

Planning Committee

Wednesday 22 January 2020 at 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors: M Willingale (Chairman), D Anderson-Bassey (Vice-Chairman), J Broadhead, I Chaudhri, M Cressey, E Gill, C Howorth, R King, M Kusneraitis, I Mullens, M Nuti, P Snow, J Sohi, S Whyte and J Wilson.

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the committee, if they are not a member of this Committee.

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to
Mr B A Fleckney, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) Public speaking on planning applications only is allowed at the Planning Committee. An objector who wishes to speak must make a written request by noon on the Monday of the week of the Planning Committee meeting. Any persons wishing to speak should contact the Planning Business Centre. **(Tel Direct Line: 01932 425131)** or email publicspeaking@runnymede.gov.uk

5) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

6) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

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Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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RU.18/0703	Cemex House, Coldharbour Lane, Thorpe	110
RU.19/0263	Thames Retreat, 141 Chertsey Lane, Staines Upon Thames	120
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RU.19/1530	The Old Workshop, West End Farm, Rosemary Lane, Thorpe	161

PLEASE BE AWARE THAT THE PLANS PROVIDED WITHIN THIS AGENDA ARE FOR LOCATIONAL PURPOSES ONLY AND MAY NOT SHOW RECENT EXTENSIONS AND ALTERATIONS THAT HAVE NOT YET BEEN RECORDED BY THE ORDNANCE SURVEY

7. INFRASTRUCTURE DELIVERY & PRIORITISATION SUPPLEMENTARY PLANNING DOCUMENT (SPD) CONSULTATION	12
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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) **Exempt Information**

No reports to be considered.

b) **Confidential Information**

No reports to be considered.

TERM	EXPLANATION
AOD	Above Ordinance Datum. Height, in metres, above a fixed point. Used to assess matters of comparative heights in long distance views and flooding modelling
AQMA	Air Quality Management Area
BCN	Breach of Condition Notice. Formal enforcement action to secure compliance with a valid condition
CHA	County Highways Authority. Responsible for offering advice on highways issues relating to planning applications as well as highways maintenance and improvement
CIL	Community Infrastructure Levy – A national levy on development which will replace contributions under 'Planning Obligations' in the future
CLEUD	Certificate of Lawful Existing Use or Development. Formal procedure to ascertain whether a development which does not have planning permission is immune from enforcement action
CLOPUD	Certificate of Lawful Proposed Use or Development. Formal procedure to ascertain whether a development requires planning permission
Conservation Area	An area of special architectural or historic interest designated due to factors such as the layout of buildings, boundaries, characteristic materials, vistas and open spaces
DM	Development Management – the area of planning service that processes planning applications, planning appeals and enforcement work
Design and Access Statement	A Design and Access statement is submitted with a planning application and sets out the design principles that the applicant has adopted to make the proposal fit into its wider context
Development Plan	The combined policy documents of the Local Plan, Minerals and Waste Plans
EA	Environment Agency. Lead government agency advising on flooding and pollution control
EIA	Environmental Impact Assessment – formal environmental assessment of specific categories of development proposals
ES	Environmental Assessment under the Environmental Impact Assessment Regulations
FRA	Flood Risk Assessment
GPDO	General Permitted Development Order. Document which sets out categories of permitted development (see 'PD')
LBC	Listed Building Consent
LDS	Local Development Scheme - sets out the programme and timetable for preparing the new Local Plan
Listed building	An individual building or group of buildings which require a level of protection due to its architectural interest, historical interest, historical associations or group value
LNR	Local Nature Reserve
Local Plan	The current planning policy document
LPA	Local Planning Authority
LSP	Local Strategic Partnership – Leads on the Community Strategy
Material Considerations	Matters which are relevant in determining planning applications
Net Density	The density of a housing development excluding major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips
NPPF	National Planning Policy Framework. This is Policy, hosted on a dedicated website, issued by the Secretary of State detailing national planning policy within existing legislation
PCN	Planning Contravention Notice. Formal notice, which requires information to be provided in connection with an enforcement investigation. It does not in itself constitute enforcement action
PD	Permitted development – works which can be undertaken without the need to submit a planning application
PINS	Planning Inspectorate
POS	Public Open Space
PPG	National Planning Practice Guidance. This is guidance, hosted on a dedicated website, issued by the Secretary of State detailing national planning practice and guidance within existing legislation. Also known as NPPG <i>National Planning Practice Guidance</i>
Ramsar Site	A wetland of international importance

TERM	EXPLANATION
RIPA	Regulation of Investigatory Powers Act. Provides limitation on covert surveillance relating to enforcement investigation
SAC	Special Area of Conservation – an SSSI additionally designated as a Special Area of Conservation under the European Community's Habitats Directive 1992 in order to maintain or restore priority natural habitats and wild species
SANGS	Suitable Alternative Natural Greenspaces
SAMM	Strategic Access Management and Monitoring
SCI	Statement of Community Involvement. The document and policies that indicate how the community will be engaged in the preparation of the new Local Plan
SEA/SA	Strategic Environmental Assessment/Sustainability Appraisal – formal appraisal of the Local development Framework
Sec. 106	A legal agreement for the provision of facilities and/or infrastructure either directly by a developer or through a financial contribution, to meet the needs arising out of a development. Can also prevent certain matters
SEP	The South East Plan. The largely repealed Regional Spatial Strategy for the South East. All policies in this Plan were repealed in March 2013 with the exception of NRM6 which dealt with the Thames Basin Heath SPA
SNCI	Site of Nature Conservation Importance. A non-statutory designated area of county or regional wildlife value
SPA	Special Protection Area. An SSSI additionally designated a Special Protection Area under the European Community's Directive on the Conservation of Wild Birds 1979. The largest influence on the Borough is the Thames Basin Heath SPA (often referred to as the TBH SPA)
SPD	Supplementary Planning Document – provides additional advice on policies in Local Development Framework (replaces SPG)
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Urban Drainage Systems. Providing urban drainage systems in a more environmentally sensitive way by systems designed to reduce the quantity of run-off, slow its velocity or provide for filtering, sedimentation and biological degradation of the water
Sustainable Development	Sustainable development is the core principle underpinning planning. It is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"
TA	Transport Assessment – assessment of the traffic and transportation implications of a development proposal
TPO	Tree Preservation Order – where a tree or trees are formally protected and prior consent is needed for pruning or felling
TRICS	Computerised database and trip rate analysis used to estimate traffic flows to and from a variety of land uses, to assess transportation implications of new development in southern England
Use Classes Order	Document which lists classes of use and permits certain changes between uses without the need for planning permission

Further definitions can be found in Annex 2 of the NPPF

1. **FIRE PRECAUTIONS**

The Chairman will read the Fire Precautions, which set out the procedures to be followed in the event of fire or other emergency.

2. **NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP**

3. **MINUTES**

To confirm and sign the Minutes of the meetings of the Committee held on 4 December 2019 and 7 January 2020 as a correct record (Appendix 'A' and Appendix 'B' respectively)

(To resolve)

Background Papers

None

Runnymede Borough CouncilPLANNING COMMITTEE4 December 2019 at 7.30pm

Members of the Committee present Councillors M Willingale (Chairman), D Anderson-Bassey (Vice-Chairman), J Broadhead, M Cressey, R Edis, E Gill, C Howorth, R King, M T Kusneraitis, Maddox, I Mullens, P Snow, J Sohi, S Whyte and J Wilson

Members of the Committee absent: None

Councillors T Burton and L Gillham also attended

376 FIRE PRECAUTIONS

The Vice - Chairman read out the Fire Precautions.

377 NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the changes listed below be made to the membership of the Committee. The changes were for a fixed period ending on the day after the meeting and thereafter the Councillors removed would be reappointed.

<u>Group</u>	<u>Remove</u>	<u>Appoint instead</u>
Conservative	Cllr Chaudhri	Cllr Edis
Conservative	Cllr Nuti	Cllr Maddox

The Chief Executive had given effect to the changes to Committee membership in accordance with section 16(2) of the Local Government and Housing Act 1989.

378 MINUTES

The Minutes of the meeting of the Committee held on 13 November 2019 were confirmed and signed as a correct record.

379 DECLARATIONS OF INTEREST

Councillor S Whyte declared a disclosable pecuniary interest in RU 19/ 0843 as she owned a property opposite the application site. Councillor Whyte withdrew from the chamber while the application was determined.

380 PLANNING APPLICATIONS

The planning applications listed below were considered by the Committee. All representations received on the applications were reported and copies had been made available for inspection by Members before the meeting. Objectors and applicants or their agents addressed the Committee on those applications specified below.

RESOLVED that –

the following applications be determined as indicated: -

APP NO

LOCATION, PROPOSAL AND DECISION

RU 19/0539

Fermoyle House Nursing Home, 121-125 Church Road, Addlestone,

Change of use from Class C2 (residential institutions) to Class C3 (dwellinghouses) and erection of a 4 storey block to provide 16no flats (6x1bed and 10x2bed) together with associated parking and landscaping (amended description)

Some Members commented on potential overlooking of adjoining residential properties and consequential loss of privacy from the proposed fourth floor, and lack of provision of affordable housing within the development.

Officers advised that the design and positioning of the proposed additional floor would not have an adverse material impact on residential amenities of adjoining occupiers.

The provision of 16 dwellings triggered the requirement for affordable housing. However Officers advised the Committee that on-site provision would affect the viability of the scheme and Officers had negotiated with the applicant who had agreed a contribution of £100k towards off-site affordable housing which would be secured by S106 Agreement and which was compliant with Local Plan Policies

The Committee considered that the additional residential units and contribution towards off-site affordable housing merited the grant of planning permission. To give reassurance to adjoining residential occupiers, the Committee imposed a condition restricting the use of the proposed flat roof to protect privacy of adjoining occupiers and for health and safety reasons.

RESOLVED that

Subject to completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) to secure the following Obligations:

- £100,000 towards the provision of affordable housing; and
- SAMM/SANG payments for two additional units

the Development Manager be authorised to GRANT planning permission subject to conditions (condition 2 amended as per addendum), reasons and informatives listed on agenda, and additional condition restricting use of the proposed flat roof.

(Mr McCulloch an objector, and Mr Dickenson, agent for applicant, addressed the Committee on the above application).

RU 19/0835

9 Band Lane, Egham

Single storey rear extension and conversion of existing two-bedroom dwelling to form two no.1 bedroom dwellings, together with rooflights to the rear.

The Committee was supportive of this application as it would bring the property back into residential use and make a small contribution to the Council's housing supply.

RESOLVED that

GRANT planning permission subject to conditions (condition 2 amended as per addendum), reasons and informatives listed on agenda.

RU 19/0843

Former Pantiles Garden Centre and 198 Almnerns Road, Lyne

Demolition of 198 Almnerns Road and former garden centre buildings and erection of 60 residential dwellings with parking, widening of existing access road from Almnerns Road, creation of new pedestrian and cycle connections to Lyne Village Green and creation of habitat corridor through the site.

The Committee was supportive of this application on the basis it would make a significant contribution to housing supply including affordable housing, the sensitive nature of design of the development and manner in which it would integrate with the surrounding area, visual improvements as a result of removal of hardstandings on the site, removal of authorised retail uses from the site, drainage improvements, and improved public accessibility to the site through footpaths and cycle tracks to Lyne Village Green.

These benefits amounted to 'very special circumstances' which justified the development and outweighed the substantial harm to the Green Belt and very limited harm to future occupiers of Plots 1-6.

The Committee wished to congratulate the developer and the Design Team, and Planning Officers on bringing this scheme forward.

RESOLVED that

Subject to the referral of the application to the Secretary of State and there being no call-in, the Development Manager be authorised to GRANT planning permission subject to conditions (conditions 11,14 and 34 amended as per addendum), reasons (reason 19 amended as per addendum) and informatives listed on agenda and completion of a S106 legal agreement to secure:

- Financial contribution of £449,601 for local education improvements: including £39,710 for early years education at White Lodge Nursery, £198,507 for primary education at Meadowcroft Infant school and £211,401 for secondary education at Jubilee High School;
- Financial contribution for SAMM and SANGs in respect of the Thames Basin Heaths Special Protection Area (£2,630 per net additional dwelling)
- The provision of on-site affordable housing at a minimum of 50% of the total number of dwellings
- Financial contribution of £3,000 towards highway signage improvements at the Hardwick Lane/Almners Road junction
- Confirmation of management fees across the development which shall exclude the occupiers of the affordable housing and that the occupiers of the affordable homes shall have access to all the communal areas.

RU 19/1374

Bray Lodge, Middle Hill, Englefield Green

Demolish existing dwelling and erect a 5 bedroom house

The Committee was supportive of the application.

RESOLVED that

GRANT planning permission subject to conditions, reasons and informatives listed on agenda.

RU19/1471

Stepgates Community School, Stepgates, Chertsey

Installation of school and community outdoor swimming pool and pump, filtration and heating equipment

The Committee supported the application as it would positively contribute to the health and wellbeing of schoolchildren and the local community, and contribute to healthy lifestyles as promoted by the NPPF and new Local Plan.

RESOLVED that

GRANT planning permission subject to conditions, reasons and informatives listed on agenda.

(Mr Wells, an objector, and Mrs Taylor, on behalf of the applicant, addressed the Committee on the above application)

381 **CHERTSEY MEADS – SANGS STATUS**

The Committee was updated with information about the Borough's latest Strategic Suitable Alternative Natural Green Space SANG, Chertsey Meads.

The Committee was informed that the existing strategic SANG capacity in Runnymede had been reduced to a critical level as residential developments that affected the TBHSPA, but do not provide their own SANG solution, had diminished the capacity of the Council-owned SANGs. As a consequence, without additional strategic SANG capacity (separate to bespoke solutions which may be brought forward), there would come a point where the Council could no longer grant planning applications for residential development within 5km (or for larger sites of 50 net dwellings or more within 5-7km) of the TBHSPA.

Since 2013, Officers had been discussing with Natural England the merits of designating Chertsey Meads as SANG. In May 2018, it was confirmed by Natural England that this site could provide a SANG capacity equivalent to 1,822 new dwellings to mitigate for the impact on the TBHSPA.

In 2016 the Chertsey Meads Management Liaison Group (CMMLG) discussed the proposal to designate Chertsey Meads as a SANG and considered the benefits against the potential issues. Although there were some concerns about the impact of increased visitor numbers, the Group was supportive of the proposal as it would provide access to funds that could be used to improve the Meads.

Chertsey Meads was managed in accordance with the Chertsey Meads SANG Management Plan to ensure that the site could be managed and maintained in perpetuity as SANG, whilst also ensuring that the site's other designation as a Site of Nature Conservation Importance and Local Nature Reserve were not compromised. The Community Services Committee had approved the Management Plan on 8th November 2018 and endorsed the use of Chertsey Meads as SANG.

Developer contributions were subject to the statutory regime of s106 of the Town and Country Planning Act 1990 and the CIL Regulations 2015 and were monitored by the Planning Funding Officer. Members were advised that relevant contributions could now be allocated to improvements at Chertsey Meads, as listed in the approved Management Plan.

Ongoing costs at Chertsey Meads were currently estimated at approximately £9,400 during the 2020/21 financial period. It was anticipated that, at the current contribution fee of £2,000 per net additional dwelling, the 1,822 capacity that Chertsey Meads could potentially generate £3.6 million towards SANG improvements and ongoing long-term maintenance towards this and other SANGs sites owned by the Council within the Borough. Costing recommendations for essential works for Chertsey Meads were set out within Table 2 of the Chertsey Meads SANG Management Plan.

A record of contributions allocated to SANGs was recorded and monitored by the Planning department in order to ensure that sufficient funds were available for both Chertsey Meads and for other SANGS sites within the Borough. At the end of October 2019, SANGs contributions collected so far, and yet unallocated for other SANGs sites within the Borough, were in excess of the amount required to undertake the immediate works needed to ensure that Chertsey Meads complied with Natural England's guidelines, enabling this site to be included within the Council's list of SANGs. Consequently, funding received to-date in respect of other SANGs sites within the Borough was required to be released in order to commence these works and enable planning permissions to continue to be granted for relevant applications.

The Committee fully supported the adoption of Chertsey Meads as a SANG for planning purposes and to the commencement of collection and use of financial contributions towards Chertsey Meads SANG.

RESOLVED that

Chertsey Meads be adopted as a Strategic Suitable Alternative Natural Green Space (SANG) for planning purposes and endorse the commencement of collection and use of financial contributions towards the Chertsey Meads SANG.

382 DEVELOPMENT MANAGEMENT AND BUILDING CONTROL BUSINESS PLAN 2020/21

The Committee received the Development Management and Building Control Business Plan for 2020/21.

The key achievements in 2019/20 to date, key areas of change in 2020/21 and key drivers and influences which would impact on the Business Centre in 2020/21 were noted.

The growth proposals and business cases included in the Plan would be subject to consideration and approval by Corporate Management Committee and Full Council in due course. Officers confirmed that the business cases for staffing were the same business cases as contained in the Planning Policy Business Plan. The Committee wished the Corporate Management Committee to be informed of its strong support for the growth bids.

In the KPIs, the words 'processed to deadline' would be replaced with 'within time limits', wherever appropriate.

The Planning Enforcement Charter would be circulated to all members of the Council

RESOLVED that

- i) the 2020/21 Development Management and Building Control Business Plan be approved; and**
- ii) it be noted that the above-mentioned business cases requiring additional expenditure is subject to approval by Corporate Management Committee and Full Council in February 2020.**

383 PLANNING POLICY AND ECONOMIC DEVELOPMENT BUSINESS UNIT PLAN

The Committee received the Planning Policy and Economic Development Business Unit Plan for 2020/21.

The key achievements in 2019/20 to date, key areas of change in 2020/21 and key drivers and influences which would impact on the Business Centre in 2020/21 were noted.

The growth proposals and business cases included in the Plan would be subject to consideration and approval by Corporate Management Committee and Full Council in due course.

A Member asked that more emphasis be given in the Plan to Neighbourhood Forums, where appropriate, and for reference to 'Thorpe' as one of the areas affected by flooding.

With regard to the growth bid for Local Plan implementation and review and CIL adoption, Officers advised the Committee that it was hoped to build capacity of the Local Plan Team so that consultants would only be used for specialist work where in 12

house resources did not exist.

With regard to the River Thames Scheme Consultancy, a Member asked for Thorpe to be referenced in the 'background' section of the growth bid as it had been affected by flooding in 2014.

More consistency was required across both Business Centre Plans in relation to terminology used for the schemes on Southern Rail Access and Access to Heathrow from the South and Officers would address this.

The Committee supported the Plan and

RESOLVED that

- i) the Planning Policy and Economic Development Business Unit Plan 2010/21 be approved; and**
- ii) It be noted that the above-mentioned business cases requiring additional expenditure is subject to approval by Corporate Management Committee and Full council in February 2020.**

(The meeting ended at 10.00 pm)

Chairman

Runnymede Borough CouncilPLANNING COMMITTEE7 January 2020 at 7.30pm

Members of the Committee present Councillors M Willingale (Chairman), D Anderson-Bassey (Vice-Chairman), J Broadhead, I Chaudhri, E Gill, C Howorth, R King, I Mullens, J Olorenshaw, P Snow, J Sohi, S Whyte and J Wilson

Members of the Committee absent: Councillors M Kusneraitis and M Nuti.

Councillors D Cotty, R Edis, L Gillham and J Hulley also attended

FIRE PRECAUTIONS

The Vice - Chairman read out the Fire Precautions.

NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

<u>Group</u>	<u>Remove</u>	<u>Appoint instead</u>
Independent	Cllr Cressey	Cllr Olorenshaw

The Chief Executive had given effect to the change to Committee membership in accordance with section 16(2) of the Local Government and Housing Act 1989.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Nuti.

RUNNYMEDE 2030 LOCAL PLAN: MAIN MODIFICATIONS

The Committee was informed that at the conclusion of Examination Hearings in November 2019, the Local Plan Inspector had made it clear that 'Main Modifications' would be required to the Local Plan in order for it to be made 'sound' and move forward to adoption. The Inspector had subsequently requested that the Council draft a schedule of Proposed Main Modifications to the Plan which appeared necessary to make the Plan 'sound'.

The Schedule of Proposed Main Modifications which had now been drafted and agreed with the Inspector, was considered by the Committee. The Schedule of Proposed Main Modifications took account of modifications suggested by the Council subsequent to its submission of the Local Plan in July 2018; modifications suggested in response to representations received on the Submission Plan and subsequently; in response to issues raised during the Examination hearings, where the Inspector considered that a modification might be appropriate.

The Schedule of Proposed Main Modifications set out included a brief explanation as to why each Main Modification was being proposed. In summary, the key Proposed Main Modifications comprised:

- The deletion of Policy SD1 (Presumption in favour of Sustainable Development), which was considered to simply repeat policy set out in the National Planning Policy Framework (NPPF);
- Updates to Policy SD2 (Spatial Development Strategy), to take account of updated completion and permission information and the potential 'out-turn' of sites, following discussion at the Examination hearings;
- Clarification of those sites which would rely on the implementation of highway improvement works to the A320 and M25 Junction 11;
- A number of clarifications and amendments to some of the policy requirements associated with development sites being allocated in the Local Plan (including for example, the affordable housing mix requirements for Longcross Garden Village);
- A change to Policy SL20 (Affordable Housing), to provide an amended affordable tenure split which seeks 70% of affordable housing as affordable/social rent (rather than 80% as suggested in the Submission Plan), and 30% (rather than 20%) to be provided as other forms of affordable housing (such as shared equity and affordable home ownership). The policy was also modified to specify that one in three homes which comprise other affordable tenures (the 30%), should be delivered specifically as homes for affordable home ownership (such as starter homes, discounted market sales housing etc.);
- A change to Policy SL22 (Gypsy, Travellers and Travelling Showpeople Needs), which reduces pitch and plot requirements in the Borough, taking account of changes in provision since the Plan was submitted;
- Improved clarity of wording for a number of 'development requirement' policies including:
 - Policy SL23 (Accommodating Older Persons and Students)
 - Policy SL24 (Self & Custom Build Housing)
 - Policy EE1 (Townscape and Landscape Quality)
 - Policy EE2 (Environmental Protection)
 - Policy EE9 (Biodiversity, Geodiversity and Nature Conservation)
 - Policy EE10 (Thames Basin Heaths Special Protection Area)
 - Policy EE14 (Extensions and Alterations to and Replacement of Buildings in the Green Belt)
- The inclusion of a new Policy IE11, to set out specific requirements associated with the development of Strodes College Lane, Egham, rather than simply identifying it as a 'town centre opportunity area';
- The inclusion of an updated housing delivery trajectory, including those sites specifically allocated by the Local Plan.

In addition to the Schedule of Proposed Main Modifications agreed with the Inspector, a further series of Additional Minor Modifications were also proposed. These minor modifications dealt with very minor wording changes to text, corrections and errors and needed to be published alongside the Main Modifications, though no comment was invited on the additional minor modifications. The Schedule of Additional Minor Modifications (Appendix 2 to the agenda report) was circulated to Members of the Committee.

A number of consequential changes and corrections to the Policies Map had also to be published for information and these were noted.

