded as resulting in a clear planning objection and it should be necessary to consider whether that objection could be overcome by an alternative proposal, how far evidence in support of that possibility, or the lack of it, should have been worked up in detail by either party are all matters of planning judgement. Whilst the Rule 6 Party states the list of factors in paragraph 55 of the judgement are not legal tests, nevertheless I find they do assist me as the decision maker in the context of this particular case and were considered at the Inquiry. These factors are identified in the judgement as:
- the nature and degree of the harm arising from the proposal;
 - the nature and urgency of the need;
 - the scope for alternatives which could sensibly satisfy the need;
 - the extent to which the feasibility of such alternatives has been demonstrated (i.e. the weight which can be attached to them)."
65. The harm would ultimately be moderate, and this is also an allocated housing site in a borough with a clear need for open market and affordable housing which the Rule 6 party accept is of significant weight. Whilst not of a similar scale, an engineered pedestrian and cycle access of an adoptable standard would still be required onto Chapel Lane in the event of any scheme as per Plan 4 of the Brief and as a principle of good design to improve accessibility.
66. There is also nothing substantive before me from either party as to what that alternative scheme would entail or achieve or to suggest that the same benefits of the appeal proposal, including the viability of the scheme and the affordable housing provision could be achieved by an alternative proposal, particularly in light of the ransom strip. I also heard design objections from the appellant to an approach of hooking round from this point to access the area for plots 1-6. Consequently, the alternative approach could have significant implications for the layout and design of the scheme and associated character and appearance effects, and the extent of benefits may not be comparable to those delivered by this scheme before me.
67. There is nothing to suggest statutory consultees, including the Highway Authority would agree to such access. Having also observed the area in question at my visit, the proximity of residential development, the tight layout of the road network and what I observed to be high levels of on street parking, means I could not rule out that there may be some comparable planning objections to such an approach, including objections from existing residents of Earlswood Park. On the evidence before me I am not persuaded of the merits of a vehicular access at that point.

⁸ R. (*On the Application of Langley Park School For Girls Governing Body*) v *Bromley LBC* [2009] EWCA Civ 734; [2010] 1P.&C.R. 10

68. I also have little doubt that further delays in seeking to negotiate access and fundamentally change the access and then the layout to the site would significantly delay much needed housing being delivered on this allocated site.
69. For these reasons, I do not agree with the Rule 6 Party's submissions there is an obvious alternative scheme. Even if such an alternative is considered to be in principle capable of being relevant, in this particular case and on the evidence before me, such a consideration is not of sufficient weight to alter my view that this scheme should be granted planning permission.

Third party representations

70. It is not proposed to widen the lane, and due to its alignment and nature, traffic speeds are likely to continue to be low and trips not significant. The uncontested transport evidence indicates an additional vehicle using the lane every 3 minutes at peak times and takes account of deliveries associated with such development.
71. An existing passing place would be formalised, along with a further pedestrian refuge. I observed existing accesses also served as informal passing areas. There is no record of accidents along Chapel Lane. No objections have been received from Surrey County Council as Highway Authority. Effects on highway safety which should weigh against this proposal are simply not borne out in the evidence before me, or my own observations. Even though the existing lay-by may have been used by occupiers of residential properties on the lane, this has no bearing on the planning merits before me.
72. Part of the footpath would be set behind the existing understorey which would be retained and enhanced. It would benefit from some natural surveillance and subject to appropriate lighting, would not create a crime or safety issue in this well used lane. I acknowledge that for the duration of the works there is potential for some disruption to neighbouring residents from construction works. Nonetheless, for such a proposal a reasonable amount of construction activity and some disruption is necessary and to be expected on an allocated site. A condition has been proposed for a Construction Method Statement to mitigate the effects, including hours of operation and deliveries.
73. Matters in relation to flood risk, protection of trees, securing garages and spaces for vehicle parking and methods of construction, are all addressed by conditions to which no objections were received from any of the statutory consultees. My attention has been drawn to an intent by the Government to improve green spaces, but this is private land that is also an allocated housing site. A large and attractive public open space also lies immediately to the north and I have considered ecological impacts above.
74. Turning to effects on living conditions, given the siting of some of the plots closest to Chapel Lane there would be some intervisibility between the upper storeys of those dwellings and properties opposite. However, the combination of clarification on tree protection, management and maintenance measures and additional planting would prevent any unacceptable effects on outlook. There is nothing substantive before me to indicate infrastructure such as local health surgeries or schools would be adversely affected, and the Council did not object on these grounds.