The three options available to the Committee to respond to the Modifications were outlined. The Committee noted that without the Main Modifications suggested, the Inspector was unlikely to find the Plan 'sound' when she formally reported back to the Council in due course. The Committee was fully supportive of the Proposed Main Modifications, but some comments were made by Members on the following Main Modifications:

- MM36- Policy SL16 (criterion a)- Housing allocation at Parcel C ,Chertsey Bittams, Chertsey- a Member commented over the location of the increased provision of net additional serviced gypsy/traveller pitches and likely objection thereto from local residents when responding to the consultation process. Officers explained the various reasons behind the Modification , that it would be subject to public consultation, and the Inspector would take account of any representations received in making her final report;
- MM28- Policy SL8 (criterion f)-Housing allocation at Thorpe Lea Road West, Egham- reservations expressed by some Members over removal of reference to 'off- road' cycle routes. Officers explained that the Modification would not preclude 'off road' cycle routes being provided but that the Modification would provide further flexibility as it would allow for provision of both 'off' and 'on' road cycle routes in association with development schemes;
- MM10- Policy SD2 -Spatial Development Strategy- a Member supported both Thorpe Village being removed from Green Belt, and inclusion of a reference to the NPPF allowing for Neighbourhood Plans to make detailed non - strategic amendments to Green Belt boundaries where strategic local plan policies established the need for strategic changes to the Green Belt boundaries; and
- MM45-Policy EE2-Environmental Protection- a Member expressed concern that the Modification could restrict provision of energy efficient measures in development proposals. Officers confirmed that the Modification was for clarification purposes and would not be burdensome for developers.

A further review of the EqIA had been undertaken of the Schedule of Proposed Main Modifications. The EqIA review of the Proposed Main Modifications was made available to Members prior to the Planning Committee meeting. The reviewed EqIA concluded that the Proposed Main Modifications did not change the overall conclusion of the EqIA, which confirmed that the overall impact of Local Plan policies were generally assessed to be neutral to positive in terms of impact of persons of protected characteristics.

The environmental/sustainability/biodiversity implications of the Main Modifications proposed had been subject to both Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) by independent consultants working alongside officers, to inform the plan-making process. The SA and HRA reports (Appendices 3 and 4 to the agenda report) were circulated. Both reports would be formally considered by the Inspector before she made her final recommendations and report back to the Council.

The Schedule of Proposed Main Modifications would be subject to public consultation for a six-week period. At the conclusion of the public consultation period ,the Inspector would consider the responses received and finalise her report back to the Council recommending any final Main Modifications that she considered necessary to ensure a 'sound' Plan and whether the Council could then move the Plan to adoption

The Committee congratulated Officers, past and present, on their work on the Local Plan over the past few years. Subject to the inversion of the 'Actions' on MM9 and MM13, the Committee unanimously

RESOLVED that

- a) **a six-week public consultation be undertaken on the Schedule of Proposed Main Modifications to the Runnymede Local Plan 2030, as agreed with the Planning Inspector presiding over the Local Plan examination and necessary for the Local Plan to be found 'sound', (Appendix 1 to agenda report);**
- b) **the Additional Minor Modifications to the Runnymede Local Plan 2030 (Appendix 2 to the agenda report) be published; and**
- c) **the Corporate Head of Planning Policy and Economic Development, in consultation with the Chairman of Planning Committee, be authorised to make any necessary minor amendments and corrections to the Runnymede Local Plan 2030 and its associated documents up to and prior to Local Plan adoption.**

(The meeting ended at 8.02 pm)

Chairman

4. **APOLOGIES FOR ABSENCE**

5. **DECLARATIONS OF INTEREST**

If Members have an interest in an agenda item please record the interest on the orange coloured form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings.

Members are advised to contact the Council's Legal Section prior to the meeting if they wish to seek advice on a potential interest.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon.

Members who have previously declared interests, which are recorded in the Minutes to be considered at this meeting, need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

6. **PLANNING APPLICATIONS**

The planning applications to be determined by the Committee are attached. Officers' recommendations are included in the application reports. Please be aware that the plans provided within this agenda are for locational purposes only and may not show recent extensions and alterations that have not yet been recorded by the Ordnance Survey.

If Members have particular queries or interests in the applications, Officers will be present from 7.00pm prior to the meeting in the Chamber. This will be an informal opportunity for Members to discuss and clarify issues. Copies of all letters of representation are available for Members and the public to view on the Planning pages of the Council website

<http://planning.runnymede.gov.uk/Northgate/PlanningExplorer/GeneralSearch.aspx>.

Enter the planning application number you are interested in, and click on documents, and you will see all the representations received as well as the application documents.

(To resolve)

Background Papers

A list of background papers is available from the Planning Business Centre.

7. **INFRASTRUCTURE DELIVERY & PRIORITISATION SUPPLEMENTARY PLANNING DOCUMENT (SPD) CONSULTATION (PLANNING, POLICY & ECONOMIC DEVELOPMENT - JOHN DEVONSHIRE)**

Synopsis of report:

To help secure infrastructure improvements across the Borough to support the 2030 Local Plan further guidance is required to outline how the Council will prioritise infrastructure funding, the relationship between different funding mechanisms and the basis for negotiating financial contributions via Section 106. Appropriate guidance is proposed through the draft

Infrastructure Delivery & Prioritisation Supplementary Planning Document (SPD), presented with this report.

The draft SPD is based on the infrastructure evidence underpinning the 2030 Local Plan. It suggests a prioritisation hierarchy and the cost impacts for different infrastructure types. The draft SPD also sets out the approach to securing Section 106 agreements once a Community Infrastructure Levy (CIL) is in place.

The draft SPD suggests prioritisation of infrastructure funding towards two critical elements of infrastructure, firstly; Suitable Accessible Natural Greenspace (SANG) to avoid impact to the Thames Basin Heaths SPA and secondly; mitigation for the A320 corridor and confirms that both these critical elements of infrastructure will continue to be funded by Section 106 contributions after CIL is introduced.

Contributions towards other infrastructure types will continue to be sought through Section 106 agreements until CIL is introduced. Thereafter, the physical delivery of infrastructure will remain via Section 106 with financial contributions secured through CIL.

The draft SPD must undergo a period of public consultation following which any representations received will be considered prior to adoption. The draft SPD is accompanied by a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) which determines that a SEA and/or an HRA is not required subject to comments from statutory bodies.

RECOMMENDATION: The Planning Committee is recommended to APPROVE the Draft Infrastructure Delivery & Prioritisation SPD for public consultation for a period of six weeks.

1. Context of report

- 1.1 The emerging Runnymede 2030 Local Plan seeks to secure infrastructure improvements across the Borough, in parallel with the new development it proposes. The Council's infrastructure evidence to accompany the Local Plan is set out in the Infrastructure Delivery Plan (IDP). The IDP identifies the new infrastructure needed and its broad prioritisation.
- 1.2 In order to secure physical provision or financial contributions from development toward infrastructure, the Council currently enters into Section 106 agreements or undertakings with developers. However, the Council is also in the process of preparing its first Community Infrastructure Levy or CIL, to help fund future infrastructure provision. The National Planning Policy Guidance Note on CIL sets out that when CIL is implemented, local authorities should be clear to developers about how infrastructure projects/types will be paid for, whether through a Community Infrastructure Levy (CIL), Section 106 agreements or both. The draft Infrastructure Delivery & Prioritisation SPD is intended to help provide further clarity on when CIL or S106 will be used to secure new infrastructure or financial contributions towards it. The Infrastructure Delivery & Prioritisation SPD is attached at Appendix 'C to this report.

2. Report

- 2.1 The IDP identifies two critical elements of infrastructure which must come forward to ensure delivery of the Local Plan. These are the provision of Suitable Accessible Natural Greenspace (SANG) to avoid impacts to the

Thames Basin Heaths SPA and mitigation for the A320 Corridor and M25 Junction 11. Without provision of this critical infrastructure, much of the development set out in the Local Plan cannot be sustainably delivered. As the implementation of these infrastructure projects is critical, the SPD proposes that Section 106 agreements will be used to deliver SANG and A320 mitigation as this will maintain the direct link between development and the mitigation. This will remain the case following the introduction of CIL.

- 2.2 The SPD also sets out the Council's approach to developer contributions before and after CIL has been implemented. The approach prior to CIL implementation is that the Council will continue to negotiate Section 106 agreements with developers either to ensure the physical provision of infrastructure or through financial contributions. Sections 2 and 3 of the SPD provides further detail.
- 2.3 The National Planning Policy Guidance Note on Planning Obligations states that where the Council negotiates financial contributions through Section 106 agreements, these should not be based on a rigid formulaic approach. Whilst the SPD uses formulas to estimate infrastructure cost impacts, these are based on the Council's infrastructure evidence, which underpins the Local Plan and has informed the public examination.
- 2.4 The cost impact calculations set out in the SPD are therefore not tariffs to be applied rigidly but are a basis for negotiation and must still meet the three legal tests in CIL Regulation 122, namely that planning obligations are:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 2.5 Following the implementation of CIL, the SPD also provides detailed guidance to help clarify when the Council will pursue Section 106 agreements and when it will use CIL receipts to provide or fund infrastructure. The SPD confirms that physical provision of infrastructure will continue to be secured by Section 106 agreements with financial contributions in lieu of physical provision secured by CIL.
- 2.6 The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) no longer places a restriction on the number of planning obligations that can be pooled towards a single infrastructure project or type. This means that both S106 and CIL monies secured can be used to fund the same infrastructure. The spending of all monies secured will also in future, be monitored and published through an Infrastructure Funding Statement as required by the CIL Regulations.
- 2.7 SPDs must be subject to public consultation prior to adoption for a period of at least four weeks. It is proposed that consultation on the draft SPD will take place at the same time as the CIL Draft Charging Schedule for 6 weeks. To avoid a clash with consultation of the Local Plan Main Modifications the SPD and CIL consultations will commence shortly after the Main Modifications consultation closes in February 2020.

3. **Policy framework implications**

- 3.1 Supplementary Planning Documents (SPD) do not form part of the Development Plan for Runnymede but are a material consideration in decision taking.

3.2 The introduction of this SPD, when adopted, will support Corporate Business Plan (2016-2020) themes of 'Improving our Economy' and 'Enhancing our Environment' particularly the priorities to review and support delivery of county and regional infrastructure strategies and support projects which improve integration of road and rail to reduce congestion.

3.3 Although not part of the Development Plan, the SPD also supports Local Plan objectives and policies with respect to infrastructure delivery.

4. **Resource implications**

4.1 Implementation of the SPD does not require any additional resources and is within budget.

4.2 The National Planning Policy Guidance on Planning Obligations sets out that local authorities can charge a monitoring fee through Section 106 obligations to cover the cost of monitoring and reporting. This can be a fixed percentage or fixed monetary amount and as such there is the opportunity for additional resource to cover the Council's costs.

5. **Legal implications**

5.1 None.

6. **Equality implications**

6.1 The Council has a Public Sector Duty under the Equalities Act 2020 to have due regard to the need to:

- a) Eliminate unlawful discrimination, harassment or victimisation;
- b) Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
- c) Foster good relations between those who share a relevant protected characteristic and persons who do not share those characteristics;

in relation to the 9 'Protected Characteristics' stated within the Act.

6.2 The draft Infrastructure Delivery & Prioritisation SPD is currently being screened to establish whether there may be an impact whether positive or negative on any of the nine protected characteristics (namely, age, disability, race/ethnicity, pregnancy and maternity, religion, sexual orientation, sex, gender reassignment and marriage / civil partnership). The conclusion of the screening assessment will be reported to the Committee.

7. **Environmental/Sustainability/Biodiversity Implications**

7.1 The Infrastructure Delivery & Prioritisation SPD is not part of the Development Plan for Runnymede and as such is not subject to Sustainability Appraisal.

7.2 The SPD has however undergone Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening with the conclusion that there will be no likely significant effects on designated habitats or any other significant environmental effects. Comments from the three statutory bodies (Environment Agency, Historic England and Natural England) on the screening assessment are currently being sought in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004. A copy of the screening assessment is attached as Appendix 'D' for information.

7.3 The SPD has the potential to prioritise and raise funds towards active & sustainable travel, green infrastructure and flood mitigation/drainage which is also likely to benefit sustainability, the environment and biodiversity in general.

8. **Conclusions**

8.1 Planning Committee is asked to **APPROVE** the Draft Infrastructure Delivery & Prioritisation SPD for public consultation for a period of six weeks.

(To resolve)

Background papers

Appendix 'C': Draft Infrastructure Delivery & Prioritisation SPD

Appendix 'D': SEA/HRA Screening Assessment

Draft Infrastructure Delivery & Prioritisation SPD

**Runnymede Borough Council
Date: 23/12/19 (V.6)**

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Foreword

This Draft Infrastructure Delivery & Prioritisation SPD sets out guidance on how the Council will prioritise infrastructure funding to support the 2030 Local Plan and how it will operate Section 106 planning agreements and undertakings once a Community Infrastructure Levy (CIL) has been implemented.

The Draft SPD also sets out the cost impact implications of development on various infrastructure types which will act as a starting point for the Council in negotiating financial contributions in lieu of physical infrastructure provision through Section 106 agreements/undertakings.

Once adopted this SPD will replace the existing Planning Obligations Supplementary Planning Guidance (SPG) dated December 2007.

The Draft SPD is open to public consultation for a period of 6 weeks from **Monday 24th February 2020 to Monday 6th April 2020**.

All representations made during the course of the consultation must be made in writing. Anonymous representations will not be accepted. Any comments that could be construed as derogatory towards any particular individual or group will not be recorded or considered.

Copies of comments received during the course of the consultation will be made available for the public to view on the Council's website. Comments therefore cannot be treated as confidential. Personal details will be redacted prior to publishing. Data will be processed and held in accordance with the Data Protection Act 2018.

We would like you to send us your views electronically if possible.

Representations should be sent to: planningpolicy@runnymede.gov.uk.

If you are unable to submit your comments electronically please send your written comments to the Planning Policy and Economic Development team, Runnymede Borough Council, Civic Centre, Station Road, Addlestone, KT15 2AH to arrive by the close of the consultation period.

If you need help with your representation, please contact the Technical Administration team in the first instance on 01932 425131 or email planningpolicy@runnymede.gov.uk

1. Purpose of this SPD

- 1.1 The Runnymede 2030 Local Plan proposes the delivery of nearly 8,000 new dwellings, around 80,000qm of employment and nearly 6,000sqm of retail floorspace. In parallel to this development, new supporting infrastructure is required.
- 1.2 This Supplementary Planning Document (SPD) sets out the Council's approach to infrastructure delivery and funding including how developer contributions will help provide infrastructure and the infrastructure projects that are the Council's priority. The SPD is an important material consideration in the Council's planning decision taking, setting the framework for how the Council will prioritise and fund supporting infrastructure through developer contributions.
- 1.3 In addition to the physical provision of infrastructure by developers, financial contributions in lieu of physical provision are a further means by which a developer can mitigate the impact of their development..
- 1.4 Financial contributions can be secured either by negotiation with the developer through the use of planning obligations commonly referred to as Section 106 or when implemented by the Council, through a non-negotiable contribution called a Community Infrastructure Levy (CIL) or by a combination of both. Developers can also enter into S106 planning obligations unilaterally.
- 1.5 This SPD sets out how the Council intends to approach the negotiation of planning obligations in the short term prior to the implementation of a CIL. The SPD also sets out the Council's approach to negotiating planning obligations once CIL has been adopted.
- 1.6 It is not the role of this SPD to set out the charges associated with a CIL. The preparation of a CIL is subject to different legislative procedures and will be set out in a separate CIL Charging Schedule which will be subject to public consultation and independent examination in due course.
- 1.7 The costs of providing supporting infrastructure associated with the levels of growth set out in the Local Plan are identified in the Runnymede Infrastructure Delivery Plan (IDP) and its accompanying schedules. The schedules show an overall infrastructure cost (without the River Thames Scheme) in the region of £289m with a current funding gap of around £100m.
- 1.8 Given the scale of the funding gap, delivering all the infrastructure needed in the area will be challenging and is unlikely to be met through developer contributions alone. The Council, along with other service providers and partners such as Surrey County Council, will continue to explore other forms of available funding to complement developer contributions.
- 1.9 Other sources of funding will include: -
 - Local Enterprise Partnership (LEP) funding;
 - Central government funding which Runnymede Borough is able to bid for itself or with other organisations such as Transport for South East, Surrey County Council etc;
 - Capital funds identified by the Borough and/or County Council; and

- Funding identified by local area committees.

Infrastructure and Funding

- 1.10 Section 216 of the Planning Act 2008 (as amended) sets out the types of infrastructure to which a CIL charge may be applied. The Runnymede 2030 Local Plan also sets out a definition of infrastructure which expands on this list and to which S106 obligations may also apply.
- 1.11 Some infrastructure, such as utility services, will continue to be delivered by the private sector and it is not the role of this SPD to plan its delivery or set out mechanisms to secure funding. Developers may need to contribute directly to the private sector utility companies for connections or reinforcements to the network, but this is not a matter for this SPD or the responsibility of the Borough Council.
- 1.12 There will also be publicly funded infrastructure where the Borough or County Councils are not responsible for delivery. In these circumstances, the Borough Council may agree Section 106 contributions or apply CIL towards these types of infrastructure, but delivery will be the responsibility of other organisations. The Borough Council will enter into governance arrangements with other public bodies in this respect prior to negotiating or committing any developer contributions to ensure transparency in the transfer and use of any developer funding.
- 1.13 Section 216 of the 2008 Act and the CIL Regulations 2010 (as amended) do not define affordable housing as infrastructure. The Council will therefore continue to secure delivery of affordable housing through Section 106 planning obligations in accordance with the requirements of Policy SL20 of the Runnymede 2030 Local Plan. Applicants are advised to refer to further guidance on the Council's approach to affordable housing including how it applies the vacant building credit on the Council's web-site.
- 1.14 The Strategic Access Management & Monitoring (SAMM) avoidance measure for the Thames Basin Heaths SPA does not constitute and the Council will therefore continue to agree contributions towards SAMM through Section 106 planning obligations.

The Runnymede 2030 Local Plan

- 1.15 The Runnymede 2030 Local Plan sets out the vision, objectives and planning policies for the Borough over the Local Plan period as well as the level of housing, employment and retail development to be delivered.
- 1.16 The 2030 Local Plan contains a number of objectives and policies which are relevant to the delivery of infrastructure whether in general or site specific and which set the framework for the delivery of infrastructure and means for funding.
- 1.17 The Local Plan also sets out the spatial strategy for the Borough to 2030. The strategy in Policy SD1 distributes development to the most sustainable locations in the Borough including the strategic allocation of Longcross Garden Village. The distribution of development is set out in Table 1-1 and ultimately drives the requirement and location for infrastructure.

Table 1-1: Runnymede Local Plan 2015-2030 Spatial Distribution of Development

Location	Development Type (Net)			
	Residential ¹	Employment	Retail	Student
Addlestone (including Rowtown)	1,267 units	11,700sqm	4,400sqm	0 beds
Chertsey (including Chertsey South)	2,236 units	0sqm	910sqm	0 beds
Egham	956 units	41,450sqm	630sqm	198 beds
Longcross	1,789 units	42,350sqm ²	TBD	0 beds
Virginia Water	426 units	0sqm	0sqm	0 beds
Woodham & New Haw	123 units	20,000sqm	0sqm	0 beds
Englefield Green	611 units	0sqm	0sqm	3,315 beds
Ottershaw	300 units	0sqm	0sqm	0 beds
Thorpe	89 units	0sqm	0sqm	0 beds

¹ Includes Traveller Pitches & C2 Units

² Includes 35,000sqm for a data centre.

2. Infrastructure Hierarchy & Prioritisation

Infrastructure Requirements of the Spatial Strategy

- 2.1 Delivery of the 2030 Local Plan spatial strategy will add to pressure on existing infrastructure capacity within the Borough and needs to be mitigated or improved so that infrastructure can cope with the additional demands upon it. Infrastructure demands will be greatest in those areas where more significant scale development, especially residential development, is being focussed, such as Addlestone, Chertsey, Egham and the strategic allocation of Longcross Garden Village.
- 2.2 Improvements to local infrastructure will focus on these localities as well as the key infrastructure projects which are critical to delivering the Local Plan spatial strategy, such as the A320 and M25 Junction 11 mitigation works.
- 2.3 The Council's Infrastructure Delivery Plan (IDP) and its accompanying schedules set out the projects required to deliver the spatial strategy. The projects listed are a product of discussions with infrastructure partners taking account of the evidence supporting the Runnymede 2030 Local Plan. The IDP schedules cover the period of the Runnymede 2030 Local Plan but are also 'living' documents that can be updated on a regular basis, ensuring that project information remains up to date and can be monitored effectively. The IDP also ranks infrastructure projects and types into those which are critical, essential, a policy high priority or desirable. A description of each of these categories is set out in Table 2-1 based on the descriptions in the IDP.

Table 2-1: Infrastructure Priority Categories

Prioritisation Level	Description
Critical	Infrastructure which must happen to enable growth. Without critical infrastructure development cannot proceed and the Plan cannot be delivered.
Essential	Infrastructure required to mitigate impacts arising from the operation of development. Lack of delivery is unlikely to prevent development in the short-term but failure to invest could result in delays to development in medium-long term as infrastructure capacity becomes constrained.
Policy high priority	Infrastructure supporting wider strategic or site-specific objectives as set out in Plan Policies but lack of delivery would not prevent development.
Desirable	Infrastructure required for sustainable growth but unlikely to prevent development in short to medium term.

- 2.4 The Borough Council will coordinate and prioritise contributions or physical delivery of infrastructure secured from development through Section 106 and/or CIL in accordance with the hierarchy of prioritisation set out in Table 2-2. This includes Local Plan allocation sites unless the allocation Policy specifically indicates otherwise.
- 2.5 The exception to the hierarchy is Longcross Garden Village, where the mix of infrastructure types and timing will be agreed as part of a bespoke Section 106

agreement. Given the strategic nature of the site and its delivery in phases, not having a separate approach could prejudice the early and comprehensive delivery of infrastructure which will be fundamental to delivering a new settlement to garden village principles.

Table 2-2: Infrastructure Hierarchy: Types of Infrastructure within each Priority Category

Prioritisation Level	Infrastructure Project/Type
1) Critical	Suitable Accessible Natural Greenspace (SANG); Improvements to junctions and links on the A320 Corridor and M25 Junction 11.
2) Essential	Improvements to the Local or Strategic Road Network not identified as A320 Corridor improvements; Active and sustainable transport improvements and facilities; Early years, primary and secondary education facilities including SEN; Primary, secondary and mental healthcare facilities; Flood defence and drainage projects.
3) Policy High Priority	Green Infrastructure (GI) including outdoor sports, play space for children & teenagers, parks & gardens, amenity greenspace; Built community space and facilities;
4) Desirable	Allotments; Natural and semi-natural greenspace not designated as SANG; Biodiversity Opportunity Area (BOA) projects and Priority Habitat restoration/enhancement projects; Emergency service infrastructure.

Justification

2.6 A hierarchy is therefore used to ensure the Council determines which infrastructure projects or types should be prioritised for funding. The hierarchy is broadly established by the IDP but also reflects the infrastructure priorities of the Local Plan. As such, there are some infrastructure projects/types which the Borough Council give a higher priority than the IDP, specifically on highway impacts and need for additional built community space. This is set out in Table 2-2.

Neighbourhood Funding ‘Top Slice’ from CIL Receipts

2.7 Whilst not relevant to Section 106 contributions, the CIL Regulations 2010 (as amended) require an element of CIL funds to be top sliced for local neighbourhood

projects before any funds can be spent on critical infrastructure. In areas without 'made' neighbourhood plans the amount top-sliced is 15% of the CIL funds raised through development in that area capped to a maximum of £100 per dwelling. For areas with 'Made' neighbourhood plans this 'top slice' rises to 25% and is uncapped.

- 2.8 There are no Parish or Town Councils in Runnymede Borough, however the neighbourhood funding element must still be 'top-sliced' from CIL receipts. In areas without Town or Parish Councils the neighbourhood funding element is retained by the Borough Council and the Council will engage with communities where development has taken place to agree how best to spend the neighbourhood funding element collected.
- 2.9 For areas with neighbourhood forums the Borough Council will engage with the forum to determine infrastructure priorities if these are not set out within a 'made' neighbourhood plan. For areas without neighbourhood forums the Borough Council will determine the size and boundaries of areas that constitute a 'neighbourhood' and engage with the communities in those areas.
- 2.10 The Council's Statement of Community Involvement (SCI) does not set out procedures for engaging with neighbourhoods on the neighbourhood funding element of CIL. In this respect the Council will take account of advice in the Planning Practice Guidance Note on CIL¹ on how to engage with its neighbourhoods.

Infrastructure Delivery Mechanisms

- 2.11 Whether Section 106, Section 278 or CIL, infrastructure can be secured either as the physical provision of infrastructure delivered by the developer or as a financial contribution towards infrastructure delivered by the Council or other infrastructure and service providers.
- 2.12 Where physical provision of infrastructure is agreed, it will usually be a requirement of a Section 106 planning obligation that developers provide the infrastructure and make a contribution towards its management and/or maintenance. There will also be some physical infrastructure that is not secured through Section 106. This can include physical improvements to the public highway which are secured through Section 278 agreements with the Highways Authority with delivery either by the developer directly or the Highways Authority.
- 2.13 A financial contribution taken in lieu of physical infrastructure provision is normally the cost equivalent to physical provision of infrastructure. The contribution collected is either spent by the Borough Council in the case of infrastructure provided by the Borough or transferred to the relevant service provider who delivers the infrastructure (e.g. Surrey County Council for local highways infrastructure).
- 2.14 CIL receipts can be spent on any infrastructure project defined under Section 216 of the Planning Act 2008 (as amended)¹. For contributions collected through Section 106 there are restrictions on when a planning obligation can be agreed which restricts the type of infrastructure on which funds can be spent. The restrictions set out in CIL Regulation 122 and NPPF paragraph 56 are that a planning obligation in a Section 106 agreement must be:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and

¹ Roads and other transport facilities, flood defences, schools and other educational facilities' medical facilities, sporting & recreational facilities and open spaces

c) Fairly and reasonably related in scale and kind to the development.

- 2.15 Once CIL is implemented, the Borough Council will use CIL as the key vehicle to deliver infrastructure improvements in the Borough except for 'critical' infrastructure and/or physical provision which will continue to be secured through Section 106 and/or Section 278 agreements in order to ensure that development is acceptable in planning terms.
- 2.16 In terms of Suitable Alternative Natural Greenspace (SANG), which is critical infrastructure required to avoid impact to the Thames Basin Heaths Special Protection Area (SPA) both bespoke SANG solutions provided by a developer and financial contributions toward SANG which the Borough Council delivers will be secured through S106 obligations. To ensure that sites of less than 10 units can continue to avoid impact to the SPA contributions toward SANG from small sites will be made through Unilateral Undertakings.
- 2.17 The A320 and M25 Junction 11 mitigation works, will be delivered with the help of financial contributions from developers and/or physical provision, secured through Section 106 and Section 278 agreements. Contributions will be required from those sites identified in the Runnymede 2030 Local Plan as contingent on the A320 and M25 Junction 11 improvements. The Borough Council will also apply CIL receipts to the A320 project from sites not contingent on A320 improvements, if required.
- 2.18 From December 2020 the Borough Council has to prepare annual Infrastructure Funding Statements. These monitor the infrastructure contributions Runnymede has collected and spent. The statements must also set out the types of infrastructure to which Section 106 and CIL apply.
- 2.19 The Borough Council can choose to use funding from different routes to fund the same infrastructure provided this is indicated in the Infrastructure Funding Statement. This SPD guides the content of the Infrastructure Funding Statement and the Council's approach to this is set out in Table 2-3.

Table 2-3: Section 106 & Application of CIL

<p>Prior to the implementation of a CIL Charge</p> <p>The Borough Council will secure physical infrastructure mitigation or improvements through Section 106 agreements from major development sites². The Borough Council will also secure financial contributions in lieu of physical infrastructure mitigation or improvements through Section 106 agreements from major development sites.</p> <p>As the Highways Authority, Surrey County Council may also secure improvements to the public highway from development either as a financial contribution or through physical delivery by developers secured by Section 106 or Section 278 Highway Agreements as appropriate.</p>
<p>On implementation of a CIL Charge</p> <p>The Borough Council will secure the physical provision of infrastructure from development through Section 106 or Section 278 agreements as appropriate, where</p>

² Sites of 10 or more dwelling units or residential sites 0.5ha or more in area or non-residential development of 1,000sqm or more or 1ha in area or more.

this is indicated in specific policies of the Runnymede 2030 Local Plan and/or where this is preferable to financial contributions in lieu of physical provision.

For 'critical' infrastructure which is not physically provided by a developer, the Borough Council will seek contributions in lieu of provision through Section 106 or Section 278 agreements as appropriate.

For other infrastructure priorities or where Runnymede 2030 Local Plan policies indicate a financial contribution in lieu of physical provision, the Borough Council will secure these contributions through the application of the CIL charge.

The Council may apply CIL receipts to infrastructure projects or types which have already been part funded by Section 106 obligations, Section 278 agreements or other funding sources.

The approach to funding different infrastructure types will be further detailed in Infrastructure Funding Statements guided as below.

Infrastructure	Infrastructure Delivery Mechanism
A320 & M25 Junction 11	<p>Physical provision of A320 & M25 Junction 11 improvements by a developer secured through Section 106 & Section 278 agreement from sites contingent on A320 and M25 Junction 11 improvement works as identified in Local Plan Policy SD2 where this is preferable to a financial contribution; or</p> <p>Financial contributions in lieu of A320 and M25 Junction 11 improvement works secured through Section 106 & Section 278 agreements from sites contingent on A320 and M25 Junction 11 improvement works as identified in Local Plan Policy SD2; and</p> <p>Financial contributions from CIL for A320 & M25 J11 improvements.</p>
Thames Basin Heaths SPA avoidance measures	<p>Provision of SANG as avoidance for the Thames Basin Heaths SPA and its management & maintenance in perpetuity secured physically or through financial contributions in lieu of provision through Section 106 agreements¹; and</p> <p>Financial contributions towards Strategic Access Management & Monitoring (SAMM) secured through Section 106 agreements¹.</p>
Highway Mitigation and/or Improvements	<p>Physical provision or financial contributions in lieu of site-specific mitigation or improvements to the local road network as identified through individual Travel Plans/ Transport Assessments secured through Section 106 and Section 278 agreements (non A320 & M25 J11); and/or</p> <p>Financial contributions from CIL to the local or strategic road network as identified in the IDP Schedules</p>

Active & Sustainable Travel	<p>Physical provision or financial contributions in lieu of site-specific mitigation or improvements for active & sustainable travel projects as identified through Travel Plans/Transport Assessments secured through Section 106 & Section 278; and/or</p> <p>Financial contributions from CIL for active & sustainable travel projects as identified in the IDP Schedules.</p>
Education	<p>Physical provision of on-site early years and primary education facilities at Longcross Garden Village secured through Section 106. Financial contributions in lieu of secondary education facilities secured through Section 106 from Longcross Garden Village; or</p> <p>From sites other than Longcross Garden Village, financial contributions from CIL in lieu of early years, primary and secondary education facilities.</p>
Health	<p>Physical provision of on-site land and/or facilities for health-related infrastructure required by Local Plan Policies SL12 & IE8 secured through Section 106; or</p> <p>From sites other than Local Plan allocations SL12 & IE8, financial contributions from CIL in lieu of health related infrastructure facilities;</p>
Flood Defence & Drainage	<p>Physical provision of flood defence/mitigation and/or drainage infrastructure and their management & maintenance secured through Section 106; and/or</p> <p>Financial contributions from CIL in lieu of flood defence/mitigation and drainage infrastructure and their management & maintenance;</p>
Green Infrastructure (Children & Teenager Playspace)	<p>Physical provision of on-site equipped and unequipped playing space for children and teenagers and its management & maintenance as required by Local Plan Policies SD10, SL3, SL5 to SL18 and SL26 secured through Section 106; or</p> <p>From sites other than Local Plan allocations SD10, SL3, SL5 to SL18 and SL26 financial contributions from CIL in lieu of equipped and unequipped playing space for children & teenagers and their management & maintenance.</p>
Green Infrastructure (Outdoor Sports)	<p>Physical provision of outdoor sports facilities and/or playing pitches and their management & maintenance as required by Local Plan Policies SD10, SL6, SL11, SL12 & SL26 secured through Section 106; or</p> <p>From sites other than SD10, SL6, SL11, SL12 & SL26, financial contributions from CIL toward outdoor sports/ playing pitches and their management and maintenance.</p>

Green Infrastructure (Parks & Gardens)	Physical provision of a Park & Garden and its management & maintenance as required by Local Plan Policy SL9 secured through Section 106; or For sites other than Local Plan allocation SL9 financial contributions from CIL toward parks & gardens and their management & maintenance.
Green Infrastructure (Allotments)	Physical provision of allotment plots and their management & maintenance as required by Local Plan Policies SD10, SL6, SL11, SL12 & SL26 secured through Section 106; or For sites other than SD10, SL6, SL11, SL12 & SL26 a financial contribution from CIL toward allotment plots and their management & maintenance.
Community Facilities	Physical provision of land for a Community Hub Building required by Local Plan Policy SL14 secured through Section 106; or For sites other than SL14 a financial contribution from CIL toward provision of community facilities.
Biodiversity	Physical provision of biodiversity improvements and priority habitat restoration and their management & Maintenance secured through Section 106 (not SANG); or Financial contributions from CIL toward Green and Blue Infrastructure projects not already set out in this table including biodiversity improvements and priority habitat restoration (not SANG);
Emergency Services	Financial contributions from CIL toward emergency services facilities.

¹Includes Unilateral Undertakings for sites less than 10 units and/or less than 0.5ha in area.

Justification

2.20 The SPD also sets out the Council's approach to Section 106 obligations before and after a CIL Charging Schedule has been implemented adopted. The SPD therefore includes guidance to ensure that so it is clear what the basis is for requiring Section 106 contributions after CIL is adopted and implemented and how it intends to fund infrastructure projects or types. This helps to ensure that developers have certainty on the financial contributions they will be expected to make and through which funding mechanism.

3. Approach to Section 106 Financial Contributions

- 3.1 The power of a local planning authority to enter into a planning obligation with anyone having an interest in the land to which a development relates is contained within Section 106 of the Town & Country Planning Act 1990 (as amended). Obligations made under Section 106 (S106) can be in the form of a planning obligation or unilateral undertaking (where the Borough Council is not a party to the agreement).
- 3.2 An obligation can only be created by a person with an interest in the land to which a planning application relates. The main features of a planning obligation are set out in the National Planning Practice Guidance Note (PPG) on Planning Obligations³
- 3.3 The costs of expected impacts from development are derived on a per person, per dwelling or per sqm basis depending on the infrastructure type. The cost impact from development on infrastructure is evidenced from the Runnymede Infrastructure Needs Assessment (INA)⁴ and Infrastructure Delivery Plan (IDP)⁵ which underpinned the 2030 Local Plan. To enable growth the IDP sets out the future infrastructure needs for the Borough. The projects in the IDP Schedules form the basis for requesting developer contributions as they are evidence of future infrastructure needs required to support Local Plan growth and are necessary to make development acceptable in planning terms.
- 3.4 When seeking Section 106 contributions the Borough Council will use the calculations of cost impact set out later in this SPD as the basis for negotiation. The cost impact calculations are not tariffs to be applied rigidly but are an aid to the Council as a starting point for negotiation. The exception to this is 'critical' infrastructure where the costs are required to guarantee avoidance/mitigation to a standard necessary for development to proceed. Contributions will be negotiated on a site by site basis and this will be the approach taken to all residential development (excluding use Class C1) including Local Plan allocations and student accommodation.
- 3.5 The cost impact calculations do not apply to non-residential floorspace. For these types of development, the Borough Council will negotiate contributions on a case by case basis. This will also apply to mixed use development although for any element of residential development the starting point for contributions will be the cost impact calculations set out in this SPD.
- 3.6 The Borough Council considers its cost calculations to be viable given the evidence of viability for the Local Plan and CIL. If developers consider that the application of Section 106 financial contributions would render their development unviable, appropriate evidence must be submitted to demonstrate this with an indication of the level of contributions which would be achievable. The cost to the Council of engaging independent viability advice to review viability evidence will be at the expense of the applicant.
- 3.7 In negotiating Section 106 contributions the Council will have regard to the requirements of CIL Regulation 122 and paragraph 56 of the NPPF (2019).

³ Planning Practice Guidance Note: Planning Obligations (2019) MHCLG. Available at: <https://www.gov.uk/government/collections/planning-practice-guidance>

⁴ Runnymede Infrastructure Needs Assessment (2017) Aecom. Available at: <https://www.runnymede.gov.uk/article/15570/Infrastructure>

⁵ Runnymede Infrastructure Delivery Plan (2017) Aecom. Available at: <https://www.runnymede.gov.uk/article/15570/Infrastructure>

- 3.8 The Borough Council may from time to time require developments to deliver infrastructure via planning conditions rather than planning obligations. This could be for infrastructure such as sustainable drainage systems (SuDS), flood mitigation measures, other green infrastructure improvements and/or public art. In these instances, the Council will consider the need to secure other infrastructure by condition on a case by case basis having regard to infrastructure prioritisation in Table 2-2 of this SPD.

Implementation

- 3.9 Applicants should engage with the Borough Council in pre-application discussions to obtain the local planning authority's view of proposals and also to clarify the likely content of a Planning Obligation or Heads of Terms at the earliest opportunity.
- 3.10 In cases where this SPD indicates a Section 106 agreement or undertaking or Section 278 agreement is required, applications for planning permission for minor schemes should be accompanied by a draft agreement or unilateral undertaking. In other cases, it will be acceptable to provide detailed draft heads of terms.
- 3.11 The Council's full legal fees in drafting, preparing and checking a Section 106 agreement or unilateral undertaking will have to be paid by the developers before the agreement or undertaking is executed. The Council's full legal fees will also have to be paid in the event of the agreement/undertaking not being completed for whatever reason, or where planning permission is refused or where the developer does not proceed with the development or proposal. The Council's legal fees are charged at an hourly rate based on the actual number of hours required to deal with all the reasonable work incurred.
- 3.12 The submission of a completed unilateral undertaking does not mean that an application is necessarily acceptable. Its content will still need to be assessed in relation to all other material planning considerations. If following consideration of a planning application the scheme is refused, any sums paid to the Local Authority, excluding legal fees, will be returned following the expiry of the time limit for lodging an appeal or sooner if requested.
- 3.13 Developers will be expected to inform the Borough Council when any development is about to commence. This will trigger the necessary steps to be undertaken to comply with the terms of the agreement and will be the reference point for any future milestones in the process.
- 3.14 If specific obligations are time limited and cannot be discharged within the agreed time period, arrangements will be made for any unspent financial contributions to be returned where appropriate. This would not normally apply to unilateral undertakings.
- 3.15 Infrastructure Funding Statements (IFS) will be prepared on an annual basis to highlight the various benefits resulting from contributions collected throughout the year and to show how such improvements have contributed, or are yet to contribute, to the infrastructure and essential public services of the area.
- 3.16 The Planning Practice Guidance Note on Planning Obligations⁶ sets out that local authorities can charge a monitoring fee through Section 106 obligations to cover the cost of monitoring and reporting on delivery of that Section 106 obligation. Fees can either be a fixed percentage or fixed monetary amount but must be proportionate and reasonable to reflect the actual cost of monitoring.

⁶ Planning Practice Guidance: Planning Obligations (Sept 2019) MHCLG. Available at: <https://www.gov.uk/guidance/planning-obligations>

- 3.17 In this respect, a monitoring charge of 5% of the total value of the Section 106 agreement or undertaking will be charged and added to each Section 106 agreement or undertaking.
- 3.18 To maintain the value of any contribution sought, a S106 obligation will be subject to indexation during the period when planning permission was granted to when payment of the contribution is made. This will be based on the appropriate method of indexation for each specific obligation.
- 3.19 The Borough Council will also negotiate any increase or decrease in Section 106 contributions through a deed of variation if planning applications seek to vary the original permission.
- 3.20 The following sections set out the Council’s infrastructure cost impact calculations for a range of infrastructure types and projects set out in the INA and IDP.
- 3.21 Where a cost impact calculation is based on occupancy, financial contributions will be negotiated on the standard occupancy ratios based on the Thames Basin Heaths SPA Strategic Access Management & Monitoring (SAMM) strategy, shown in Table 3-1, below.

Table 3-1: Standard C3 Residential Occupancy Rates & Size (sqm)

Dwelling Units Size	Occupancy Rate (no of persons)	Size (sqm)
1 bed	1.4	50
2 bed	1.85	70
3 bed	2.5	95
4 bed	2.85	125
5+ bed	3.7	145

- 3.22 When calculating the number of bedrooms for C3 dwellings, additional habitable rooms capable of realistic conversion to bedrooms will be included. Habitable rooms capable of future conversion into a bedroom will include, for a dwelling house with more than one storey, any room at first floor level and above with an external window (excluding bathrooms and the like), with a floor area greater than 7.5 sqm⁷.
- 3.23 For C2, C4 and student accommodation, the cost impacts will be applied based on an occupancy of 1 person per bedspace. If a C2 or student accommodation scheme replaces an existing residential use (C2, C3 or student accommodation) a comparison will be made with the lawful occupancy of the existing residential use so that the net impact of additional occupants can be taken into account.
- 3.24 Where cost impacts are based on a sqm basis, the Borough Council will negotiate contributions based on the net sqm of development and where based on number of dwellings, it will be based on the net number of dwellings. Other than for SANG infrastructure, affordable housing units/floorspace and occupants will not be expected to be included in the calculation of financial contributions. SANG is treated differently because all net dwellings have an impact on the SPA which must be avoided to ensure no likely significant effect.

⁷ Minimum floor area for a 1 bedspace bedroom as given by the Technical Housing Standards Nationally Described Space Standard (2015) CLG. Available at: <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

3.25 For outline planning applications where the housing mix and therefore occupancy/floorspace is unknown, the Council will apply cost impact calculations based on a mix of dwellings which would be policy compliant with Policy SL19 of the Runnymede 2030 Local Plan. If at Reserved Matters stage, housing mix and therefore occupancy/floorspace, is different to that calculated at outline stage, the Council will negotiate either an increase or decrease in contributions as appropriate via a deed of variation to the original Section 106 or, will require a supplementary unilateral undertaking.

Infrastructure Cost Impact Calculations

Critical Infrastructure

A320 Corridor & M25 Junction 11 Improvements

- 3.26 As 'critical' infrastructure, the Council will seek to mitigate impacts on the A320 corridor on the basis of the cost impact calculation set out in Table 3-4 below. Contributions through Section 106 (or through physical improvements secured through Section 278) will apply to all Local Plan allocations whose delivery is contingent on A320 and M25 Junction 11 improvements. These allocations are set out in the Local Plan.
- 3.27 The A320 cost impact has been calculated on an estimate of net square meterage (sqm) proposed at the allocation sites including netting off affordable housing. The estimate of net additional floorspace from A320 contingent sites is set out in Table 3-4. The estimate of proposed floorspace is based on the housing mix set out in the Council's Strategic Housing Market Assessment which is required by Policy SL19 of the Local Plan as well as the target for affordable housing set out in Policy SL20. As such, estimates are based on policy compliant development. The estimates of existing floorspace are based on the Council's GIS, aerial photography and planning history. Affordable housing floorspace has been netted off by using the formula in Regulation 50 of the CIL Regulations 2010 (as amended).

Table 3-4: Estimated Net Floorspace from Local Plan Allocations Subject to A320 and M25 Junction 11 mitigation

Site	Estimated Existing Floorspace	Estimated Proposed Floorspace	Net Floorspace (discounted for affordable and non-residential)
SD10 – LGV South	9,980sqm	130,251sqm	85,029sqm
SL6 – Pyrcroft Road	3,470sqm	23,148sqm	14,089sqm
SL11 – Vet Labs	0sqm	12,606sqm	8,970sqm
SL12 – Ottershaw E	1,270sqm	16,735sqm	11,141sqm
SL14 Bittams A	235sqm	14,670sqm	10,384sqm
SL15 Bittams B	800sqm	10,062sqm	6,659sqm
SL16 Bittams C	0sqm	867sqm	867sqm
SL17 Bittams D	0sqm	10,443sqm	7,458sqm
SL18 Bittams E	0sqm	7,405sqm	4,562sqm
Total	15,755sqm	226,187sqm	149,159sqm

- 3.28 The amount of estimated net floorspace coming forward is 149,159sqm from those sites contingent on the A320. Taking the residual £9.01m and dividing by 149,159sqm gives the following cost impact per sqm:-

$$\text{£9.02m}/149,159\text{sqm} = \text{£61 per sqm}$$

- 3.29 On occasions developers of A320 contingent sites may wish to bring forward improvements on the A320 corridor including direct physical improvements through Section 106 and Section 278 agreements with Surrey County Council rather than pay a financial contribution in lieu of physical provision. Where this is the case, this will need to be negotiated with and to the satisfaction of Surrey County Council as the Highways Authority.

- 3.30 As set out earlier, on implementation of CIL, the Borough Council will continue to secure physical provision or financial contributions for A320 mitigation through Section 106 and/or Section 278 agreements. However the Council may also spend CIL receipts on A320 & M25 Junction 11 improvements as appropriate.

Justification

- 3.31 Runnymede Borough Council has prepared evidence specific to the A320 corridor. The Council's evidence shows that without mitigation the A320 will suffer 'severe' impact as a result of growth set out in the Local Plan. In order to mitigate the development sites in the Local Plan dependent on the A320, the Borough Council in partnership with Surrey County Council, made a bid to the Housing Infrastructure Fund (HIF) to secure funds to help deliver the A320 and M25 Junction 11 mitigation works.
- 3.32 The HIF bid is for £44.14m of which 25% will be clawed back from developer contributions (£11m). Taking account of contributions already agreed through the Section 106 agreements for the Local Plan allocations at Hanworth Lane (Policy SL3) and St Peter's Hospital (Policy SL13) a residual £9m of clawback from developer contributions is required.

Thames Basin Heaths Special Protection Area

- 3.33 As 'critical' infrastructure the Council will continue to secure physical provision of or contributions in lieu of physical provision for Suitable Accessible Natural Greenspace (SANG) through Section 106 agreements. This will continue to be £2,000 per dwelling although the Council in negotiation with Natural England may require more bespoke contributions from sites of 50 or more units with the 5km-7km zone of the Thames Basin Heaths SPA. This will continue following the implementation of CIL.
- 3.34 Strategic Access Management & Monitoring (SAMM) is not infrastructure to which CIL applies, financial contributions towards SAMM will continue to be secured through S106 obligations. This will continue to be £630 per dwelling for all C3 dwellings. The Council in consultation with Natural England may also negotiate SAMM contributions from other types of development and this will be considered on a case by case basis.

Justification

- 3.35 Following implementation of CIL and to ensure that provision of SANG remains directly related to the development proposed, physical provision or financial contributions in lieu of physical provision of SANG will continue to be secured through Section 106 agreements.

Essential Infrastructure

Other Local Highway, Active & Sustainable Travel & Education

- 3.36 The basis for the education cost impact and financial contribution is set out within Surrey County Council's Developer Contribution Guide⁸. As such, Surrey County Council will lead in the negotiation of education contributions.
- 3.37 The Developer Contribution Guide also sets out the steps Surrey County Council will take to secure improvements to the local highway and to mitigate impact through the use of Transport Assessments and Travel Plans including through active & sustainable travel improvements. There is no cost impact stated and mitigation is considered on a

⁸ The Surrey County Council Developer Contribution Guide (2018) SCC. Available at: <https://www.surreycc.gov.uk/land-planning-and-development/planning/transport-development/developer-contributions>

case-by-case basis. As such, Surrey County Council will lead in the negotiation of local highway and active/sustainable transport provision or contributions.