75. My attention has been drawn to a number of appeal decisions outside of the borough⁹. I have not found it necessary to make specific comments on any of those conclusions but as a general point, each decision turned on their own evidence, as has my decision.

Conditions

76. Following a round table discussion at the Inquiry an amended list of agreed conditions was submitted by the parties. I have considered them against the tests in the Framework and the advice in the PPG. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision and simplicity. The appellant has confirmed in writing acceptance to the wording of the pre-commencement conditions.

77. To ensure the housing is delivered in the short term as intended by the appellant the commencement condition has been amended to 2 years. A condition is required to ensure compliance with the approved plans for the avoidance of doubt as this provides certainty. Material samples are required in the interests of the character and appearance of the area although these are to be digital samples and not physical, at the Council's request. To protect living conditions obscure glazing to the windows in the flank elevations of unit Nos. 18 and 22 which face onto rear gardens of properties within Earlswood Park is required. I have amended the suggested condition to be more precise as these are the only windows that need to be restricted in this way.

78. To prevent surface water flooding, a condition is necessary to require the approval and implementation of a Sustainable Urban Drainage System. A further condition is required to secure a verification report for that system. To ensure that risks from land contamination to future users of the land and buildings are minimised a condition relating to investigation, remediation, verification and monitoring and maintenance of any contamination is necessary.

79. A condition is also necessary for a written scheme of archaeological investigation, to ensure that features of historic interest are properly examined and recorded. Conditions requiring details of the soft and hard landscaping of the site, including the additional landscape enhancement measures proposed are necessary to protect and enhance the character and appearance of the area and that such works are retained and replaced, where necessary for a period of 15 years.

80. To ensure a satisfactory play area is provided for the occupiers of the development a condition is required that details are agreed, and the area provided prior to the occupation of the 22nd dwelling. Conditions are required that development is carried out in accordance with the amended arboriculture and ecological assessments and the Woodland Management Plan in the interests of visual amenity, nature conservation and biodiversity.

81. To ensure the proposed parking facilities are satisfactorily provided and thereafter permanently retained, a condition is necessary for these to be provided and laid out prior to occupation of the dwellings and to not be used for any other purpose. A Construction Method Statement is also necessary to

⁹ CD 6 and BW PoE.

- be agreed in the interests of highway safety and the living conditions of surrounding occupiers, including hours of construction and deliveries.
82. In the interests of residential and visual amenities and nature conservation a condition requiring details of any proposed lighting to be agreed is necessary, including consultation with Surrey Wildlife Trust. In the interests of highway safety, a condition requiring the new accesses to be constructed prior to occupation is required. I have combined the suggested conditions 19 and 20 into a single condition to require highway works to Chapel Lane be provided prior to first occupation, in accordance with a scheme to be agreed including that includes details of the footpath and any kerbing/signage, in the interests of highway safety and the character and appearance of the area.
83. In the interest of sustainability conditions requiring at least 20% of the available parking spaces to be provided with a fast charge socket is necessary, along with a 'Travel Information pack' for new residents on occupation. A condition requiring details of refuse/recycling storage and cycle storage is also required in the interests of the character and appearance of the area, living conditions of neighbouring occupiers and promotion of more sustainable modes of transport. Details of existing and proposed ground and floor levels to be agreed are also necessary to avoid an excessive raising or lowering of levels and to protect the character and appearance of the area. A condition requiring compliance with the agreed Energy Statement and details of energy efficiency measures is also necessary in the interests of sustainability.
84. Conditions 3, 5, 7, 8, 9, 10, 16, 17, 23 and 24 are conditions precedent. I am satisfied that they are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interests of character and appearance, flood risk, living conditions, highway safety, heritage assets, sustainability and biodiversity. I have removed the term slab level where necessary as some details will need to be agreed before any development can take place.

The planning balance

85. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I regard the harm and conflicts to be such that the proposal should be regarded as being in conflict with the development plan, when read as a whole.
86. It is therefore necessary to consider whether there are any other material considerations which indicate that permission should be granted. As set out above the presumption in favour of sustainable development within paragraph 11 d) ii of the Framework is triggered because the Council cannot demonstrate a 5-year housing land supply, in accordance with Footnote 7 of paragraph 11.
87. This states that permission should be granted in such cases unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Neither party alleges any inconsistency between the most important policies before me and the Framework, I agree.

The adverse impacts and benefits

88. The Framework is clear that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. Although here would be some compliance with paragraph 127 the harm I have identified could not be said to safeguard the local character and appearance of part of Chapel Lane. The access from which would not be in accordance with part of the guidance within a Brief, albeit one which carries limited weight and is not determinative.
89. The adverse impacts are the harm to the character and appearance of the area and the conflicts with the policies that I have identified. Having regard to the scale and nature of this harm, its degree of permanence and proposed mitigation and enhancements, this weighs moderately against the proposal. Further, there is an additional small amount of harm to be weighed into the balance given the effect on the significance of a non-designated heritage asset.
90. The most significant benefit of granting permission would be the delivery of housing on an allocated site. The Government has an objective to significantly boost the supply of housing and in this borough, there is currently a shortfall. For the purposes of this appeal the parties agree the supply to be below 5 years but 'no less than 4.85 years'¹⁰. This shortfall in supply is small and may have only recently occurred in a borough that has policy and environmental constraints for residential development, including land designated as Green Belt¹¹. The recently adopted Hart Local Plan also makes provision for some unmet need in Surrey Heath.
91. Despite matters outside of their control such as the COVID-19 Pandemic, the Council are working and progressing towards the delivery of the ELP. That said, the Council's Interim Capacity study is now 2 years old, sufficient sites could not be identified and a lack of supply has arisen since then. The appeal site was therefore included in the ELP for 40 dwellings and is an allocated site, not subject to those constraints. The Rule 6 Party also confirms the ELP is 'at an extremely early stage'¹². I heard it is subject to unresolved objections, including from local residents but given the planning history and need for housing I do not consider it is likely that the Council would consider the site as no longer being suitable for such development.
92. The appeal scheme would be subject to a 2-year commencement condition and 26 dwellings would be open market units. Such market homes in an accessible location, close to services and facilities and on a site allocated for housing development would provide a significant reduction to the current shortfall and this benefit carries significant weight. It is unlikely that in either qualitative or quantitative terms the shortfall would be addressed by wider initiatives such as office to residential conversions.
93. The proposal would deliver 18 affordable housing units in accordance with Policy CP5 of the CS. This would be a public benefit. In the area the affordability ratio between median house prices and wages is narrowing and coming in line with the national average. Delivery of affordable housing appears to be improving and 27.4%¹³ is the highest annual completion rate

¹⁰ Signed statements of common ground.

¹¹ 74% of the borough's land – Paragraph 6.14 and Fig. 3.7 of DB PoE.

¹² BW PoE paragraph 3.10.

¹³ Council's Annual Monitoring Report 2018/19 Affordable dwellings completed in plan period.