Justification

- 3.38 The Borough Council's IDP has identified a number of highway and active/sustainable travel projects which are required to mitigate the cumulative level of development set out in the Local Plan. Surrey County Council are also preparing a Local Transport Strategy (LTS) for the Borough which will contain a number of highway, transport and active/sustainable travel projects which will be included in the IDP in due course.
- 3.39 The Borough Council wishes to see as many of these projects delivered as possible but recognises that sources of funding other than developer contributions will be required to deliver them. The Borough Council will continue to work with Surrey County Council and others to ensure that any financial contributions in lieu of physical provision includes projects identified in the IDP/Transport Strategy, especially where other sources of funding have been secured or can be sought.
- 3.40 In terms of education the government has set out guidance⁹ on securing developer contributions towards school places. The guidance states that 'DfE expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development' and as such contributions for education infrastructure is justified.

⁹ Securing Education Contributions from Development (Nov 2019) DfE. Available at: <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

Primary Healthcare Facilities

- 3.41 The Runnymede Infrastructure Needs Assessment identifies a cost per sqm for additional GP floorspace as £2,500. Adding in compound inflation¹⁰ since the cost figures were published in 2016 gives a cost of £2,676 per sqm for GP surgery floorspace with the floorspace equivalent per GP at 165sqm.
- 3.42 The cost impact for GP list size and the cost per sqm for new floorspace can be converted into a cost per occupant for new residential development. The calculation of the impact is set out in Table 3-5.
- 3.43 The physical provision of Primary Healthcare facilities or land for such facilities will be secured through Section 106 obligations. Prior to the implementation of a CIL charge, the Council will consult with the relevant health provider to determine whether a financial contribution in lieu of physical provision is required and negotiate a contribution on the basis of the cost impact. In this respect, the Council will expect the relevant health provider to provide evidence of the infrastructure to which any financial contribution would be applied to ensure it meets the tests set out in NPPF, paragraph 56.
- 3.44 Upon implementation of CIL, the physical provision of primary healthcare facilities or land for such facilities will continue to be sought through Section 106 agreements. Financial contributions in lieu of physical provision will be secured through a CIL charge.
- 3.45 The exception to this will be at Longcross Garden Village where any financial contribution in lieu of physical primary healthcare facilities or land will be secured through Section 106.

Table 3-5: Primary Health Calculation

A. GP Standard Patient List Size	1,800
B. GP Surgery Floorspace Requirement per GP	165sqm
C. Cost of GP Surgery Floorspace per sqm	£2,676
D. Total Floorspace Cost per occupant (C x E)/1800	£245

Justification

- 3.46 The Runnymede Infrastructure Needs Assessment (INA) identifies 9 GP surgeries in Runnymede with a total of 37.7 full time equivalent (FTE) GPs. The average patient list size across the Borough is 2,124 which exceeds the GP to patient standard of 1,800 patients per GP. Only 2 of the 9 surgeries located in Runnymede have patient list sizes lower than the 1,800 standard where additional capacity remains, Packers Surgery in Virginia Water and The Bridge Practice in Chertsey. The locations where GP list sizes are exceeded are shown in Table 3-6.

Table 3-6: GP Surgeries in Runnymede List Size

GP Surgery	FTE GPs	Registered Patients	Patients per GP
Ottershaw Surgery	2.5	5,281	2,112
Staines & Thameside Medical Centre	1.7	4,200	2,461

¹⁰ As calculated using the Bank of England's Compound Inflation Calculator between years 2016 & 2018

The Abby Practice, Chertsey	5.9	11,340	1,912
The Crouch Oak Family Practice, Addlestone	6.6	16,108	2,444
The Grove Medical Centre, Egham	4.3	13,949	3,221
The Hythe Medical Centre, Egham	2	4,475	2,237
Runnymede Medical Practice, Englefield Green	6.1	12,144	1,980

- 3.47 Since publication of the IDP, The Bridge and Abby Practices have merged ensuring that patient list sizes in Chertsey are now below the 1,800 patient standard. However the Staines & Thameside Medical Centre has now closed which is likely to place further pressure on GP facilities in the Borough especially in the Egham area.
- 3.48 The IDP identifies that additional GP facilities will be required to support growth over the Local Plan period. The IDP estimates that an additional 7.7 FTE GPs will be required equivalent to an extra 1,278sqm of GP surgery floorspace.

High Priority Infrastructure

Built Community Facilities

- 3.49 For the purposes of this SPD, built community facilities cover Borough or County facilities such as community, day or youth centres, public halls and museums.
- 3.50 To enable a contribution to be negotiated, Table 3-7 sets out the cost impact from residential development on built community facilities. This is based on a standard of 65sqm per 1,000 population and construction cost including compound inflation of £1,529 per sqm.
- 3.51 Prior to the implementation of a CIL charge, the physical provision of built community facilities or land for such facilities will be secured through Section 106.
- 3.52 Upon implementation of CIL, the physical provision of built community facilities or land for such facilities will continue to be sought through Section 106 agreements. Financial contributions in lieu of physical provision will be secured through a CIL charge.

Table 3-7: Built Community Facilities Calculation

A. Community Facilities Standard per 1,000 population	65sqm
B. Community Facilities Construction Cost per sqm	£1,529
C. Total Cost per occupant (AxB)/1000	£99

Justification

- 3.53 The Runnymede IDP has identified a deficit of built community space over the lifetime of the Local Plan as a result of need arising from additional population. The IDP concludes there is a need for around 905sqm of additional built community space across the Borough.

Children's Playspace & Outdoor Sports

- 3.54 The Runnymede Local Plan sets out requirements for children's playspace and outdoor sports from new development. Policy SL26 of the Local Plan requires that residential

development of 20 or more net dwellings will be required to provide new or enhanced children’s playspace and outdoor sports provision. Policy SL26 sets out the space standards required for each type based on population as set out below:-

- Children and teen facilities – 0.8ha per 1,000 population
- Outdoor sports facilities – 1.6ha per 1,000 population

- 3.55 Although Policy SL26 does not differentiate between equipped and unequipped playspace provision, the Fields in Trust (FiT) benchmarks break down playspace to 0.25ha for equipped and 0.55ha for unequipped playspace.
- 3.56 There are three designations of children’s playing space, Local Areas of Play (LAP), Local Equipped Areas of Play (LEAP) and Neighbourhood Equipped Areas of Play (NEAP). The Borough Council currently maintains 41 playing spaces across the Borough with a total area of 4.92ha.
- 3.57 LAPs typically consist of small areas of incidental amenity space which form informal play areas for children of years 4-6 and may or may not be equipped (typically 400sqm). LEAPs are more formal areas for children’s play and are aimed at children of minimum age 5 and are equipped with children’s play equipment. NEAPs are larger areas of equipped play space which can serve more than just a single development and are aimed at children of minimum age 8.
- 3.58 In addition to children’s playing space, the Borough Council also makes provision for teen facilities such as multi use game areas (MUGAs).
- 3.59 The Borough Council also maintains a range of outdoor sports facilities and sports pitches at 7 sites across the Borough with 19 publicly accessible outdoor sports facilities.
- 3.60 The INA identifies a cost for equipped playspace at £348 per sqm which when compound inflation is added since 2016 rises to £373 per sqm. Unequipped playspace has a cost after compound inflation since 2016 of £27 per sqm. The cost impact and basis for contributions for playspace can be found in Table 3-8.
- 3.61 The INA also identifies a cost after compound inflation since 2016 of £372,851 per ha for outdoor sports. The cost impact and basis for contributions for outdoor sports can be found in Table 3-9..
- 3.62 Prior to the implementation of a CIL charge, physical provision of playspace and outdoor sports will be secured through S106 obligations.
- 3.63 Upon implementation of CIL, physical provision of playspace and outdoor sports will continue to be secured through Section 106. Financial contributions in lieu of physical provision will be secured through a CIL charge.

Table 3-8: Playspace Calculation

A. Equipped Playspace Standard per 1,000 population	2,500sqm
B. Informal Playspace Standard per 1,000 population	5,500sqm
C. Equipped Playspace Cost per sqm	£373 ¹
D. Informal Playspace Cost per sqm	£27 ¹
E. Total Cost of Equipped Playspace per occupant (A x C)/1000	£933
F. Total Cost of Informal Playspace per occupant	£149
G. Total Cost of Playspace per occupant	£1,082

Table 3-9: Outdoor Sports Calculation

A. Outdoor Sports Standard per 1,000 population	1.6ha
B. Outdoor Sports Cost per ha	£372,851
C. Total Cost of Outdoor Sports per occupant (A x B)/1,000	£597

Justification

- 3.64 The Runnymede Open Space Study found a deficit of children's and teen playing facilities across the Borough with the IDP identifying a need for a further 11ha to support Local Plan growth. The IDP Schedules also identify a number of playspace projects to be delivered across the Borough. The IDP also identified a need for an additional 22.3ha of outdoor sports facilities to meet Local Plan growth.

Desirable Infrastructure**Allotments**

- 3.65 The Borough Council also manages and maintains a number of allotment sites across the Borough covering some 36ha.
- 3.66 As for children's playspace and outdoor sports, Policy SL26 of the 2030 Local Plan requires allotment provision on sites of 20 or more dwellings to the following standard:
- 20 standard allotment plots (250sqm) per 1,000 households.
- 3.67 The INA identifies a cost for allotments with compound inflation £248,567 per ha. The cost impact and basis for calculation for allotments can be found in Table 3-10.
- 3.68 Prior to the implementation of a CIL charge, physical provision of allotments will be secured through S106 obligations.
- 3.69 Upon implementation of CIL, physical provision of allotments will continue to be secured through Section 106. Financial contributions in lieu of physical provision will be secured through a CIL charge.

Table 3-10: Allotments Calculation

A. Allotments Standard per 1,000 dwellings (ha)	0.5ha
B. Allotments Cost per ha	£248,567 ¹
C. Total Cost of Allotments per dwelling (A x B)/1000	£124

Justification

- 3.70 The IDP identifies that there is already a deficit of allotment provision with a further 3.8ha required to meet Local Plan growth.

Runnymede Borough Council

**Infrastructure Delivery & Prioritisation
Supplementary Planning Document (SPD)**

Strategic Environmental Assessment (SEA)

Draft Screening Statement - Determination under Regulation 9 of the SEA Regulations 2004

Habitats Regulations Assessment (HRA)

Draft Screening Statement – Determination under Regulation 105 of the Conservation of
Habitats and Species Regulations 2017

December 2019

Introduction

- 1.1. This draft Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening determination has been undertaken by Runnymede Borough Council in their duty to determine whether the Infrastructure Delivery & Prioritisation Supplementary Planning Document (SPD) requires SEA or HRA. This screening assessment is based on the draft SPD dated December 2019.
- 1.2. Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 requires authorities to determine whether or not a Strategic Environmental Assessment is required for certain plans, policies or programmes. This statement also sets out the Borough Council's determination as to whether Appropriate Assessment is required under Regulation 105 of the Conservation of Habitats & Species Regulations 2017.
- 1.3. Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and Environmental Assessment of Plans and Programmes Regulations (2004), specific types of plans that set the framework for the future development consent of projects or which require Appropriate Assessment must be subject to an environmental assessment.
- 1.4. There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.
- 1.5. In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9 (1)), the Borough Council must determine if a plan requires an environmental assessment. In accordance with Article 6 of the Habitats Directive (92/43/EEC) and Regulation 105 of the Conservation of Habitats & Species Regulations 2017, the Borough Council is the competent authority for determining if a plan requires Appropriate Assessment.

Background to the Infrastructure Delivery & Prioritisation SPD

- 1.6. The Planning & Compulsory Purchase Act 2004 (as amended) makes provision for local authorities to prepare and adopt Local Development Documents which can include SPD's. However, an SPD does not form part of the Development Plan for an area as set out in Section 38 of the Planning & Compulsory Purchase Act 2004 (as amended) but it is a material consideration in taking planning decisions.
- 1.7. An SPD is required to be consulted on and adopted by the Borough Council and once implemented sets out additional planning guidance that supports and/or expands upon the Policies of a Local Plan.
- 1.8. The proposed Infrastructure Delivery & Prioritisation SPD covers all of the area within the jurisdiction of Runnymede Borough Council and contains the urban areas of Addlestone, Chertsey, Englefield Green, Egham, Ottershaw, Woodham & New Haw and Virginia Water. Interspersed between the urban areas is designated Green Belt holding numerous wooded copses, golf courses and businesses as well as small pockets of development, agriculture and equestrian uses. The M25 and M3 motorways bisect the Borough north-south and east-west respectively and effectively cut the Borough into four quarters. There are six rail stations in Runnymede Borough offering direct services to London Waterloo, Reading & Woking. A plan of the designated area is shown in Plan 1-1.

- 1.9. There are numerous areas of woodland/copses designated as ancient/semi-natural or ancient replanted woodland which are also identified as priority habitat as well as swathes of woodpasture and parkland which is a national Biodiversity Action Plan (BAP) designation. Priority habitat designations also include areas of lowland meadows, lowland heathland, and lowland fens. There are five SSSIs located in the Borough area, Basingstoke Canal, Langham Pond, Thorpe Haymeadow, Thorpe no.1 Gravel Pit and Windsor Forest.
- 1.10. Unit 2 of the Basingstoke Canal SSSI lies to the south of the Borough and is in an unfavourable, no change status which does not meet the PSA target of 95% in favourable or unfavourable recovering status. Status reasons are extent of habitat, lack of plant diversity and poor water quality.
- 1.11. Langham Pond SSSI is formed of 3 units. 100% of the SSSI is in a favourable or unfavourable recovering status, meeting the PSA target. The Thorpe Haymeadow SSSI is formed of one unit in a favourable condition, which also meets the PSA Target.
- 1.12. The Thorpe no.1 Gravel Pit SSSI is formed of one unit and is in a favourable condition status meeting the PSA target. The SSSI also forms part of the wider South West London Water Bodies Special Protection Area (SPA) and Ramsar, an internationally designated site for nature conservation importance.
- 1.13. The Windsor Forest SSSI is formed of 22 units with units 10, 11 and 16 within or partly within Runnymede. The SSSI is in 100% favourable condition status and meets the PSA target of 95%. The SSSI also forms part of the Windsor Forest & Great Park Special Area of Conservation (SAC) another internationally designated site for nature conservation importance.
- 1.14. Other internationally designated sites, whilst not within the Borough but are within 5km include, the Thames Basin Heaths Special Protection Area and Thursley, Ash, Pirbright & Chobham SAC.
- 1.15. The Borough also lies within 12km of the Mole Gap to Reigate Escarpment SAC, 12.2km from Burnham Beeches SAC, 13km of the Richmond Park and Wimbledon Common SACs, 20km from the Chiltern Beechwoods SAC, 23km from the Wealden Heaths Phase I SPA and its component parts (including Thursley, Hankley & Frensham Commons SPA and Thursley & Ockley Bog Ramsar) and 30km from the Wealden Heaths Phase II SPA.
- 1.16. There are also over 30 Sites of Nature Conservation Importance (SNICIs) in the Borough as well as two Local Nature Reserves at Chertsey Meads and Riverside Walk in Virginia Water. The Borough lies within the River Wey and Tributaries catchment and there are large areas of the Borough, including within its urban areas which lie within flood risk zones 2 and 3 including functional floodplain.
- 1.17. From a heritage perspective, the Borough contains numerous statutorily listed or locally listed buildings and structures most notably the Grade I Royal Holloway College building in Englefield Green. There are 6 Conservation Areas in the borough as well as 6 scheduled ancient monuments, 48 areas of high archaeological potential and four historic parks and gardens.
- 1.18. The Infrastructure Delivery & Prioritisation SPD dated December 2019 does not form part of the Development Plan for the area and does not allocate any sites for development or propose policies for the use of land, but is a material consideration in decision making. The 2030 Local Plan which is the document which allocates sites and contains policies concerning land use has been the subject of Sustainability

Appraisal (including the requirements for Strategic Environmental Assessment) as well as Habitats Regulations Assessment (HRA).

- 1.19. The SPD instead sets out guidance on how the Borough Council will prioritise infrastructure delivery and funding as well as guiding the route by which infrastructure will be secured before and after the implementation of a CIL Charging Schedule. The SPD sets out that 'critical' infrastructure which includes the A320 Corridor & M25 Junction 11 mitigation as well as SANG to avoid impact to the Thames Basin Heaths SPA are prioritised over infrastructure types/projects.
- 1.20. The SPD guides the delivery of physical and/or 'critical' infrastructure through Section 106 or Section 278 agreements with contributions in lieu of physical provision or toward 'non-critical' collected by CIL where the Local Plan indicates this. The SPD also sets out the basis for a negotiated approach to financial contributions from development in lieu of physical infrastructure provision through the use of Section 106 agreements prior to the introduction of a CIL charge.

Sustainability Appraisal

- 1.21 The Planning and Compulsory Purchase Act 2004 and associated Regulations (as amended), requires a local authority to carry out a Sustainability Appraisal (SA) for their Local Plan documents. This considers the social and economic impacts of a plan as well as the environmental impacts. SPDs are not Local Plan documents and therefore a Sustainability Appraisal is not required.

Habitats Regulations Assessment (HRA) – Screening

- 1.22 The need to undertake an Appropriate Assessment as part of an HRA is set out within the EC Habitats Directive 92/43/EEC and transposed into British Law by Regulation 105 of the Conservation of Habitats and Species Regulations 2017. The Appropriate Assessment stage of HRA is only required should the preliminary screening assessment not be able to rule out likely significant effects.
- 1.23 The European Habitats Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. The Habitats Directive states that any plan or project not connected to or necessary for a site's management, but likely to have significant effects thereon shall be subject to appropriate assessment. There are four distinct stages in HRA namely: -

Step 1: Screening – Identification of likely impacts on a European site either alone or in combination with other plans/projects and consideration of whether these are significant. Following the decision of the ECJ in the People Over Wind & Sweetman v. Coillite Teoranta (C-323/17) case, avoidance and/or mitigation measures cannot be taken into account at the screening stage and it is purely an exercise to determine if possible pathways for effect exist and whether these can be ruled out taking account of the precautionary principle. It is the opinion of this HRA screening assessment and in light of the Planning Practice Guidance Note on Appropriate Assessment that adopted policies of the current development plan cannot be taken into account at this stage of HRA where they are proposing mitigation for European Sites. Similarly any HRA undertaken for other development plan documents which have not been through Examination in Public (EiP) and found sound should only be given limited weight.

Step 2: Appropriate Assessment – consideration of the impact on the integrity of the European Site whether alone or in combination with other plans or projects with respect to the sites structure, function and conservation objectives. Where there are

significant effects, step 2 should consider potential avoidance and/or mitigation measures.

Step 3: Assessment of Alternative Solutions – Assessing alternative ways of achieving the objectives of the plan/project which avoids impact, if after Step 2 significant effect cannot be ruled out even with avoidance or mitigation measures; and

Step 4: Assessment of Compensatory Measures – Identification of compensatory measures should impact not be avoided and no alternative solutions exist and an assessment of imperative reasons of overriding public interest (IROPI) deems that a project should proceed.

- 1.24 Should step 1 reveal that significant effects are likely or effect cannot be discounted because of uncertainty, then it is necessary to move onto step 2: Appropriate Assessment. If step 2 cannot rule out significant effect even with avoidance and/or mitigation, then the process moves onto step 3 and finally step 4 if no alternative solutions arise.

Step 1 - Screening

- 1.25 There are four stages to consider in a screening exercise: -

Stage 1: Determining whether the plan/project is directly connected with or necessary to the management of the site;

Stage 2: Describing the plan/project and description of other plan/projects that have the potential for in-combination impacts;

Stage 3: Identifying potential effects on the European site(s); and

Stage 4: Assessing the significance of any effects.

Stage 1

- 1.26 It can be determined that the Infrastructure Delivery & Prioritisation SPD is not directly connected with or necessary to the management of a European site.

Stage 2

- 1.27 Information about the Infrastructure Delivery & Prioritisation SPD can be found in paragraphs 1.6 to 1.20 of this screening assessment. Table 1-1 lists those other plans and projects, which may have in-combination impacts.

Table 1-1: Other Key Plans/Projects

Plan/ Project	<p>National Planning Policy Framework (2019): High level national planning policy covering topics such as housing, economy, employment, retail as well as biodiversity, flood risk and heritage.</p> <p>South East Plan 2009: Saved Policy NRM6 sets out protection for the Thames Basin Heaths SPA.</p> <p>London Plan 2016: Contains planning policies for the development of land across the wider London area including housing and employment allocations with a target of 42,000 new homes per annum.</p> <p>Runnymede 2030 Local Plan (Submission): Sets policies for the consideration of development and the spatial strategy for the Borough including provision of 7,920 dwellings over the Plan period and allocations for residential, employment and retail development.</p> <p>Runnymede Local Plan Second Alteration (2001): The current adopted Local Plan setting out policies for the use of land in the Runnymede area. All policies in the 2001 Plan will be replaced on adoption of the 2030 Local Plan.</p> <p>Other Local Authority Local Plans within 10km or adjoining sites identified in paras 1.8 to 1.12: Housing target for areas around European sites set out in Table 1-2.</p> <p>Large Scale Projects within 10km or adjoining European Sites: Large scale projects within 10km are subsumed in the consideration of ‘Other Local Authority Local Plans’ above.</p> <p>Thames Basin Heaths Joint Delivery Framework 2009: Sets out the agreed Framework regarding the approach and standards for avoiding significant effects on the Thames Basin Heaths SPA.</p> <p>Environment Agency, Thames River Basin District Management Plan (2015): Sets out actions to improve water quality. Future aims for the River Wey include implementing Lower Wey Oxbow Restoration Project to enhance and restore the main Wey river channel and Wey Diffuse Advice Project throughout the catchment.</p> <p>Environment Agency, Thames Catchment Flood Management Plan (2009): Aim is to promote more sustainable approaches to managing flood risk. Will be delivered through a combination of different approaches.</p> <p>Environment Agency, River Wey Catchment Abstraction Management Strategy (2019): identifies the Wey having restricted ‘Water available for licensing’.</p> <p>Environment Agency, Water Resources Strategy: Regional Action Plan for Thames Region (2009): Key priorities for Thames region include ensuring sufficient water resources are available, making water available in over-abstracted catchments and reducing demand.</p>
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Table 1-2: List of Local Authority Housing Targets within 10km of European Sites

Site	Local Plan Area	Housing Target
Thames Basin Heaths SPA*		
	Waverley Borough	11,210
	Guildford Borough	10,678
	Woking Borough	4,964
	Surrey Heath Borough	3,240
	Runnymede Borough	7,920
	Elmbridge Borough	3,375
	Bracknell Forest Borough	11,139
	Windsor & Maidenhead	14,260
	Wokingham Borough	13,230
	Rushmoor Borough	8,884
	Hart District	6,208
Total		95,108
Windsor Forest & Great Park SAC		
	Runnymede Borough	7,920
	Woking Borough	4,964
	Surrey Heath Borough	3,240
	Spelthorne Borough	3,320
	Elmbridge Borough	3,375
	Windsor & Maidenhead Borough	14,260
	Bracknell Forest Borough	11,139
	Slough Borough	6,250
	South Bucks District	2,800
	LB Hillingdon	6,375
	LB Hounslow	13,040
Total		76,683
South West London Water Bodies SPA & Ramsar		
	Runnymede Borough	7,920
	Elmbridge Borough	3,375
	Spelthorne Borough	3,320
	Epsom & Ewell Borough	3,620
	Mole Valley District	3,760
	Windsor & Maidenhead Borough	14,260
	Slough Borough	6,250
	Bracknell Forest Borough	11,139
	South Bucks District	2,800
	LB Hillingdon	6,375
	LB Hounslow	13,040
	LB Ealing	14,000
	LB Kingston	5,625
	LB Richmond	3,150
Total		98,634

* Also includes the Thursley, Ash, Pirbright & Chobham SAC

Stage 3

- 1.28 Information regarding the European site(s) screened and the likely effects that may arise due to implementation of the Infrastructure Delivery & Prioritisation SPD can be found in Tables 1-3 to 1-6 and 1-7. All other European Sites were screened out of this

assessment at an early stage as it was considered that their distance from the Borough area meant that there is no pathway or mechanism which would give rise to significant effect either alone or in combination. In this respect regard has been had to the 2030 Local Plan HRA specifically paragraphs 2.1-2.2.