- since the CS was adopted but this is still below the 35% overall housing completions target and the scale of affordable housing need appears to remain significant. This proposal would maximise affordable housing contributions on an allocated site, allowing those who cannot afford to buy or rent their own home and need assistance, to settle. This provision would also add positively to the mix and overall diversity of the community in an accessible location entirely suitable for such housing provision. I give this provision significant weight.
94. Economic benefits primarily relate to indirect, direct and induced jobs, and the longer-term boost to local spending power. This could arise from any similar development but that does not detract from the fact that this particular development offers such benefits some of which would be temporary and short term, but others would be longer lasting and permanent. The Framework states that significant weight should be placed on the need to support economic growth. This is particularly so at a time when the economy is under intense pressure from the effects of the COVID-19 Pandemic.
95. A net biodiversity gain of 29.39% would in part be mitigation but it would also result in a positive management regime for the adjunct woodland, a designated Green Space within the settlement area. The removal of undesirable specimens, encouragement of desirable species, formative pruning and the creation of a woodland pond, amongst other things, would result in tangible biodiversity benefits. This would be secured by condition and greatly exceeds the proposed 10% in the proposed Environment Bill.
96. The proposal would accord with paragraph 170 in terms of minimising impacts on and providing net gains for Biodiversity to which I afford moderate weight. Although the Rule 6 party considered this not to be a benefit because the woodland should be managed anyway by the landowner, this would only occur to the extent proposed as part of the residential development of the site as there is no incentive or requirement that would secure such benefits otherwise.
97. The development would generate Council Tax and New Homes Bonus receipts. As the former is essentially a means for the Council to cover its costs arising from an increased local population, and/or to mitigate development impacts upon local infrastructure, it attracts little weight. There is no evidence of a connection between the New Homes Bonus payments and the development to enable it to be considered in accordance with the advice in the PPG. It therefore also carries little weight.
98. It was put to me that these benefits were not inevitable and could come from any scheme but nothing substantive was put before me to indicate if an alternative scheme would provide these particular benefits. The fact is they are the benefits of the scheme before me and fall to be assessed on their merits.
99. Having done so and although they are not criteria against which every decision can or should be judged, the economic and social objectives of sustainable development in the Framework would be fulfilled by the delivery of an internally well-designed and safe residential built environment within walking and cycling distance of accessible services and open spaces. It would deliver much needed open market and affordable homes on an allocated site.
100. Environmental harm would not be permanent and lost soft landscaping would be re-established in the longer term, albeit in a context of residential development. The proposal would still fulfil important environmental objectives

of improving biodiversity, making effective use of land and making best use of the capacity of development land, particularly when the housing is located in a sustainable location and on land that is of less environmental importance¹⁴.

101. My findings in relation to the effects on the SPA means that the application of policies in the Framework that protect areas or assets of particular importance does not provide a clear reason for refusing the development proposed. This is not a case where the presumption in favour of sustainable development is disapplied by virtue of paragraph 11 d) i.

Conclusion

102. Drawing all of these considerations together, the adverse impacts that I have identified would not significantly and demonstrably outweigh the benefits of this proposal, when assessed against the policies in the Framework taken as a whole. The proposal would therefore be the sustainable development for which Paragraph 11 d) ii of the Framework indicates a presumption in favour.

103. This is a material consideration which outweighs the harm and conflicts with the development plan that I have identified and indicates to me that a decision should be made other than in accordance with the development plan. There are no other material considerations that indicate permission should be withheld.

104. I therefore conclude that the appeal should be allowed, and planning permission should be granted subject to the conditions set out in the attached Schedule.

Richard Aston

INSPECTOR

¹⁴ 2.333 of LP Examining Inspector Report.

APPEARANCES

FOR THE RULE 6 PARTY:

Dr Ashley Bowes Ph.D., of Counsel instructed by Chapel Lane Action Group

He called

Michelle Bolger Michelle Bolger Expert Landscape
BA (Hons) Dip.LA CMLI Consultancy

Mr Brian Woods WS Planning and Architecture
BA (TP) MRTPI

FOR THE APPELLANT:

Mr Charles Banner,
of Queens Counsel instructed by CALA Homes Thames Ltd

He called

Andrew Williams DEFINE
BA (Hons) DipLA DipUD CMLI

Douglas Bond Woolf Bond Planning
BA (Hons) MRTPI

INTERESTED PERSONS:

Gemma Fitzpatrick	Surrey Heath Borough Council
John Richards	CALA Homes Thames Ltd
Laura Powell	CALA Homes Thames Ltd
Cllr Tim Fitzgerald	Surrey Heath Borough Council
Cllr Sharon Galliford	Surrey Heath Borough Council
Cllr Gordon	Surrey Heath Borough Council
Mr Michael Gove	Member of Parliament for Surrey Heath
Cllr Jennings-Evans	Surrey Heath Borough Council
Cllr Valerie White	Surrey Heath Borough Council
Cllr Victoria Wheeler	Surrey Heath Borough Council
Cllr Katia Malcaus Cooper	
Chris Hamilton	Chair of Bagshot Matters
Rev. Andreas Sistig	St. Anne Church
Emily Hall	WS Planning and Architecture

Nigel Allen	James Barnes	Mike Barrett
John Bauld	Ann Bouverie	Richard Brookes
Malcolm Clague	Claire Davies	Matt Davies
Jonathan Field	June Green	Prudence Hodges
Julia Kennell	Sarah Kingsley	Celia Kingsley
Neil Lennox	Joanna Lennox	Catherine Mahony
David Perry	Helen Perry	Chris Richards
Bindi Roopra	Hannah Russell	Simon Talbot Williams

Alison Thompson	Carol Wilkins	Nathan J Khan
Daniel Rozario	Stuart Wright	Richard Roots
David Whitcroft	Ashok Kumar Banerjee	
Dr Alisdair Pinkerton		
Cllr Cliff Betton BSc FRSB CBIol FIEMA CEnv FRSC		

DOCUMENTS SUBMITTED AT AND AFTER THE INQUIRY

Document Number	Document name	Submitted by
Document 1	Local Green Space Policy – Appendix 4	Appellant
Document 2	Opening statement	Appellant
Document 3	Opening statement	Rule 6
Document 4	Statement of Katia Malcaus Cooper	
Document 5	Statement of Helen Perry	
Document 6	Statement of Cllr Cliff Betton	
Document 7	Statement of Rev. Andreas Sistig	
Document 8	Statement of Cllr Tim Fitzgerald	
Document 9	Email correspondence with SCC on highway matters and amended plan 17A	Appellant
Document 10	CiL Compliance statement	Council
Document 11	Statement of Cllr Sharon Galliford	
Document 12	Grassblock and Grasscrete details	Appellant
Document 13	Draft planning conditions	Council
Document 14	Amended planning conditions	Appellant
Document 15	CIL Compliance Schedule	Council
Document 16	Email correspondence re: Grasscrete	Appellant
Document 17	Email correspondence with SCC on highway matters and plan 16A	Appellant
Document 18	Earlswood Park Adoption Plan	Appellant
Document 19	Nottcutts permission and s106 legal agreement	Appellant
Document 20	Statement of Celia Kingsley	
Document 21	Statement of Julia Kennell	
Document 22	<i>Preston New Road action Group v SoS CLG</i> [2017] EWHC808 (Admin);[2017]Env.L.R.33	Rule 6
Document 23	Plan 16A and drawing no. 1807052-09A	Appellant
Document 24	Agreed planning conditions	Appellant/Council
Document 25	Email query from Katia Malcaus Cooper	
Document 26	Rule 6 closing submissions	Rule 6
Document 27	Appellant closing submissions	Appellant
Document 28	Agreement to pre-commencement conditions	Appellant (after)
Document 29	Unilateral Undertaking	Appellant (after)
Document 29	Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019	Council (after)