Table 1-3: Details of Thames Basin Heaths SPA and Potential Effects Thereon

European site:	Thames Basin Heaths Special Protection Area (SPA).
Site description:	The Thames Basin Heaths SPA was proposed in October 2000, and full SPA status was approved on 9 March 2005. It covers an area of some 8,274 ha, consisting of 13 Sites of Special Scientific Interest (SSSI) scattered from Surrey, to Berkshire in the north, through to Hampshire in the west. The habitat consists of both dry and wet heathland, mire, oak, birch acid woodland, gorse scrub and acid grassland with areas of rotational conifer plantation.
Relevant international nature conservation features:	Thames Basin Heaths SPA qualifies under Article 4.1 of the Birds Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive: During the breeding season: <ul style="list-style-type: none"> - Nightjar <i>Caprimulgus europaeus</i>: 7.8% of the breeding population in Great Britain (count mean, 1998-1999); - Woodlark <i>Lullula arborea</i>: 9.9% of the breeding population in Great Britain (count as at 1997); - Dartford warbler <i>Sylvia undata</i>: 27.8% of the breeding population in Great Britain (count as at 1999).
Environmental conditions which support the site	<ul style="list-style-type: none"> • Appropriate management • Management of disturbance during breeding season (March to July) • Minimal air pollution • Absence or control of urbanisation effects, such as fires and introduction of invasive non-native species • Maintenance of appropriate water levels • Maintenance of water quality
Potential Effects arising from the Infrastructure Delivery & Prioritisation SPD	<ul style="list-style-type: none"> • None (see Table 1-7)

Table 1-4: Details of Thursley, Ash, Pirbright & Chobham SAC and Potential Effects Thereon

International site:	Thursley, Ash, Pirbright & Chobham Special Area of Conservation (SAC)
Site description:	The Thursley, Ash, Pirbright & Chobham SAC covers an area of some 5,154 ha with areas of wet and dry heathland, valley bogs, broad-leaved and coniferous woodland, permanent grassland and open water.
Relevant international nature conservation features:	The Thursley, Ash, Pirbright and Chobham Special Area of Conservation is designated for three Annex I habitats. The qualifying Annex 1 habitats are: <ul style="list-style-type: none"> - Wet heathland with cross-leaved heath - Dry heaths - Depressions on peat substrates
Environmental Conditions which Support the Site	<ul style="list-style-type: none"> • Appropriate management; • Managed recreational pressure; • Minimal air pollution; • Absence or control of urbanisation effects such as fires and introduction of invasive non-native species; • Maintenance of appropriate water levels; • Maintenance of water quality.
Potential Effects arising from the Infrastructure Delivery & Prioritisation SPD	<ul style="list-style-type: none"> • None (see Table 1-7)

Table 1-5: Details of Windsor Forest & Great Park SAC and Potential Effects Thereon

International site:	Windsor Forest & Great Park SAC
Site description:	The Windsor Forest & Great Park SAC covers an area of some 1,680 ha with Atlantic acidophilus beech forests with Ilex and sometimes Taxus. It is one of four outstanding locations in the UK for oak woods on sandy plains and is one of only three areas in the UK for Limoniscus violaceus (violet click beetle).
Relevant international nature conservation features:	Annex I habitat of oak woods on sandy plain which is the primary reason for designation with Atlantic beech forests.
Environmental Conditions which Support the Site	<ul style="list-style-type: none"> • Loss of trees through forestry management • Urbanisation • Managed recreational pressure • Air Quality

Potential Effects arising from the Infrastructure Delivery & Prioritisation SPD	<ul style="list-style-type: none"> • None (see Table 1-7)
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Table 1-6: Details of South West London Water Bodies SPA & Ramsar and Potential Effects Thereon

International site:	South West London Water Bodies SPA & Ramsar
Site description:	The South West London Water Bodies SPA & Ramsar covers an area of some 825 ha and is formed from 7 former gravel pits and reservoirs which support overwintering populations of protected bird species.
Relevant international nature conservation features:	Supports overwintering populations of:- Gadwall Shoveler
Environmental Conditions which Support the Site	<ul style="list-style-type: none"> • Managed recreational pressure • Water quality • Water abstraction
Potential Effects arising from the Infrastructure Delivery & Prioritisation SPD	<ul style="list-style-type: none"> • None (see Table 1-7)

Stage 4

1.29 The consideration of potential effects are set out in Table 1-7.

Table 1-7: Assessment of Potential Effects

Indirect effect from recreational disturbance and urbanisation.	The likely effects of recreational disturbance have been summarised in the Underhill-Day study for Natural England and RSPB (2005); this provides a review of the urban effects on lowland heaths and their wildlife. The main issues relating to the conservation objectives and the integrity of the SPAs and SAC's effected by recreational disturbance and urbanisation as a whole are: fragmentation, disturbance, fires, cats, dogs (as a result of nest disturbance and enrichment), prevention of management, off-roading, vandalism and trampling.
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	<p>Natural England has advised that recreational pressure, as a result of increased residential development within 5km of the Thames Basin Heaths SPA & Thursley, Ash, Pirbright & Chobham SAC (or sites of 50 or more dwellings within 7km), is having a significant adverse impact on the Annex I bird species. Woodlark and Nightjar are ground nesting and Dartford Warblers nest close to the ground. They are therefore sensitive to disturbance, particularly from dogs, but also from walkers, and cyclists etc. They are, in addition, vulnerable to other effects of urbanisation, in particular predation by cats.</p> <p>Joint work involving Natural England and the authorities affected by the SPA/SAC have agreed a mechanism to avoid impacts to the SPA/SAC from recreational activities in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management & Monitoring (SAMM) and from the impacts of urbanisation by not allowing any net additional dwellings within 400m of the SPA.</p> <p>In terms of the Windsor Forest & Great Park SAC the Runnymede 2030 Local Plan HRA states that forestry management and recreational impacts has the potential for loss of trees and damage to trees from burning (arson).</p> <p>For the South West London Water Bodies SPA & Ramsar threats arise through unmanaged recreational activities such as use of motorboats and fishing.</p> <p>The Infrastructure Delivery & Prioritisation SPD contains guidance on what infrastructure types and projects should be prioritised for delivery and/or routes and basis for delivery and funding. However, it does not allocate or safeguard any land or sites for net additional dwellings or other types of development including infrastructure projects that could give rise to increased recreation or urbanisation impacts.</p> <p>As such, there are no pathways for effect for impacts either alone or in-combination with other plans and projects. Therefore it is considered, at the time of undertaking this assessment and even in the absence of avoidance and/or mitigation measures which cannot be taken into account at the screening stage of HRA (including any adopted policies in the Local Plan Part 1 or emerging policies in the 2030 Local Plan) that the Infrastructure Delivery & Prioritisation SPD will not give rise to likely significant effects on any of the European Sites in terms of recreation or urbanisation and Appropriate Assessment is not required.</p>
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<p>Atmospheric Pollution</p>	<p>The Runnymede 2030 Local Plan HRA concludes no likely significant effect as a result of atmospheric pollution in combination with other plans and projects on the Thames Basin Heaths SPA, Thursley, Ash, Pirbright & Chobham SAC or the Windsor Forest & Great Park SAC, given the findings of the Council's air quality evidence.</p> <p>The Infrastructure Delivery & Prioritisation SPD contains guidance on what infrastructure types and projects should be prioritised for delivery and/or routes and basis for delivery and funding. However, it does not allocate or safeguard land or sites for any development including infrastructure projects. Whilst the SPD does prioritise local highway infrastructure improvements on the A320 Corridor and M25 Junction 11 in Runnymede, none of the proposed improvements lie within 200m of designated sites (the distance at which air quality from traffic impacts can effect designated sites) and it is not the SPD but the emerging Local Plan which identifies and allocates the improvement works.</p> <p>Therefore it is considered, at the time of undertaking this assessment and even in the absence of avoidance and/or mitigation measures which cannot be taken into account at the screening stage of HRA (including any adopted policies in the Local Plan Part 1 or emerging 2030 Local Plan) that the Infrastructure Delivery & Prioritisation SPD will not give rise to likely significant effects on any of the European Sites in terms of air quality.</p> <p>In this respect an Appropriate Assessment is not required.</p>
<p>Water Quality & Resource</p>	<p>The Runnymede 2030 Local Plan HRA concludes no likely significant effects to European sites as a result of water quality or abstraction.</p> <p>The Infrastructure Delivery & Prioritisation SPD contains guidance on what infrastructure types and projects should be prioritised for delivery and/or routes and basis for delivery and funding. Whilst the SPD does set out flood mitigations and drainage within its prioritisation hierarchy, it does not allocate or safeguard any land or sites for development including water related infrastructure projects such as the River Thames Scheme or site specific flood/drainage projects. This is the role of the emerging Local Plan and as such there are no pathways for effect for impacts either alone or in-combination with other plans and projects.</p>

	<p>Therefore it is considered, at the time of undertaking this assessment and even in the absence of avoidance and/or mitigation measures which cannot be taken into account at the screening stage of HRA (including any adopted policies in the Local Plan Part 1 or emerging 2030 Local Plan) that the Infrastructure Delivery & Prioritisation SPD will not give rise to likely significant effects on any of the European Sites in terms of water quality or resource.</p> <p>In this respect an Appropriate Assessment is not required.</p>
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- 1.30 It is the conclusion of this HRA that following a screening assessment it can be ascertained, in light of the information available at the time of assessment and even in the absence of avoidance and mitigation measures that the Infrastructure Delivery & Prioritisation SPD **will not** give rise to significant effects on European Sites either alone or in-combination with other plans and/or projects. Given the findings of the screening assessment it is considered that a full appropriate assessment is not required.

The SEA Screening Process

- 1.31 The process for determining whether or not a SEA is required is called 'screening'. For some types of plan or programme SEA is mandatory and includes the following:
- Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
 - Plans which have been determined to require an assessment under the Habitats Directive (this has already been screened out as set out in paragraphs 1.21 to 1.30 of this screening assessment).
- 1.32 However, the main determining factor when considering whether a plan or programme requires SEA is whether it will have significant environmental effects.
- 1.33 Within 28 days of making its determination, the determining authority must publish a statement, such as this one, setting out its decision. If it is determined that a SEA is not required, the statement must include the reasons for this.
- 1.34 This Screening Report sets out the Council's determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not SEA is required for the Infrastructure Delivery & Prioritisation SPD. The Borough Council must consult with the three statutory bodies (Environment Agency, Historic England, Natural England) and take their views into account before issuing a final determination. The responses received from the three statutory bodies and how the Council has taken these into account in this screening determination are set out in Table 1-8.

Table 1-8

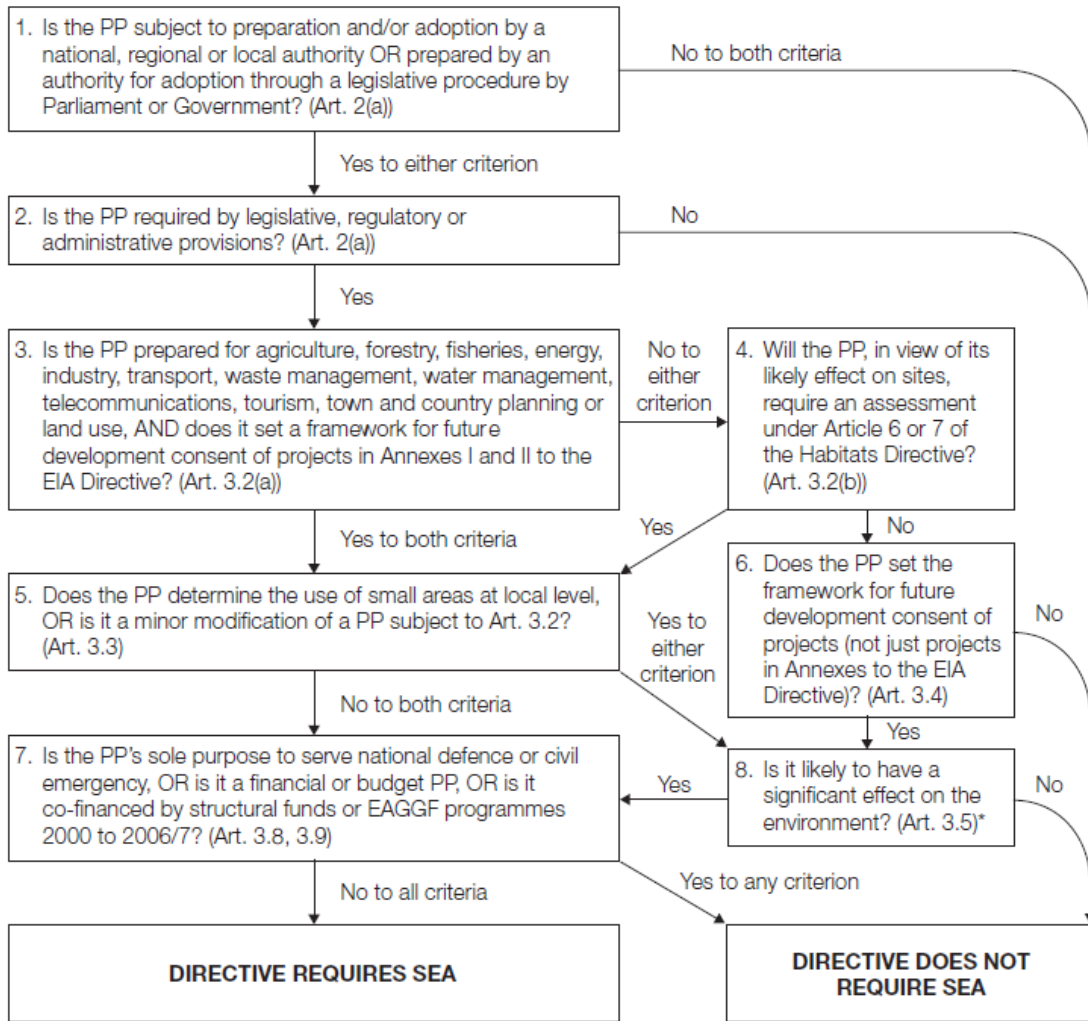
Statutory Body	Response	Comment & Action
Environment Agency		
Historic England		
Natural England		

- 1.35 The determination is based on a two-step approach, the first of which is to assess the plan against the flowchart as set out in government guidance *A Practical Guide to the Strategic Environmental Assessment Directive*¹. The flow chart is shown in Figure 1.

¹ A Practical Guide to the Strategic Environmental Process (2005) ODPM. Available at: <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

Figure 1:

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

1.34 The second step is to consider whether the Infrastructure Delivery & Prioritisation SPD will have significant environmental effects when considered against the criteria set out in Annex II of the Directive and Schedule I of the Regulations. The findings of step 1 and step 2 are shown in Tables 1-9 and 1-10.

Table 1-9: SEA Screening Step 1

Stage in Flowchart	Y/N	Reason
<p>1. Is the plan/programme subject to preparation and/or adoption by a national, regional or local authority or prepared by an authority for adoption through a legislative procedure by parliament or Government? (Article 2(a))</p>	Y	<p>The provision to prepare and adopt a Local Development Document is given by the Planning & Compulsory Purchase Act 2004 (as amended). The Infrastructure Delivery & Prioritisation SPD will be prepared and adopted by Runnymede Borough Council. The preparation and adoption procedure is set out in the Town & Country Planning (Local Development)(England) Regulations 2012. Whilst not forming part of the Development Plan the SPD will be a material consideration in planning decisions. Move to Stage 2</p>
<p>2. Is the plan/programme required by legislative, regulatory or administrative provisions? (Article 2(a))</p>	N	<p>There is no mandatory requirement to prepare or adopt Supplementary Planning Documents and if adopted it will not form part of the Development Plan for Runnymede. As answer is No, flowchart identifies end to screening process, but move to Stage 3 for completeness.</p>
<p>3. Is the plan/programme prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to</p>	N	<p>Whilst the plan is prepared for town & country planning, the SPD does not set the framework for future development consents for projects in Annex I or II to the EIA Directive.. Move to Stage 4.</p>

Stage in Flowchart	Y/N	Reason
the EIA Directive? (Article 3.2(a))		
4. Will the plan/programme, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	N	The HRA screening undertaken in paragraphs 1.21 to 1.30 of this assessment has determined that Appropriate Assessment is not required. Move to Stage 6.
5. Does the plan/programme determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Article 3.3)	N/A	The SPD will not form part of the Runnymede Development Plan and does not therefore determine the use of small areas at a local (or any) level. The plan is not a minor modification of an existing plan. Move to Stage 6
6. Does the plan/programme set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	N	The SPD does not allocate any land or sites for development or set a framework for future development consents. As answer is No, flowchart identifies end to screening process, but move to Stage 8 for completeness.
7. Is the plan/programme's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Article 3.8, 3.9)	N	The sole purpose of the SPD is not to serve national defence or civil emergency. Whilst the SPD does set out financial matters concerned with developer contributions, this is not its sole purpose and it is not a budget plan or programme.
8. Is it likely to have a significant effect on the environment? (Article 3.5)	N	Effects on the environment and whether these are significant are considered in Table 1-10. No Significant Effects identified in Table 1-10, so determine that SEA is not required.

Table 1-10: SEA Screening Step 2

Criteria (from Annex II of SEA Directive and Schedule I of the Regulations)		Response	
Characteristics of the plan or programme			Significant Effect?
(a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	<p>The Infrastructure Delivery & Prioritisation SPD does not set out policies against which development proposals in the Runnymede area will be considered, although it will be a material consideration in decision making. The prioritisation of certain infrastructure types over others and how these will be secured are not matters in the SPD which set the framework for projects.</p> <p>The section of the SPD dealing with developer contributions and the basis for negotiation could be seen as setting a framework for projects in terms of allocating financial resources or physical infrastructure. However, the SPD is not the document which secures the contributions or allocates the land for physical provision but simply guides the Council in its negotiations with developers to make a project acceptable in planning terms. As such, it is considered that the SPD only sets a framework for projects to a limited degree.</p>		N
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Infrastructure Delivery & Prioritisation SPD does not influence other plans or programmes but is itself influenced by other plans or programmes. It therefore does not influence any plans in a hierarchy.		N
(c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The Infrastructure Delivery & Prioritisation SPD sets out which infrastructure types the Council will prioritise, how this will be secured and if necessary the basis for a negotiated approach with developers for securing financial contributions towards infrastructure delivery. The SPD does not however, allocate any land/development or safeguard any infrastructure projects and as a consequence its relevance to the integration of environmental considerations is likely to be limited. However, the inclusion of green infrastructure in the SPD including avoidance		N

Criteria (from Annex II of SEA Directive and Schedule I of the Regulations)	Response	
	measures for European sites in the form of SANG is likely to promote sustainable development and generally have positive effects.	
(d) Environmental problems relevant to the plan or programme.	Environmental problems include potential recreational or urbanising impacts, atmospheric pollution and water resources to European sites. Paragraphs 1.22 to 1.30 of this assessment sets out the effects of the SPD on European sites and has determined no significant effects.	N
(e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The Infrastructure Delivery & Prioritisation SPD only has limited relevance to the implementation of Community legislation on the environment. The SPD may allow implementation through raising funds towards supporting infrastructure and prioritising infrastructure in relation to avoiding impact on European sites, but does not in itself propose, allocate or otherwise safeguard any infrastructure projects.	N
Characteristics of the effects and of the area likely to be affected		
(a) The probability, duration, frequency and reversibility of the effects.	Whilst the Infrastructure Delivery & Prioritisation SPD guides how the Council will prioritise infrastructure types, secure its delivery and the basis for negotiating financial contributions with developers, it does not allocate any land or sites for development or safeguard any infrastructure projects. Therefore the probability of any effect is low. Duration of any effects of prioritisation would likely be long term (beyond 2030) and generally positive but could be reversible depending on the next iteration of the Local Plan and its priorities. On the whole, effects are not considered to be significant.	N
(b) The cumulative nature of the effects	The Infrastructure Delivery & Prioritisation SPD does not allocate any land or sites for development or safeguard any infrastructure projects. As set out above the probability for effects is likely to be low, but generally positive. Taken with the allocation of sites and safeguarding of infrastructure in the emerging 2030 Local Plan and the mitigation	N

Criteria (from Annex II of SEA Directive and Schedule I of the Regulations)	Response	
	<p>measures set out therein, cumulative impacts with the SPD are likely to remain positive as the two documents work in tandem. Cumulative effects are likely to last over the plan period and possibly beyond but could be reversible depending on future iterations of the Local Plan and its priorities. On the whole however, effects are not considered to be significant.</p>	
(c) The transboundary nature of the effects	<p>Given the geographic scope of the SPD it is considered that no transboundary effects will arise.</p>	N
(d) The risks to human health or the environment (for example, due to accidents)	<p>None.</p>	N
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<p>The Infrastructure Delivery & Prioritisation SPD will cover the whole of the geographic area of Runnymede in Surrey. The area covered is 78km² with a population of around 83,448. Given the nature of the SPD it is considered that effects will not be significant.</p>	N
(f) The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage; ii) Exceeded environmental quality standards or limit values; iii) Intensive land-use.	<p>Given the nature of the Infrastructure Delivery & Prioritisation SPD:</p> <p>i) The area covered by the SPD contains 5 SSSIs with the majority in a favourable condition status which meets the PSA target of 95% in favourable or unfavourable recovering condition status. The Basingstoke Canal SSSI is in an unfavourable no change status which does not meet the PSA target. The Runnymede area contains numerous statutorily or locally listed buildings and structures as well as conservation areas, scheduled ancient monuments and areas of high archaeological potential. The area is a mixture of urban and Green Belt and contains features such as green spaces, wooded copses and golf courses. However, the SPD does not allocate any land for development or set development targets or safeguard any infrastructure projects. Inclusion of green infrastructure in the SPD is likely to have</p>	N

Criteria (from Annex II of SEA Directive and Schedule I of the Regulations)	Response	
	<p>positive effects on natural characteristics, but effects on cultural heritage are unlikely.</p> <p>ii) There are two Air Quality Management Areas (AQMAs) in the Runnymede area, along the entire length of the M25 which runs through the Borough and the other in Addlestone at the High Street and Station Road junction. Air quality standards are exceeded at 5 air quality monitoring sites in the Runnymede area². The Environment Agency has identified the Wey catchment as having restricted water available for licensing. However, the SPD does not allocate any land for development or set development targets or safeguard infrastructure projects. Inclusion of green infrastructure and flood mitigation/drainage is likely to have positive effects on air quality and water availability/quality and inclusion of local highway improvements and active/sustainable travel may also have positive effects on air quality, especially in areas designated as AQMAs where congestion is reduced.</p> <p>iii) Intensive land use occurs in the urban areas (built development), but the SPD does not allocate any land or sites for development or safeguard any infrastructure projects. As such significant effects are unlikely with any effects being generally positive.</p>	
(g) The effects on areas or landscapes which have recognised national, community or international protection status.	The effects on European Sites for Nature Conservation are dealt with in (d) above. There are no landscapes which have recognised national, community or international protection status in the Runnymede area.	N
Conclusion	The Infrastructure Delivery & Prioritisation SPD is unlikely to give rise to significant environmental effects and as such a SEA is not required.	