SCHEDULE

CONDITIONS

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. The proposed development shall be built in accordance with the following approved plans: 2747-A-1002 Rev. C, 2747-A-3110 Rev F, 2747-A-3300 Rev B, 2747-C-3012 Rev F, 2747-C-3010 Rev E, 2747-C-3011 Rev D, 2747-C-3025 Rev E, 2747-C-3030 Rev F, 2747-C-3041 Rev D, 2747-C-3100 Rev E, 2747-C-3102 Rev D, 2747-C-3022 Rev E, 2747-C_3035 Rev F, 2747-C-3037 Rev F 1807052-01 Rev F and 1807052-02 Rev F received on 19 March 2019; 2747-C-3015 Rev G received on 2 July 2019; and 2747-A-1005 Rev U, 2747-C-1005 Rev U, 2747-C-3111 Rev F, 2747-C-3008 Rev A, 2747-C-3020 Rev H, 2747-C-3017 Rev H, 2747-C-3040 Rev E, 2747-C-3005 Rev G, 2747-C-3007 Rev H, 2747-C_1700 Rev J, and 2747-C-1701 Rev H received on 31 October 2019; unless the prior written approval has been obtained from the local planning authority.
3. No development above slab level shall commence until details and samples of the external materials to be used have been submitted to and approved in writing by the local planning authority. Materials to be agreed shall include brick, tile, cladding/tile hanging, windows, guttering and other fenestration. Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved.
4. The first and second floor living and bedroom windows of the Earlswood Park facing elevations of units 18 and 22 as shown on Elevation B of Drawing No 2747-C-3111-F, received on 31 October 2019, shall be installed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings shall be created in this elevation without the prior approval in writing of the local planning authority.
5. No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design should satisfy the SuDS Hierarchy and be compliant with the Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required details shall include:
 - a) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of development (pre, post and during), associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 4 l./s.
 - 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 restriction and maintenance/risk reducing features (silt traps, inspection chambers, etc.).

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.

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) for the development site will be managed before the drainage system is operational.

f) Details of the watercourse that runs through the development site. Size, capacity and whether there is constant flow through.

Development shall be carried out in accordance with the approved details.

6. Prior to the first occupation of the development hereby approved, a verification report carried out by a suitably qualified drainage engineer must be submitted to and approved in writing by the local planning authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restrictions and outfalls).
7. No development shall commence until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority.

The above scheme shall include: -

(a) a contaminated land desk study and suggested site assessment methodology;

(b) a site investigation report based upon (a);

(c) a remediation action plan based upon (a) and (b);

(d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;

and

(e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d)

(f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out

Unless otherwise agreed in writing by the local planning authority, the development shall be carried out and completed wholly in accordance with the approved details.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority.
9. No development above ground level shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied BS5837:2012-Trees in Relation to Design, Demolition and Construction Arboricultural Method Statement [AMS].

The submitted details shall be in general conformity with Plan Figure 16A and Landscape Drawings Planting Plan 1 of 2 (6694.ASP.PP.1.1_Rev D), Planting Plan 2 of 2 (6694.ASP.PP.1.2_Rev D) and Landscape Masterplan (6694.LM.01E) and shall include the following:

1. An 'instant hedge' of 2m height adjacent to Chapel Lane;
2. Increased street, garden and garden edge native tree planting;
3. Details of appropriate spacings between tree planting;
4. Additional native shrub planting and native hedgerow planting to School Lane;
5. Additional native tree planting to the site's south western boundary;
6. Replacement of all non-native tree species within the central green corridor with appropriate wet native tree species and wildflower grassland;
7. Parking spaces immediately within/adjacent to this green corridor to be of a reinforced grass surface solution, appropriate to its permanent residential use;
8. Details of a porous gravel footpath material to the new footpath adjoining Chapel Lane, to be of a dark / earthy material;
9. Existing vegetation to Chapel Lane within the existing verge to be retained and supplemented with native planting as appropriate.

All plant material shall conform to BS3936:1992 Parts 1 - 5: Specification for Nursery Stock. Handling, planting and establishment of trees shall be in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape. A landscape management plan for 15 years post occupation of the development shall include maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, and shall be submitted to and approved in writing by the local planning authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

10. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the first occupation of the development or in accordance with a timetable agreed in writing with the local planning authority. Any trees or plants, which within a period of 15 years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the local planning authority, unless the local planning authority gives written consent to any variation.
11. The development shall not be occupied until details of the children's play area, to include surfacing, play equipment, surrounding fencing and seating have been submitted to and approved by the local planning authority. Once approved the play area shall be laid out in accordance with the agreed details prior to 50% occupation (the 22nd dwelling) of the development and shall thereafter be maintained and not used for any other purpose other than as a play area.
12. The development hereby approved shall be implemented in accordance with the recommendations set out in the Arboricultural Implications Report by SJATrees dated February 2019 [Ref: SJA 18257-01b] received on 19 March 2019 as amended by the Addendum Report dated June 2019 [Ref: SJA air add 18257-01d] received on 2 July 2019.
13. The development hereby approved shall be implemented in accordance with the recommendations set out in the Ecological Assessment Updated Report by Ethos Environmental Planning dated July 2019 (Ref: ETH/19/348).
14. The development hereby approved shall be implemented in accordance with the recommendations set out in the Outline Woodland Management Plan by SJA Trees dated September 20189 [Ref: SJA owmp 19028-01e] received on 31 October 2019. The Woodland Management Plan shall be implemented over a 20-year period and the details of the implementation programme for 5-10, 10-15 and 15-20 years shall be submitted to an approved prior to the implementation of each phase.
15. The parking and garage spaces shown on the approved plan 2747-C-1701 Rev H, received on 31 October 2019, shall be made available for use prior to the first occupation of the associated dwelling, and all garage and parking spaces shall not thereafter be used for any purpose other than the parking of vehicles.
16. No development shall take place until a Method of Construction Statement, 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) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding (behind any visibility zones)

- (f) hours of construction and deliveries
- (g) details of vehicle routing
- (h) measures to protect the watercourse (stream) and its banks
- (i) measures to prevent the deposit of materials on the highway
- (j) written confirmation of no on-site burning of material as part of a Site Waste Management Strategy

has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period for the development.

17. No development above ground level shall take place until details of external lighting have been submitted to and approved in writing by the local planning authority. Once approved (and following consultation with Surrey Wildlife Trust) the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. The details shall include the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification and management plan.
18. No part of the development hereby approved shall be first occupied unless and until the proposed western and eastern vehicular accesses to Chapel Lane have been constructed and provided with visibility zones in accordance with approved drawings 1807052-01 Rev F and 1807052-02 Rev F respectively [within Appendix C of Transport Statement received on 19 March 2019] and thereafter the visibility zones shall be kept permanently clear of any obstruction between 1 and 2 metres in height above ground level.
19. Prior to the first occupation of the development, Chapel Lane shall be improved in general accordance with Drawing No. 1807052-09A and a scheme, the details of which shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the footpath, including a 1:20 layout plan indicating location/width of the path along with retained trees/shrubs and new trees/shrubs, cross section and finished materials and any kerbing and signage. Development shall be carried out in accordance with the approved details.
20. At least 20% of the available parking spaces for the flats and each of the dwellings shall be provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32-amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved by the local planning authority.
21. Prior to the first occupation of the development hereby approved on site details of refuse and cycle storage area(s) and access thereto are to be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
22. A Travel Information Pack shall be provided for the new occupiers prior to their occupation of each residential unit, detailing the availability and

whereabouts of local public transport, walking, cycling, car sharing clubs and car clubs, in accordance with details which shall have been submitted to and approved by the local planning authority in writing.

23. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including roads, private drives, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
24. The development shall be implemented in general accordance with the submitted energy statement (Briary Energy, V1). No development above ground level shall take place until details of the measures for energy efficiency including the type and location of the PV panels and the location of the flue gas heat recovery systems have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

----- End of schedule -----