² Runnymede 2017 Air Quality Annual Status Report (2017) RBC, Available at: <https://www.runnymede.gov.uk/airquality>

- 1.35 On the basis of the Screening process it is determined that the Infrastructure Delivery & Prioritisation SPD does not require a SEA under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004). This is because: -
- The SPD is unlikely to give rise to significant environmental effects given that it does not allocate sites or development or safeguard infrastructure projects; and
 - The content of the SPD when taken as a whole and in combination with policies in the emerging 2030 Local Plan will likely have positive effects.
- 1.36 This draft assessment was made on the 17th December 2019.

8. COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE CONSULTATION (PLANNING, POLICY & ECONOMIC DEVELOPMENT- JOHN DEVONSHIRE)

Synopsis of report:

The Council can introduce a charge on new development known as the Community Infrastructure Levy (CIL) to help fund infrastructure across the Borough. In order to do this the Council must have a 'relevant' Local Plan and demonstrate an infrastructure funding gap. Once the Local Plan is adopted both of these criteria will be fulfilled and a CIL can be introduced.

CIL is charged on a £s per sqm basis on the net level of floorspace of a development and is non-negotiable, although exemptions for certain types of development can be applied. CIL charges can be set across different areas of the Borough or by development scale or type and should be a balance of the desire to fund infrastructure and viability of development.

Based on evidence of viability a CIL Draft Charging Schedule has been prepared which proposes seven different charging zones with rates for residential development between £90 and £380 per sqm as well as a single rate of £485 per sqm for student accommodation and £50 per sqm for office development. All other development is not considered to be viable for CIL and is zero rated.

The Longcross Garden Village Site and Chertsey Bittams C allocation sites have been given separate charging zones with all development zero rated. This is based on evidence of viability.

Set at these rates the amount of infrastructure funding to come from CIL is forecast to be approximately £18m over the Local Plan period. This is after £3.8m is subtracted for neighbourhood funding and £0.9m for administration.

The CIL Regulations require that a Draft Charging Schedule undergo a period of consultation before submission to an independent body for examination. The CIL Regulations also allow the Council to implement a CIL Instalments Policy so that developers can pay CIL in instalments rather than as a single payment. A draft Instalments Policy has been prepared and although not required to undergo consultation will be available for information.

The CIL Draft Charging Schedule is accompanied by a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) which determines that a SEA and/or an HRA is not required, subject to comments from statutory bodies.

Recommendation(s): The Planning Committee is recommended to RESOLVE to:

- i) APPROVE the Draft Community Infrastructure Levy Charging Schedule for public consultation for a period of six weeks; and**
- ii) AGREE that if no significant changes are required to the Draft Charging Schedule following public consultation, the Corporate Head of Planning Policy and Economic Development, in consultation with the Chairman of Planning Committee, be authorised to make any**

necessary minor amendments and corrections to the Draft Charging Schedule and submit the schedule for public examination.

1. Context of report

- 1.1 The Planning Act 2008 (as amended) introduced the idea of ‘a charge’ that local authorities can apply to development to secure contributions towards infrastructure, known as the Community Infrastructure Levy (CIL). CIL sits alongside the ability to physically provide or raise funds towards infrastructure via the existing Section 106 planning obligations process and the two mechanisms can work in tandem. Unlike Section 106, CIL is a non-negotiable charge.
- 1.2 In order to charge CIL, the Council must have a ‘relevant’ Local Plan, be able to demonstrate that it has an infrastructure funding gap as a result of planned development and that any CIL rates set balance the need to fund infrastructure with the viability of development.
- 1.3 CIL rates must be set out on a £s per sqm basis and are calculated on the net level of development coming forward. Different CIL rates can be set for different types of development, different scales of development or for different locations across an area, through different charging zones. Some types of development are exempted from CIL including affordable housing, residential extensions and annexes as well as self-build housing and development for charitable purposes. These are mandatory exemptions, but the Council may also allow discretionary relief for charitable investment and/or exceptional circumstances. The Council can also set out its own instalments policy for CIL payments from developers.
- 1.4 Any CIL receipts which arise once a CIL is in place, must be spent on ‘infrastructure’ as defined in the 2008 Planning Act. A percentage of CIL receipts must also be ‘top-sliced’ for local neighbourhood funding. In most areas this ‘top-slice’ is 15% of the funding secured, but in areas where there is an adopted neighbourhood plan, the ‘top-slice’ rises to 25%.
- 1.5 As the charging authority, the Borough Council will be the authority that collects CIL receipts and aside from the neighbourhood funding element, makes decisions on which infrastructure projects CIL monies should be spent. 5% of CIL receipts can also be used by the Council to cover the expense of administering CIL.
- 1.6 The Community Infrastructure Levy Regulations 2010 (as amended) sets out the process the Council must undertake on consultation of a draft charging schedule. Similar to the Local Plan, this includes examination by an independent body prior to adoption.

2. Report

- 2.1 Once the emerging Runnymede 2030 Local Plan has been adopted, the Council will have a ‘relevant’ Local Plan and can implement its new CIL Charging Schedule. To ensure a timely introduction of CIL following adoption of the Local Plan, a draft CIL Charging Schedule has been prepared for consultation.
- 2.2 Evidence collated during preparation of a draft Charging Schedule identified that Runnymede has an overall infrastructure funding gap of around £100m over the period of the 2030 Local Plan and therefore CIL is required to help

reduce this gap.

- 2.3 Viability Evidence prepared to support CIL tested different types of development including residential development (including the Local Plan allocations), student accommodation, retirement housing and commercial development such as offices, industrial and retail.
- 2.4 To ensure that CIL rates set by the Council do not push the margins of viability, an element of flexibility has been included in the rates to account for possible changes in market conditions over the lifetime of the Charging Schedule. As such, a 50% viability buffer has been applied to the maximum potential for CIL as set out in the viability evidence. A CIL will generally be reviewed 3 years after it initially comes into being, so that time is given to allow the new CIL to 'bed in', however, it can be reviewed early if market conditions change substantially and it would appear appropriate to do so.
- 2.5 The viability evidence prepared to guide the CIL, found that residential development is viable and can attract a CIL charge, although the level of viability varies across the Borough mainly due to differences in house price values. As such, a differential rate based on location is proposed with seven different zones identified. This includes separate charging zones for two Local Plan allocation sites, Longcross Garden Village and Chertsey Bittams C where zero CIL rates will be set.
- 2.6 The reason for having a separate zone and zero rate for Longcross Garden Village is that infrastructure for the site is expected to be funded by Section 106 and application of CIL in addition to this may place the site at risk. The separate zone and zero rate for Chertsey Bittams C is due to the mix of uses allocated in the Local Plan.
- 2.7 The viability evidence did not show any significant variation in viability due to the scale of residential development and as such, only differential rates based on location are proposed to avoid undue complexity in setting CIL rates. The viability evidence also found no distinct difference for retirement housing and therefore a further differential rate is not required for this type of residential use. The evidence also showed that student accommodation is viable irrespective of location and that a single rate can be proposed across the Borough.
- 2.8 In terms of commercial development, the viability evidence found that offices have potential to support a CIL charge. The only other commercial development which might be viable for CIL is retail development within Egham Town Centre, however viability is considered marginal and upon analysis a zero rate is proposed.
- 2.9 The CIL rate for each type of development and zone is shown in the draft Charging Schedule attached as Appendix 'E' to this report. A summary is also set out in the table below. A map of the charging zones can be found in the draft Charging Schedule.

Zone	Area Covered	Proposed CIL Rates
A	Englefield Green, Lyne, Ottershaw, Virginia Water, Wentworth	Residential - £380 per sqm Student Accommodation - £495 per sqm Offices (Class B1a) - £50 per sqm All Other Development - £0
B	Egham (West of the M25)	Residential - £235 per sqm

		Student Accommodation - £495 per sqm Offices (Class B1a) - £50 per sqm All Other Development - £0
C	Chertsey & Thorpe	Residential - £185 per sqm Student Accommodation - £495 per sqm Offices (Class B1a) - £50 per sqm All Other Development - £0
D	Addlestone, Woodham & New Haw	Residential - £110 per sqm Student Accommodation - £495 per sqm Offices (Class B1a) - £50 per sqm All Other Development - £0
E	Egham Hythe (east of the M25)	Residential - £90 per sqm Student Accommodation - £495 per sqm Offices (Class B1a) - £50 per sqm All Other Development - £0
F	Chertsey Bittams C	All Development - £0
G	Longcross Garden Village	All Development - £0

- 2.10 Based on the proposed rates for each zone and the estimated net level of floorspace to come forward over the remaining plan period, CIL receipts are forecast at around £18m. This is after the neighbourhood funding element of around £3.8m has been subtracted along with £0.9m as the 5% administrative cost.
- 2.11 It is considered that sufficient flexibility has been built into the CIL rates proposed and that they strike a balance between the need to fund infrastructure and the viability of development. On this basis it is considered that allowing further discretionary relief from CIL is unnecessary. A draft instalments policy has also been prepared and is attached as Appendix F to this report. This is not required to undergo consultation but will be published for information.
- 2.12 A CIL draft Charging Schedule must be subject to public consultation prior to submission for examination for a period of at least four weeks. As this will likely be the only opportunity to make representations, it is proposed that the consultation period should open for a longer 6 week period and run concurrently with the Infrastructure Delivery & Prioritisation SPD. To avoid a clash with consultation of the Local Plan Main Modifications the CIL Draft Charging Schedule and SPD consultations will commence shortly after the Main Modifications consultation closes in February 2020.

3. Policy framework implications

- 3.1 The introduction of CIL will support Corporate Business Plan (2016-2020) themes of 'Improving our Economy' and 'Enhancing our Environment' particularly the priorities to review and support delivery of county and regional infrastructure strategies, support projects which improve integration of road and rail to reduce congestion and through setting a zero rate at Longcross Garden Village the priority to support development of Longcross Park Enterprise Zone.

3.2 Although not a Local Plan document, the CIL Charging Schedule also supports Local Plan objectives and policies with respect to infrastructure delivery.

4. **Resource implications**

4.1 As set out above the Council can use 5% of its CIL receipts on administering the CIL charge which includes staffing costs. Over the lifetime of the Local Plan to 2030 this is estimated to be some £0.8m.

4.2 The Development Management and Building Control Business Unit Plan 2020/2021 includes a main growth item to enable the introduction of CIL which officers consider will require additional staff to administer and provide the governance for the expenditure as well as new computer software which officers consider will provide efficiency savings and improvements. A separate report on the purchase of any such system will be brought to a future meeting of this Committee.

5. **Legal implications**

5.1 The draft Charging Schedule has been prepared in accordance with the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).

5.2 The Council's current Statement of Community Involvement (SCI) requires the Council to consult with certain organisations and individuals on a CIL Preliminary Draft Charging Schedule. However, the requirement to prepare and consult on a Preliminary Draft prior to a Draft Charging Schedule has been revoked and the SCI in this regard is out of date. As such, consultation will take place in accordance with the CIL Regulations.

6. **Equality implications**

6.1 The Council has a Public Sector Duty under the Equalities Act 2020 to have due regard to the need to:

- a) Eliminate unlawful discrimination, harassment or victimisation;
- b) Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
- c) Foster good relations between those who share a relevant protected characteristic and persons who do not share those characteristics;

in relation to the 9 'Protected Characteristics' stated within the Act.

6.2 The Runnymede CIL Draft Charging Schedule is currently being screened to establish whether there may be an impact whether positive or negative on any of the nine protected characteristics (namely, age, disability, race/ethnicity, pregnancy and maternity, religion, sexual orientation, sex, gender reassignment and marriage / civil partnership). The conclusion of the screening assessment will be reported to the Committee.

7. **Environmental/Sustainability/Biodiversity Implications**

7.1 The Draft Charging Schedule is not a Local Plan document and as such is not subject to Sustainability Appraisal. The Draft Charging Schedule has however undergone Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening with the conclusion that there will be no likely significant effects on designated habitats or any other significant

environmental effects. Comments from the three statutory bodies (Environment Agency, Historic England and Natural England) on the screening assessment are currently being sought in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004. A copy of the screening assessment is attached as Appendix 'G' for information.

7.2 The CIL Charging Schedule has the potential to raise funds towards green infrastructure which is likely to benefit the environment and biodiversity in general.

8. **Conclusions**

8.1 Planning Committee is asked to RESOLVE to:

- i) **APPROVE** the Draft Community Infrastructure Levy Charging Schedule for public consultation for a period of six weeks; and
- ii) **AGREE** that if no significant changes are required to the Draft Charging Schedule following public consultation, the Corporate Head of Planning Policy and Economic Development, in consultation with the Chairman of Planning Committee, be authorised to make any necessary minor amendments and corrections to the Draft Charging Schedule and submit the schedule for public examination.

(To resolve)

Background papers

Appendix 'E': Runnymede Community Infrastructure Levy Draft Charging Schedule

Appendix 'F': Draft Instalments Policy

Appendix 'G': SEA/HRA Screening Assessment

RUNNYMEDE COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE

Charging Authority

The charging authority is Runnymede Borough Council

Date of Approval

This charging schedule was approved by the Borough Council on 14th October 2020 (target date)

Date of Implementation

This charging schedule will come into effect on the 1st November 2020 (target date)

Rate of CIL (£ per square metre) Chargeable

CIL will be charged at differential rates according to the type of development as shown in the tables of CIL charges within this schedule.

CIL Rates for Zone A as defined by Plan 1 as set out in this Charging Schedule

Charging Zone A	CIL Tariff (£ per sqm)
Residential Class C3a, C3c & C4 only (Excludes C3b)	£380
Student Accommodation	£485
Class B1a Offices Only	£50
All other development	£0

CIL Rates for Zone B as defined by Plan 1 as set out in this Charging Schedule

Charging Zone B	CIL Tariff (£ per sqm)
Residential Class C3a, C3c & C4 only (Excludes C3b)	£235
Student Accommodation	£485
Class B1a Offices Only	£50
All other development	£0

CIL Rates for Zone C as defined by Plan 1 as set out in this Charging Schedule

Charging Zone C	CIL Tariff (£ per sqm)
Residential Class C3a, C3c & C4 only (Excludes C3b)	£185
Student Accommodation	£485
Class B1a Offices Only	£50
All other development	£0

CIL Rates for Zone D as defined by Plan 1 as set out in this Charging Schedule

Charging Zone D	CIL Tariff (£ per sqm)
Residential Class C3a, C3c & C4 only (Excludes C3b)	£110
Student Accommodation	£485
Class B1a Offices Only	£50
All other development	£0

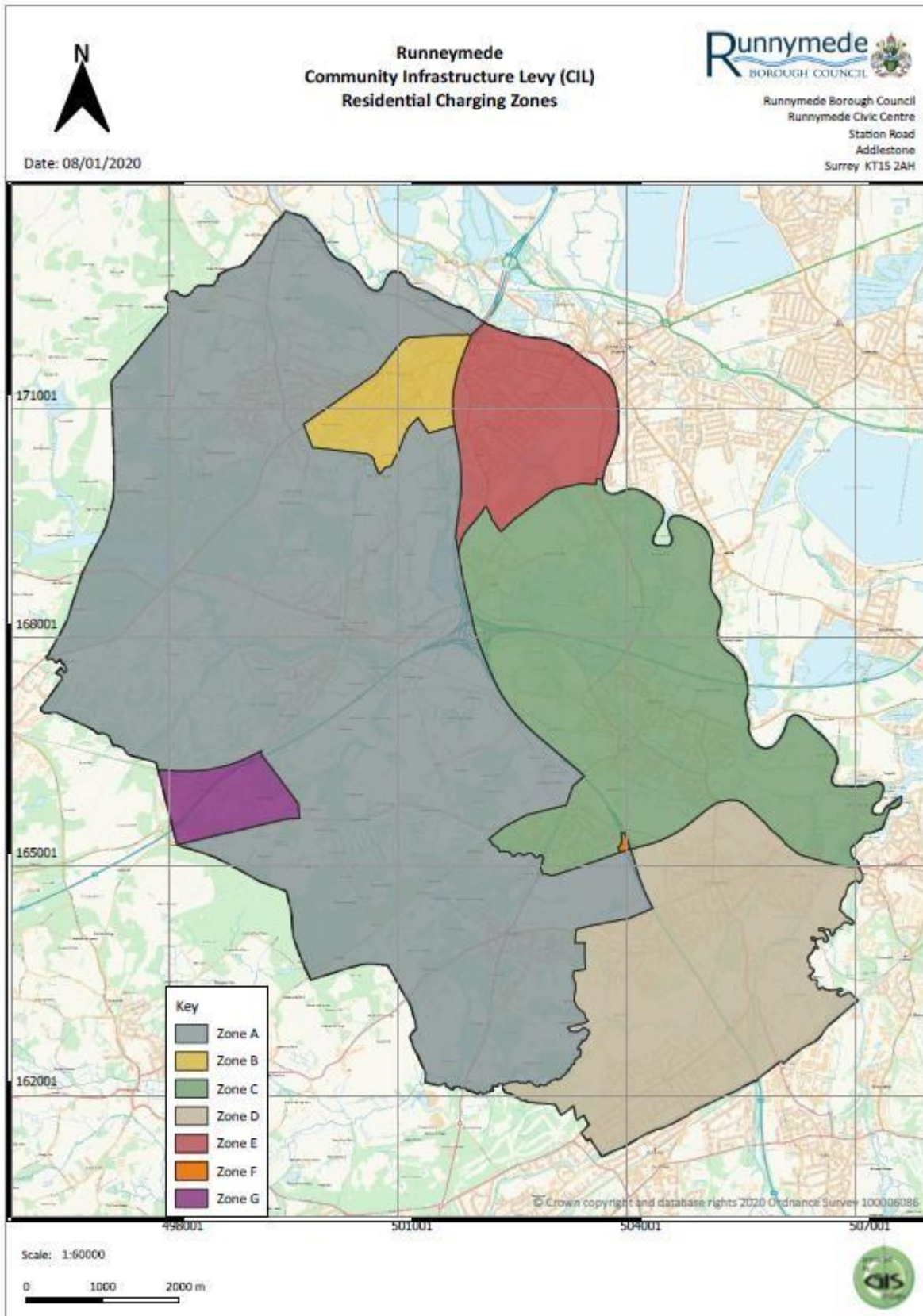
CIL Rates for Zone E as defined by Plan 1 as set out in this Charging Schedule

Charging Zone E	CIL Tariff (£ per sqm)
Residential Class C3a, C3c & C4 only (Excludes C3b)	£90
Student Accommodation	£485
Class B1a Offices Only	£50
All other development	£0

CIL Rates for Zones F & G as defined by Plan 1 as set out in this Charging Schedule

Charging Zone F & G	CIL Tariff (£ per sqm)
All Development	£0

Plan 1: Map of Runnymede CIL Charging Zones



The amount of CIL arising from development liable for CIL will be calculated in accordance with Regulation 40 of the CIL Regulations 2010 (as amended). The formula is as follows: -

$$\frac{R \times A \times I_p}{I_c}$$

Where:

R = rate of CIL set by the Borough Council

A = the deemed net area chargeable at rate R

I_p = the index figure for the calendar year in which planning permission was first granted

I_c = the index figure for the calendar year in which the charging schedule containing rate R took effect

The value of A is calculated as follows: -

$$G_R - K_R - (G_R \times E)/G$$

Where:

G_R = The gross internal area of the part of the chargeable development chargeable at rate R

G = the gross internal area of the chargeable development

E = the aggregate of the following:

(i) the gross internal areas of parts of in-use buildings that are to be demolished

before completion of the chargeable development; and

(ii) for the second and subsequent phases of a phased planning permission, the value

E_x, unless E_x is negative,

provided that no part of any building may be taken into account under both (i) and (ii) above

K_R = The aggregate of the gross internal areas of the following:

(i) retained parts of in-use buildings; and

(ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development.

The value of E_x must be calculated by applying the following formula

$$E_p - (G_p - K_{PR})$$

Where:

E_P = the value of E for the previously commenced phase of the planning permission;

G_p = the value of G for the previously commenced phase of the planning permission; and

K_{PR} = the total of the values of K_R for the previously commenced phase of the planning permission

This charging schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).

**Runnymede Borough Council
Community Infrastructure Levy
Draft Instalment Policy**

This Policy is made in line with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended).

The Community Infrastructure Levy will be payable as follows: -

CIL Liability (£)	Number of Instalments	Amount or Proportion of CIL Payable in any Instalment and Timing of Instalment
Less than £,50,000	1	Full payment required within 60 days of commencement date.
£50,000 to £500,000	2	First instalment representing 50% of the total payable within 90 days of commencement date. Balance payable within 360 days of commencement date.
£500,000 to £1,000,000	3	First instalment representing 25% of the total payable within 90 days of commencement date. Additional 25% of the total payable within 360 days of commencement date. Balance payable within 540 days of commencement date.
£1,000,000 to £2,000,000	4	First instalment representing 25% of the total payable within 90 days of commencement date. Additional 25% of the total payable within 360 days of commencement date. Additional 25% of the total payable within 540 days of commencement date. Balance payable within 720 days of commencement date.
Greater than £2,000,000	5	First instalment representing 20% of the total payable within 90 days of commencement date. Additional 20% of the total payable within 360 days of commencement date. Additional 20% of the total payable within 540 days of commencement date. Additional 20% of the total payable within 720 days of commencement date. Balance payable within 1,080 days of commencement date.

Note: For all development, commencement date will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67. This instalments policy takes effect on [insert date].

Runnymede Community Infrastructure Levy

Strategic Environmental Assessment (SEA)

Draft Screening Statement - Determination under Regulation 9 of the SEA Regulations 2004

Habitats Regulations Assessment (HRA)

Draft Screening Statement – Determination under Regulation 105 of the Conservation of Habitats and Species Regulations 2017

December 2019

Introduction

- 1.1 This draft Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening determination has been undertaken by Runnymede Borough Council in their duty to determine whether the Runnymede Community Infrastructure Levy requires SEA or HRA. This screening assessment is based on the draft CIL Charging Schedule dated December 2019.
- 1.2 Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 requires authorities to determine whether or not a Strategic Environmental Assessment is required for certain plans, policies or programmes. This statement also sets out the Borough Council's determination as to whether Appropriate Assessment is required under Regulation 105 of the Conservation of Habitats & Species Regulations 2017.
- 1.3 Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and Environmental Assessment of Plans and Programmes Regulations (2004), specific types of plans that set the framework for the future development consent of projects or which require Appropriate Assessment must be subject to an environmental assessment.
- 1.4 There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.
- 1.5 In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9 (1)), the Borough Council must determine if a plan requires an environmental assessment. In accordance with Article 6 of the Habitats Directive (92/43/EEC) and Regulation 105 of the Conservation of Habitats & Species Regulations 2017, the Borough Council is the competent authority for determining if a plan requires Appropriate Assessment.

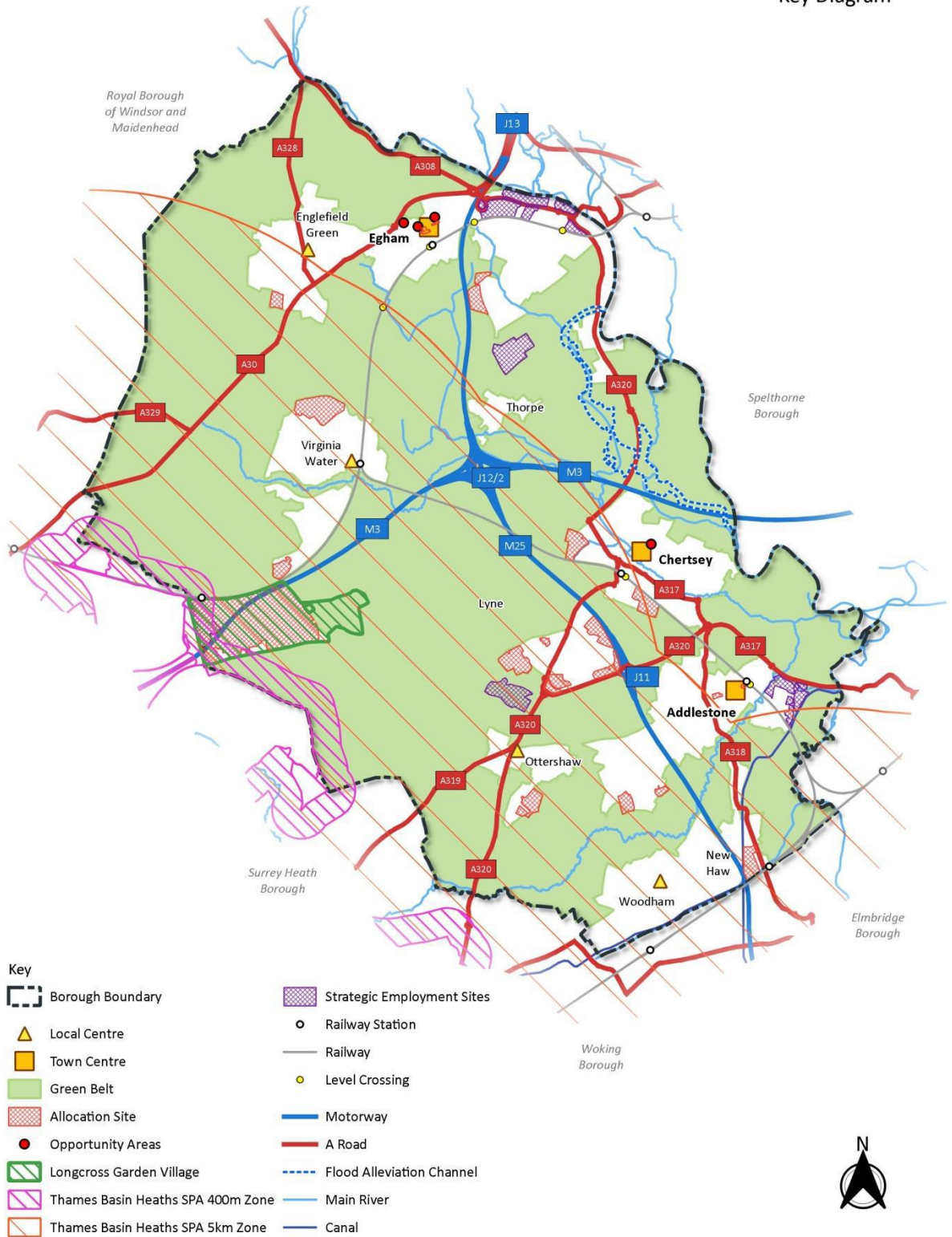
Background to the Runnymede Community Infrastructure Levy

- 1.6 The Planning Act 2008 (as amended) makes provision for local authorities to introduce a Community Infrastructure Levy (CIL) through a CIL Charging Schedule. Whilst a CIL Charging Schedule is an adopted planning document it does not form part of the Development Plan for an area as set out in Section 38 of the Planning & Compulsory Purchase Act 2004 (as amended). As such, a CIL Charging Schedule is not a material consideration in taking planning decisions but is simply a financial tool by which local authorities can raise funds towards infrastructure.
- 1.7 A CIL Charging Schedule is required to be consulted on and adopted by the Borough Council and once implemented sets out the charges that will apply to development within the Borough on a £s per sqm basis. The funds raised can be spent on a range of infrastructure projects across the Borough (or across Borough boundaries for strategic projects) as defined by the Planning Act 2008 (as amended). In introducing a CIL charge the Borough will need to scale back S106 agreements as the primary tool to raise infrastructure funding from development.
- 1.8 The proposed Runnymede CIL covers all of the area within the jurisdiction of Runnymede Borough Council and contains the urban areas of Addlestone, Chertsey, Englefield Green, Egham, Ottershaw, Woodham & New Haw and Virginia Water. Interspersed between the urban areas is designated Green Belt holding numerous wooded copses, golf courses and businesses as well as small pockets of development, agriculture and equestrian uses. The M25 and M3 motorways bisect

the Borough north-south and east-west respectively and effectively cut the Borough into four quarters. There are six rail stations in Runnymede Borough offering direct services to London Waterloo, Reading & Woking. A plan of the designated area is shown in Plan 1-1.

Plan 1-1: Map of Runnymede Borough

Runnymede Borough Key Diagram



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- 1.9 There are numerous areas of woodland/copses designated as ancient/semi-natural or ancient replanted woodland which are also identified as priority habitat as well as swathes of woodpasture and parkland which is a national Biodiversity Action Plan (BAP) designation. Priority habitat designations also include areas of lowland meadows, lowland heathland, and lowland fens. There are five SSSIs located in the Borough area, Basingstoke Canal, Langham Pond, Thorpe Haymeadow, Thorpe no.1 Gravel Pit and Windsor Forest.
- 1.10 Unit 2 of the Basingstoke Canal SSSI lies to the south of the Borough and is in an unfavourable, no change status which does not meet the PSA target of 95% in favourable or unfavourable recovering status. Status reasons are extent of habitat, lack of plant diversity and poor water quality.
- 1.11 Langham Pond SSSI is formed of 3 units. 100% of the SSSI is a favourable or unfavourable recovering status, meeting the PSA target. The Thorpe Haymeadow SSSI is formed of one unit in a favourable condition, which also meets the PSA Target.
- 1.12 The Thorpe no.1 Gravel Pit SSSI is formed of one unit and is in a favourable condition status meeting the PSA target. The SSSI also forms part of the wider South West London Water Bodies Special Protection Area (SPA) and Ramsar, an internationally designated site for nature conservation importance.
- 1.13 The Windsor Forest SSSI is formed of 22 units with units 10, 11 and 16 within or partly within Runnymede. The SSSI is in 100% favourable condition status and meets the PSA target of 95%. The SSSI also forms part of the Windsor Forest & Great Park Special Area of Conservation (SAC) another internationally designated site for nature conservation importance.
- 1.14 Other internationally designated sites, whilst not within the Borough but are within 5km include, the Thames Basin Heaths Special Protection Area and Thursley, Ash, Pirbright & Chobham SAC.
- 1.15 The Borough also lies within 12km of the Mole Gap to Reigate Escarpment SAC, 12.2km from Burnham Beeches SAC, 13km of the Richmond Park and Wimbledon Common SACs, 20km from the Chiltern Beechwoods SAC, 23km from the Wealden Heaths Phase I SPA and its component parts (including Thursley, Hankley & Frensham Commons SPA and Okley Bog Ramsar) and 30km from the Wealden Heaths Phase II SPA.
- 1.16 There are also over 30 Sites of Nature Conservation Importance (SNCIs) in the Borough as well as two Local Nature Reserves at Chertsey Meads and Riverside Walk in Virginia Water. The Borough lies within the River Wey and Tributaries catchment and there are large areas of the Borough, including within its urban areas which lie within flood risk zones 2 and 3 including functional floodplain.
- 1.17 From a heritage perspective, the Borough contains numerous statutorily listed or locally listed buildings and structures most notably the Grade I Royal Holloway College building in Englefield Green. There are 6 Conservation Areas in the borough as well as 6 scheduled ancient monuments, 48 areas of high archaeological potential and four historic parks and gardens.
- 1.18 The Runnymede CIL draft Charging Schedule dated December 2019 does not form part of the Development Plan for the area and does not allocate any sites for development or propose policies for the use of land. The 2030 Local Plan which is the document which allocates sites and contains policies concerning land use has been the subject of Sustainability Appraisal (including the requirements for Strategic Environmental Assessment) as well as Habitats Regulations Assessment (HRA).

Sustainability Appraisal

- 1.19 The Planning and Compulsory Purchase Act 2004 and associated Regulations (as amended), requires a local authority to carry out a Sustainability Appraisal (SA) for their Local Plan documents. This considers the social and economic impacts of a plan as well as the environmental impacts. CIL Charging Schedules are not Local Plan documents and therefore a Sustainability Appraisal is not required.

Habitats Regulations Assessment (HRA) – Screening

- 1.20 The need to undertake an Appropriate Assessment as part of an HRA is set out within the EC Habitats Directive 92/43/EEC and transposed into British Law by Regulation 105 of the Conservation of Habitats and Species Regulations 2017. The Appropriate Assessment stage of HRA is only required should the preliminary screening assessment not be able to rule out likely significant effects.
- 1.21 The European Habitats Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. The Habitats Directive states that any plan or project not connected to or necessary for a site's management, but likely to have significant effects thereon shall be subject to appropriate assessment. There are four distinct stages in HRA namely: -

Step 1: Screening – Identification of likely impacts on a European site either alone or in combination with other plans/projects and consideration of whether these are significant. Following the decision of the ECJ in the People Over Wind & Sweetman v. Coillite Teoranta (C-323/17) case, avoidance and/or mitigation measures cannot be taken into account at the screening stage and it is purely an exercise to determine if possible pathways for effect exist and whether these can be ruled out taking account of the precautionary principle. It is the opinion of this HRA screening assessment and in light of the Planning Practice Guidance Note on Appropriate Assessment that adopted policies of the current development plan cannot be taken into account at this stage of HRA where they are proposing mitigation for European Sites. Similarly any HRA undertaken for other development plan documents which have not been through Examination in Public (EiP) and found sound should only be given limited weight.

Step 2: Appropriate Assessment – consideration of the impact on the integrity of the European Site whether alone or in combination with other plans or projects with respect to the sites structure, function and conservation objectives. Where there are significant effects, step 2 should consider potential avoidance and/or mitigation measures.

Step 3: Assessment of Alternative Solutions – Assessing alternative ways of achieving the objectives of the plan/project which avoids impact, if after Step 2 significant effect cannot be ruled out even with avoidance or mitigation measures; and

Step 4: Assessment of Compensatory Measures – Identification of compensatory measures should impact not be avoided and no alternative solutions exist and an assessment of imperative reasons of overriding public interest (IROPI) deems that a project should proceed.

- 1.22 Should step 1 reveal that significant effects are likely or effect cannot be discounted because of uncertainty, then it is necessary to move onto step 2: Appropriate Assessment. If step 2 cannot rule out significant effect even with avoidance and/or

mitigation, then the process moves onto step 3 and finally step 4 if no alternative solutions arise.

Step 1 - Screening

1.23 There are four stages to consider in a screening exercise: -

Stage 1: Determining whether the plan/project is directly connected with or necessary to the management of the site;

Stage 2: Describing the plan/project and description of other plan/projects that have the potential for in-combination impacts;

Stage 3: Identifying potential effects on the European site(s); and

Stage 4: Assessing the significance of any effects.

Stage 1

1.24 It can be determined that the Runnymede CIL Charging Schedule is not directly connected with or necessary to the management of a European site.

Stage 2

1.25 Information about the Runnymede CIL Charging Schedule can be found in paragraphs 1.6 to 1.18 of this screening assessment. Table 1-1 lists those other plans and projects, which may have in-combination impacts.

Table 1-1: Other Key Plans/Projects

<p>Plan/ Project</p>	<p>National Planning Policy Framework (2019): High level national planning policy covering topics such as housing, economy, employment, retail as well as biodiversity, flood risk and heritage.</p> <p>South East Plan 2009: Saved Policy NRM6 sets out protection for the Thames Basin Heaths SPA.</p> <p>London Plan 2016: Contains planning policies for the development of land across the wider London area including housing and employment allocations with a target of 42,000 new homes per annum.</p> <p>Runnymede 2030 Local Plan (Submission): Sets policies for the consideration of development and the spatial strategy for the Borough including provision of 7,920 dwellings over the Plan period and allocations for residential, employment and retail development.</p> <p>Runnymede Local Plan Second Alteration (2001): The current adopted Local Plan setting out policies for the use of land in the Runnymede area. All policies in the 2001 Plan will be replaced on adoption of the 2030 Local Plan.</p> <p>Other Local Authority Local Plans within 10km or adjoining sites identified in paras 1.8 to 1.12: Housing target for areas around European sites set out in Table 1-2.</p> <p>Large Scale Projects within 10km or adjoining European Sites: Large scale projects within 10km are subsumed in the consideration of ‘Other Local Authority Local Plans’ above.</p> <p>Thames Basin Heaths Joint Delivery Framework 2009: Sets out the agreed Framework regarding the approach and standards for avoiding significant effects on the Thames Basin Heaths SPA.</p> <p>Environment Agency, Thames River Basin District Management Plan (2015): Sets out actions to improve water quality. Future aims for the River Wey include implementing Lower Wey Oxbow Restoration Project to enhance and restore the main Wey river channel and Wey Diffuse Advice Project throughout the catchment.</p> <p>Environment Agency, Thames Catchment Flood Management Plan (2009): Aim is to promote more sustainable approaches to managing flood risk. Will be delivered through a combination of different approaches.</p> <p>Environment Agency, River Wey Catchment Abstraction Management Strategy (2019): identifies the Wey having restricted ‘Water available for licensing’.</p> <p>Environment Agency, Water Resources Strategy: Regional Action Plan for Thames Region (2009): Key priorities for Thames region include ensuring sufficient water resources are available, making water available in over-abstracted catchments and reducing demand.</p>
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Table 1-2: List of Local Authority Housing Targets within 10km of European Sites

Site	Local Plan Area	Housing Target
Thames Basin Heaths SPA*		
	Waverley Borough	11,210
	Guildford Borough	10,678
	Woking Borough	4,964
	Surrey Heath Borough	3,240
	Runnymede Borough	7,920
	Elmbridge Borough	3,375
	Bracknell Forest Borough	11,139
	Windsor & Maidenhead	14,260
	Wokingham Borough	13,230
	Rushmoor Borough	8,884
	Hart District	6,208
Total		95,108
Windsor Forest & Great Park SAC		
	Runnymede Borough	7,920
	Woking Borough	4,964
	Surrey Heath Borough	3,240
	Spelthorne Borough	3,320
	Elmbridge Borough	3,375
	Windsor & Maidenhead Borough	14,260
	Bracknell Forest Borough	11,139
	Slough Borough	6,250
	South Bucks District	2,800
	LB Hillingdon	6,375
	LB Hounslow	13,040
Total		76,683
South West London Water Bodies SPA & Ramsar		
	Runnymede Borough	7,920
	Elmbridge Borough	3,375
	Spelthorne Borough	3,320
	Epsom & Ewell Borough	3,620
	Mole Valley District	3,760
	Windsor & Maidenhead Borough	14,260
	Slough Borough	6,250
	Bracknell Forest Borough	11,139
	South Bucks District	2,800
	LB Hillingdon	6,375
	LB Hounslow	13,040
	LB Ealing	14,000
	LB Kingston	5,625
	LB Richmond	3,150
Total		98,634

* Also includes the Thursley, Ash, Pirbright & Chobham SAC

Stage 3

- 1.26 Information regarding the European site(s) screened and the likely effects that may arise due to implementation of a CIL Charging Schedule can be found in Tables 1-3 to 1-6 and 1-7. All other European Sites were screened out of this assessment at an

early stage as it was considered that their distance from the Borough area meant that there is no pathway or mechanism which would give rise to significant effect either alone or in combination. In this respect regard has been had to the 2030 Local Plan HRA specifically paragraphs 2.1-2.2.

Table 1-3: Details of Thames Basin Heaths SPA and Potential Effects Thereon

European site:	Thames Basin Heaths Special Protection Area (SPA).
Site description:	The Thames Basin Heaths SPA was proposed in October 2000, and full SPA status was approved on 9 March 2005. It covers an area of some 8,274 ha, consisting of 13 Sites of Special Scientific Interest (SSSI) scattered from Surrey, to Berkshire in the north, through to Hampshire in the west. The habitat consists of both dry and wet heathland, mire, oak, birch acid woodland, gorse scrub and acid grassland with areas of rotational conifer plantation.
Relevant international nature conservation features:	Thames Basin Heaths SPA qualifies under Article 4.1 of the Birds Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive: During the breeding season: <ul style="list-style-type: none"> - Nightjar <i>Caprimulgus europaeus</i>: 7.8% of the breeding population in Great Britain (count mean, 1998-1999); - Woodlark <i>Lullula arborea</i>: 9.9% of the breeding population in Great Britain (count as at 1997); - Dartford warbler <i>Sylvia undata</i>: 27.8% of the breeding population in Great Britain (count as at 1999).
Environmental conditions which support the site	<ul style="list-style-type: none"> • Appropriate management • Management of disturbance during breeding season (March to July) • Minimal air pollution • Absence or control of urbanisation effects, such as fires and introduction of invasive non-native species • Maintenance of appropriate water levels • Maintenance of water quality
Potential Effects arising from the Runnymede CIL Charging Schedule	<ul style="list-style-type: none"> • None (see Table 1-7)

Table 1-4: Details of Thursley, Ash, Pirbright & Chobham SAC and Thursley & Ockley Bogs Ramsar) and Potential Effects Thereon

International site:	Wealden Heaths Phase I & II SPAs
Site description:	The Thursley, Ash, Pirbright & Chobham SAC incorporating the Thursley & Ockley Bogs Ramsar covers an area of some 5,154

	ha with areas of wet and dry heathland, valley bogs, broad-leaved and coniferous woodland, permanent grassland and open water.
Relevant international nature conservation features:	The Thursley, Ash, Pirbright and Chobham Special Area of Conservation is designated for three Annex I habitats. The qualifying Annex 1 habitats are: <ul style="list-style-type: none"> - Wet heathland with cross-leaved heath - Dry heaths - Depressions on peat substrates Thursley and Ockley Bog Ramsar site qualifies under two of the nine Ramsar criteria.
Environmental Conditions which Support the Site	<ul style="list-style-type: none"> • Appropriate management; • Managed recreational pressure; • Minimal air pollution; • Absence or control of urbanisation effects such as fires and introduction of invasive non-native species; • Maintenance of appropriate water levels; • Maintenance of water quality.
Potential Effects arising from the Runnymede CIL Charging Schedule	<ul style="list-style-type: none"> • None (see Table 1-7)

Table 1-5: Details of Windsor Forest & Great Park SAC and Potential Effects Thereon

International site:	Windsor Forest & Great Park SAC
Site description:	The Windsor Forest & Great Park SAC covers an area of some 1,680 ha with Atlantic acidophilus beech forests with Ilex and sometimes Taxus. It is one of four outstanding locations in the UK for oak woods on sandy plains and is one of only three areas in the UK for <i>Limoniscus violaceus</i> (violet click beetle).
Relevant international nature conservation features:	Annex I habitat of oak woods on sandy plain which is the primary reason for designation with Atlantic beech forests.
Environmental Conditions which Support the Site	<ul style="list-style-type: none"> • Loss of trees through forestry management • Urbanisation • Managed recreational pressure • Air Quality
Potential Effects arising from the Runnymede CIL Charging Schedule	<ul style="list-style-type: none"> • None (see Table 1-7)

Table 1-6: Details of South West London Water Bodies SPA & Ramsar and Potential Effects Thereon

International site:	South West London Water Bodies SPA & Ramsar
Site description:	The South West London Water Bodies SPA & Ramsar covers an area of some 825 ha and is formed from 7 former gravel pits and reservoirs which support overwintering populations of protected bird species.
Relevant international nature conservation features:	Supports overwintering populations of:- Gadwall Shoveler
Environmental Conditions which Support the Site	<ul style="list-style-type: none"> • Managed recreational pressure • Water quality • Water abstraction
Potential Effects arising from the Runnymede CIL Charging Schedule	<ul style="list-style-type: none"> • None (see Table 1-7)

Stage 4

1.27 The consideration of potential effects are set out in Table 1-7.

Table 1-7: Assessment of Potential Effects

Indirect effect from recreational disturbance and urbanisation.	<p>The likely effects of recreational disturbance have been summarised in the Underhill-Day study for Natural England and RSPB (2005); this provides a review of the urban effects on lowland heaths and their wildlife. The main issues relating to the conservation objectives and the integrity of the SPAs and SAC's effected by recreational disturbance and urbanisation as a whole are: fragmentation, disturbance, fires, cats, dogs (as a result of nest disturbance and enrichment), prevention of management, off-roading, vandalism and trampling.</p> <p>Natural England has advised that recreational pressure, as a result of increased residential development within 5km of the Thames Basin Heaths SPA & Thursley, Ash, Pirbright & Chobham SAC (or sites of 50 or more dwellings within 7km), is having a significant adverse impact on the Annex I bird species. Woodlark and Nightjar are ground nesting and Dartford Warblers nest close to the ground. They are</p>
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	<p>therefore sensitive to disturbance, particularly from dogs, but also from walkers, and cyclists etc. They are, in addition, vulnerable to other effects of urbanisation, in particular predation by cats.</p> <p>Joint work involving Natural England and the authorities affected by the SPA/SAC have agreed a mechanism to avoid impacts to the SPA/SAC from recreational activities in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management & Monitoring (SAMM) and from the impacts of urbanisation by not allowing any net additional dwellings within 400m of the SPA.</p> <p>In terms of the Windsor Forest & Great Park SAC the Runnymede 2030 Local Plan HRA states that forestry management and recreational impacts has the potential for loss of trees and damage to trees from burning (arson).</p> <p>For the South West London Water Bodies SPA & Ramsar threats arise through unmanaged recreational activities such as use of motorboats and fishing.</p> <p>The Runnymede CIL Charging Schedule does not allocate any land or sites for net additional dwellings or other types of development that could give rise to increased recreational or urbanisation impacts. The charging schedule does not form part of the Borough's Development Plan and is purely a financial tool to raise funding from development toward supporting infrastructure. The CIL charge will not be used to raise funds towards mitigation for European sites as other mechanisms will be used to secure this (Section 106 agreements).</p> <p>As such, there are no pathways for effect for impacts either alone or in-combination with other plans and projects. Therefore it is considered, at the time of undertaking this assessment and even in the absence of avoidance and/or mitigation measures which cannot be taken into account at the screening stage of HRA (including any adopted policies in the Local Plan Part 1 or emerging policies in the 2030 Local Plan) that the Runnymede CIL Charging Schedule will not give rise to likely significant effects on any of the European Sites in terms of recreation or urbanisation.</p> <p>In this respect an Appropriate Assessment is not required.</p>
Atmospheric Pollution	The Runnymede 2030 Local Plan HRA concludes no likely significant effect as a result of atmospheric

	<p>pollution in combination with other plans and projects on the Thames Basin Heaths SPA, Thursley, Ash, Pirbright & Chobham SAC or the Windsor Forest & Great Park SAC, given the findings of the Council's air quality evidence.</p> <p>The Runnymede CIL Charging Schedule does not allocate any land or sites for net additional dwellings or other types of development that could give rise to air quality impacts. The charging schedule does not form part of the Borough's Development Plan and is purely a financial tool to raise funding from development toward supporting infrastructure. The CIL charge will not be used to raise funds towards mitigation for European sites as other mechanisms will be used to secure this (Section 106 agreements).</p> <p>As such, there are no pathways for effect for impacts either alone or in-combination with other plans and projects. Therefore it is considered, at the time of undertaking this assessment and even in the absence of avoidance and/or mitigation measures which cannot be taken into account at the screening stage of HRA (including any adopted policies in the Local Plan Part 1 or emerging 2030 Local Plan) that the Runnymede CIL Charging Schedule will not give rise to likely significant effects on any of the European Sites in terms of air quality.</p> <p>In this respect an Appropriate Assessment is not required.</p>
Water Quality & Resource	<p>The Runnymede 2030 Local Plan HRA concludes no likely significant effects to European sites as a result of water quality or abstraction.</p> <p>The Runnymede CIL Charging Schedule does not allocate any land or sites for net additional dwellings or other types of development that could give rise to water quality or resource impacts. The charging schedule does not form part of the Borough's Development Plan and is purely a financial tool to raise funding from development toward supporting infrastructure. The CIL charge may fund supporting infrastructure for flood defences and drainage projects, however it will not propose, allocate or otherwise safeguard projects but is merely a tool to raise funds towards such projects.</p> <p>As such, there are no pathways for effect for impacts either alone or in-combination with other plans and projects. Therefore it is considered, at the time of undertaking this assessment and even in the absence</p>

	<p>of avoidance and/or mitigation measures which cannot be taken into account at the screening stage of HRA (including any adopted policies in the Local Plan Part 1 or emerging 2030 Local Plan) that the Runnymede CIL Charging Schedule will not give rise to likely significant effects on any of the European Sites in terms of water quality or resource.</p> <p>In this respect an Appropriate Assessment is not required.</p>
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1.28 It is the conclusion of this HRA that following a screening assessment it can be ascertained, in light of the information available at the time of assessment and even in the absence of avoidance and mitigation measures that the Runnymede CIL Charging Schedule **will not** give rise to significant effects on European Sites either alone or in-combination with other plans and/or projects. Given the findings of the screening assessment it is considered that a full appropriate assessment is not required.

The SEA Screening Process

1.29 The process for determining whether or not a SEA is required is called 'screening'. For some types of plan or programme SEA is mandatory and includes the following:

- Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
- Plans which have been determined to require an assessment under the Habitats Directive (this has already been screened out as set out in paragraphs 1.20 to 1.28 of this screening assessment).

1.30 However, the main determining factor when considering whether a plan or programme requires SEA is whether it will have significant environmental effects.

1.31 Within 28 days of making its determination, the determining authority must publish a statement, such as this one, setting out its decision. If it is determined that a SEA is not required, the statement must include the reasons for this.

1.32 This Screening Report sets out the Council's determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not SEA is required for the Runnymede CIL Charging Schedule. The Borough Council must consult with the three statutory bodies (Environment Agency, Historic England, Natural England) and take their views into account before issuing a final determination. The responses received from the three statutory bodies and how the Council has taken these into account in this screening determination are set out in Table 1.8.

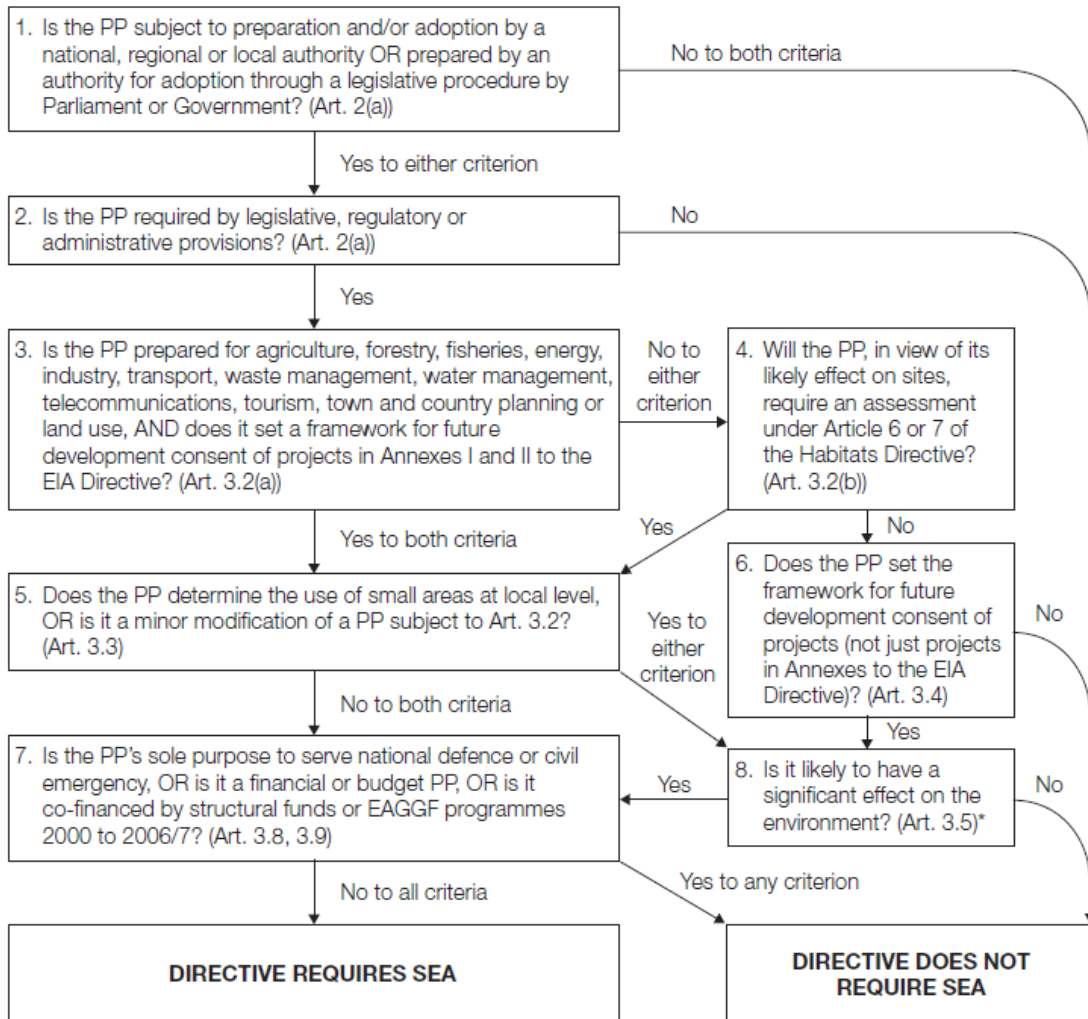
Table 1-8

Statutory Body	Response	Comment & Action
Environment Agency		
Historic England		

1.33 The determination is based on a two-step approach, the first of which is to assess the plan against the flowchart as set out in government guidance *A Practical Guide to the Strategic Environmental Assessment Directive*¹. The flow chart is shown in Figure 1.

Figure 1:

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

¹ A Practical Guide to the Strategic Environmental Process (2005) ODPM. Available at: <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

- 1.34 The second step is to consider whether the Runnymede CIL Charging Schedule will have significant environmental effects when considered against the criteria set out in Annex II of the Directive and Schedule I of the Regulations. The findings of step 1 and step 2 are shown in Tables 1-9 and 1-10.

Table 1-9: SEA Screening Step 1

Stage in Flowchart	Y/N	Reason
<p>1. Is the plan/programme subject to preparation and/or adoption by a national, regional or local authority or prepared by an authority for adoption through a legislative procedure by parliament or Government? (Article 2(a))</p>	Y	<p>The provision to prepare and adopt a CIL Charging Schedule is given by the Planning Act 2008 (as amended). The CIL Charging Schedule will be prepared and adopted by Runnymede Borough Council. The preparation and adoption procedure is set out in the Community Infrastructure Levy Regulations 2010 (as amended). The CIL charging schedule is however not a plan or programme and preparation of a CIL charging schedule is not mandatory. Move to Stage 2</p>
<p>2. Is the plan/programme required by legislative, regulatory or administrative provisions? (Article 2(a))</p>	N	<p>There is no mandatory requirement to prepare or adopt a CIL Charging Schedule and if adopted it will not form part of the Development Plan for Runnymede. As answer is No, flowchart identifies end to screening process, but move to Stage 3 for completeness.</p>
<p>3. Is the plan/programme prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2(a))</p>	N	<p>The CIL Charging Schedule is not a plan or programme and does not set the framework for future development consents for projects in Annex I or II to the EIA Directive. The Charging Schedule will be a financial tool to raise fund towards supporting infrastructure and does not form part of the Runnymede Development Plan. Move to Stage 4.</p>

Stage in Flowchart	Y/N	Reason
4. Will the plan/programme, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	N	The HRA screening undertaken in paragraphs 1.20 to 1.28 of this assessment has determined that Appropriate Assessment is not required. Move to Stage 6.
5. Does the plan/programme determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Article 3.3)	N/A	The CIL Charging Schedule will not form part of the Runnymede Development Plan and does not therefore determine the use of small areas at a local (or any) level. The plan is not a minor modification of an existing plan. Move to Stage 6
6. Does the plan/programme set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	N	The Runnymede CIL Charging Schedule does not allocate any land or sites for development or sets a framework for future development consents. As answer is No, flowchart identifies end to screening process, but move to Stage 8 for completeness.
7. Is the plan/programme's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Article 3.8, 3.9)	Y	The Runnymede CIL Charging Schedule is considered to be a financial tool to raise funds towards supporting infrastructure but is not itself a plan or program.
8. Is it likely to have a significant effect on the environment? (Article 3.5)	N	Effects on the environment and whether these are significant are considered in Table 1-10. No Significant Effects identified in Table 1-10, so determine that SEA is not required.

Table 1-10: SEA Screening Step 2

Criteria (from Annex II of SEA Directive and Schedule I of the Regulations)		Response
Characteristics of the plan or programme		Significant Effect?
(a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The Runnymede CIL Charging Schedule does not set out policies against which development proposals in the Runnymede area will be considered. As such, the Runnymede CIL Charging Schedule does not have the potential to set the framework for decision making on individual projects or other activities.	N
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Runnymede CIL Charging Schedule does not influence other plans or programmes and as it is not part of the Runnymede Development Plan. It therefore does not influence any plans in a hierarchy.	N
(c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The Runnymede CIL Charging Schedule does not form part of the Runnymede Development Plan and has no relevance for the integration of environmental considerations. The Charging Schedule may promote sustainable development through raising funds towards supporting infrastructure, but does not in itself propose, allocate or otherwise safeguard any infrastructure projects.	N
(d) Environmental problems relevant to the plan or programme.	Environmental problems include potential recreational or urbanising impacts, atmospheric pollution and water resources to European sites. Paragraphs 1.20 to 1.28 of this assessment sets out the effects of the Charging Schedule on European sites and has determined no significant effects.	N
(e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example, plans and programmes linked to	The Runnymede CIL Charging Schedule is not relevant to the implementation of Community legislation on the environment. The Charging Schedule may allow implementation through raising funds towards supporting infrastructure, but does not in itself propose, allocate or otherwise safeguard any infrastructure projects.	N

Criteria (from Annex II of SEA Directive and Schedule I of the Regulations)	Response	
waste management or water protection).		
Characteristics of the effects and of the area likely to be affected		
(a) The probability, duration, frequency and reversibility of the effects.	The Runnymede CIL Charging Schedule does not allocate any land or sites for development or infrastructure projects. The Charging Schedule does not form part of the Runnymede Development Plan and as such the Charging Schedule gives no probability for effects given that it is merely a financial tool to raise funds towards supporting infrastructure.	N
(b) The cumulative nature of the effects	The Runnymede CIL Charging Schedule does not allocate any land or sites for development or infrastructure projects. The Charging Schedule does not form part of the Runnymede Development Plan and as such the Charging Schedule will not give rise to cumulative effects.	N
(c) The transboundary nature of the effects	Given the geographic scope of the Charging Schedule, it is considered that no transboundary effects will arise.	N
(d) The risks to human health or the environment (for example, due to accidents)	None.	N
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The Runnymede CIL Charging Schedule will cover the whole of the geographic area of Runnymede in Surrey. The area covered is 78km ² with a population of around 83,448. Given the nature of the Charging Schedule as a financial tool to raise funds towards supporting infrastructure it is considered that there are no pathways for effect.	N
(f) The value and vulnerability of the area likely to be affected due to:	Given the nature of the CIL Charging Schedule: i) The area covered by the Charging Schedule contains 5 SSSIs with the majority in a favourable condition status which meets	N

Criteria (from Annex II of SEA Directive and Schedule I of the Regulations)	Response
<p>i) Special natural characteristics or cultural heritage;</p> <p>ii) Exceeded environmental quality standards or limit values;</p> <p>iii) Intensive land-use.</p>	<p>the PSA target of 95% in favourable or unfavourable recovering condition status. The Basingstoke Canal SSSI is in an unfavourable no change status which does not meet the PSA target.</p> <p>The Runnymede area contains numerous statutorily or locally listed buildings and structures as well as conservation areas, scheduled ancient monuments and areas of high archaeological potential. The area is a mixture of urban and Green Belt and contains features such as green spaces, wooded copses and golf courses. However, the CIL Charging Schedule does not allocate any land for development or set development targets and does not form part of the Runnymede Development Plan. As such, no effects will arise to natural characteristics or cultural heritage.</p> <p>ii) There are two Air Quality Management Areas (AQMAs) in the Runnymede area, along the entire length of the M25 which runs through the Borough and the other in Addlestone at the High Street and Station Road junction. Air quality standards are exceeded at 5 air quality monitoring sites in the Runnymede area². The Environment Agency has identified the Wey catchment as having restricted water available for licensing. However, the CIL Charging Schedule does not allocate any land for development or set development targets and does not form part of the Runnymede Development Plan. As such, no effects will arise to exceeded environmental quality standards.</p> <p>iii) Intensive land use occurs in the urban areas (built development), but the CIL Charging Schedule does not allocate any land or sites for development and as such there is no pathway for significant effects.</p>

² Runnymede 2017 Air Quality Annual Status Report (2017) RBC, Available at: <https://www.runnymede.gov.uk/airquality>

Criteria (from Annex II of SEA Directive and Schedule I of the Regulations)	Response	
(g) The effects on areas or landscapes which have recognised national, community or international protection status.	The effects on European Sites for Nature Conservation are dealt with in (d) above. There are no landscapes which have recognised national, community or international protection status in the Runnymede area.	N
Conclusion	The Runnymede CIL Charging Schedule is unlikely to give rise to significant environmental effects and as such a SEA is not required.	

1.35 On the basis of the Screening process it is determined that the Runnymede CIL Charging Schedule does not require a SEA under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004). This is because: -

- The Charging Schedule is not a plan or programme but is merely a financial tool to raise funds towards supporting infrastructure; and
- The Charging Schedule does not form part of the Runnymede Development Plan.

1.36 This draft assessment was made on the 17th December 2019.

9. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing reports in private –

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the appropriate reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraph of Schedule 12A of the Act.

(To resolve)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection.

a) **Para Exempt Information**

No reports to be considered.

b) **Confidential Information**

No reports to be considered.

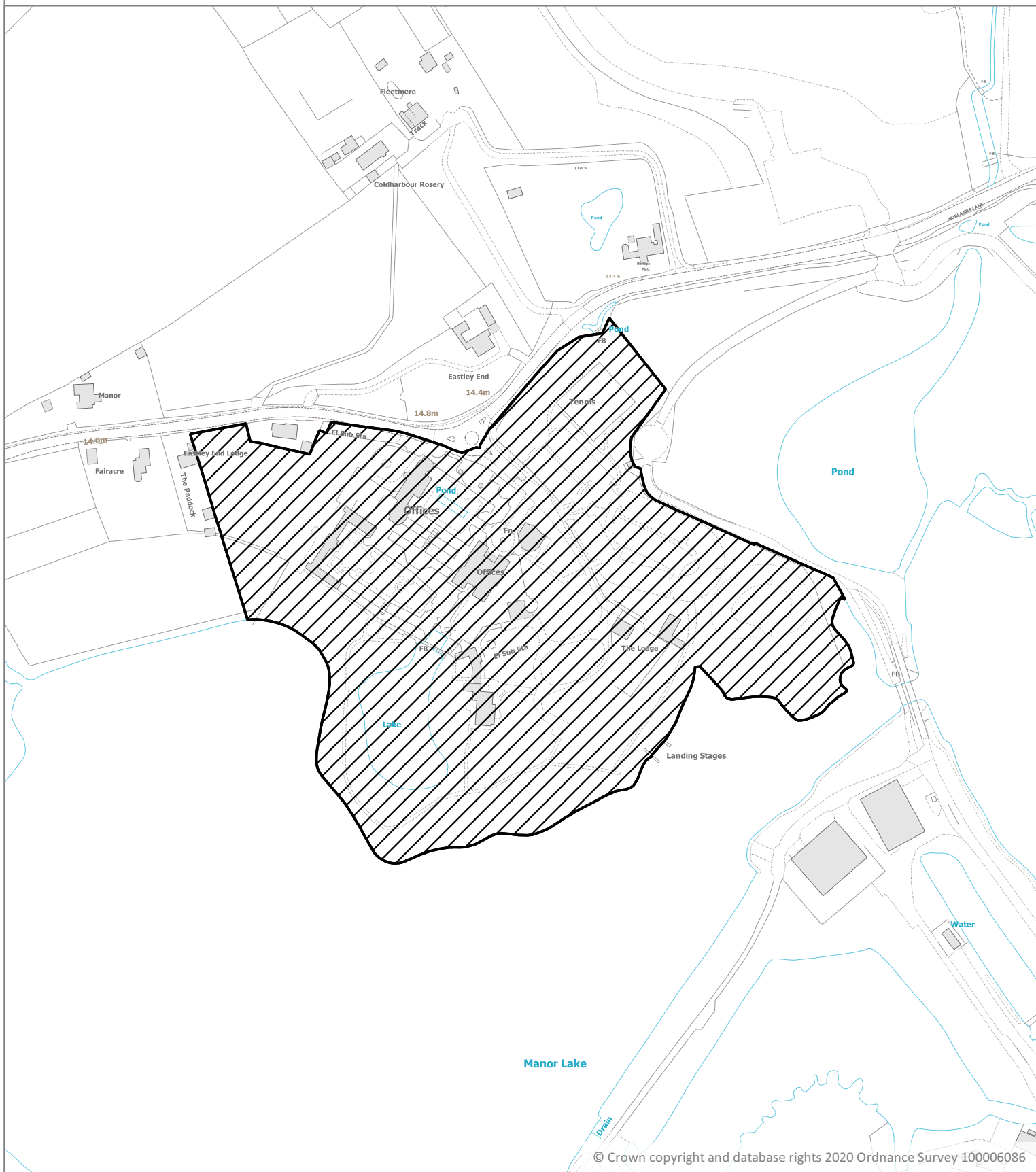


FOR LOCATION PURPOSES ONLY

Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

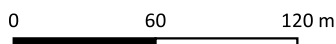
Date: 22/01/2020

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RU.18/0703



RU.18/0703	Ward: Thorpe
LOCATION:	Cemex House Coldharbour Lane Thorpe TW20 8TD
PROPOSAL	Alterations and change of use of offices to form 56 Extra Care apartments and communal facilities, and erection of 23 Extra Care apartments (79 in total) together with access and parking provisions to form a Continuing Care Retirement Community (Class C2)
TYPE:	Full Planning Permission
EXP DATE	01 August 2018

SUMMARY OF RECOMMENDATION: Grant subject to s106 and planning conditions

1. Introduction

1.1 This application is brought back to Committee to enable a determination of planning application RU.18/0703 for conversion of the existing buildings at the Cemex site and new development for residential C2 apartments. The report summarises the Committee's previous consideration of the application and then goes on to summarise all the subsequent actions undertaken by the applicant, the main objector, and officers, and submissions received. The main part of the previous officers' report is reproduced for clarity and consistency. The report is then concluded and a new recommendation made.

1.2 The reason for bringing back the report to committee is that circumstances have materially changed since the Committee made their original resolution on 17 April 2019 and it is for this reason that officers consider that the application should be reconsidered by the Committee. There are two main changes to circumstances. The Committee resolved that officers could grant planning permission subject to the granting of a Deed of Easement to ensure no unreasonable interference with the future operation of Thorpe Park. Officers have to advise members that there is no agreement between the applicant and the operator of Thorpe Park in respect of the noise climate and no formal Deed of Easement has been agreed between the parties as was expected by the Planning Committee in April 2019. The applicant has however produced their own deed which is a unilateral document. The second main change is that further noise surveys were carried out in Summer 2019 which have provided much more detailed information on the background noise levels currently experienced at the site which officers consider demonstrate an acceptable (internal) noise climate for future residential occupiers, which also has a bearing on the determination of the application. This survey report has been reviewed in detail by the Council's Principal Environmental Health Officer. Officers now consider that since April 2019, all the required information has been made available to the planning authority such that the application can now be determined. Officers consider that due to the passage of time and the significance of the changes in circumstances, the determination can now be made by the Committee, and is not required to be determined by officers.

2. Background and previous consideration by the Planning Committee

2.1 A report was first taken to Planning Committee on 13 February 2019. This noted all consultation responses received and letters of representation, including an objection from Thorpe Park. The Committee decided to defer consideration of the application following receipt of a late representation from Merlin's (Thorpe Park) legal counsel suggesting that the consideration of noise implications, and the associated balancing exercise in the Officer's Report was flawed; and from the Applicants who were seeking to address the concern raised by Merlin. At the meeting, the Applicants also advised of contractual problems which might mean that they would need to appeal against non-determination if a decision was not taken at that Committee. In deferring the applications (the planning application and accompanying Listed Building Consent), Members requested that the applications be brought back before Committee as soon as possible.

2.2 The application was next reported to Planning Committee on 17 April 2019 in accordance with members' instructions. The report updated the Committee on events and actions undertaken in the intervening two months between February and April 2019, and a further update was provided in the written addendum. Public speaking took place at the committee on 17 April 2019 and representatives of Merlin and Eden (the applicant company) both put their points to the committee for consideration. A member site visit had also taken place. Both the report and the written addendum listed and commented upon representations made by Merlin on 12 February 2019 with a Counsel's Written Representation Note, an update on 8 March 2019, emails to all councillors 3 April 2019 with an executive summary of their position and objections, Noise Report

and Economic Assessment, further comments 15 April 2019 requesting additional noise surveys and comments on planning conditions, and further comments sent to members 17 April 2019.

2.3 The agreed minutes of the Planning Committee meeting of 17 April 2019 are replicated in full as follows:

The Committee was informed that since the deferral of the application and the associated application for Listed Building Consent ref RU.18/0704 on 13 February, the Applicants and Merlin had met, and both parties and their noise consultants had met with officers. The Applicants and Merlin, the operators of Thorpe Park had worked together to suggest conditions with regard to internal noise. The Applicants had now also submitted a draft S106, a draft Memorandum of Understanding (MoU), and a draft Deed of Easement (DoE) which would ameliorate the risk of complaints that might unreasonably restrict the current or any future consented operation of Thorpe Park. The Deed of Easement would be informed by noise assessments to be undertaken in the Summer months.

The Committee received a detailed Officer presentation and was updated on matters that had arisen since the last report to Committee. A comprehensive and extensive addendum had also been circulated to Members, a draft of which had been circulated to Members the day prior to the meeting. The Addendum summarised various recent representations made by Merlin, which included their request for deferral of the application in order to give more time for the applicant to carry out the essential noise surveys and to allow legal matters to be resolved. The addendum also included comments from Officers thereon including advice of the Council's Environmental Health Team. The Chairman adjourned the meeting for 15 minutes in order to allow Members time to review the addendum prior to hearing the officer presentation and public speakers, and considering the application.

The Committee carefully balanced the benefits of the application over the disbenefits as set out in the report and addendum, notably the potential impact on the current and future operations of Thorpe Park. Some Members commented on the external noise environment and proposed mitigation measures. Having taken into account all material considerations, updated information in the application report and on the addendum, Officer advice and representations made by the public speakers, the Committee considered that the combination of the 'very special circumstances', notably the very substantial weight attached to the heritage considerations, and some weight to the abnormal local transport improvements and community benefits, and to the contribution towards meeting housing and C2 need for which there was not a 5 year supply in the borough, and the social and economic benefits of the applications proposals clearly outweighed the harm to the Green Belt and the other negative aspects arising from the proposal including the fettering of current and future operation of Thorpe Park, and tipped the balance in favour of the application.

The Committee duly considered the case to defer the application and decided that it was unnecessary to do so as they were reassured that the final decision whether to grant planning permission would not be made until the s106 Agreement and Deed of Easement had been agreed. As these matters dealt with technical noise considerations, the Committee did not require the application to be brought back to Committee and agreed to authorise the CDPES to grant planning permission subject to satisfactory resolution of the s106 agreement and Deed of Easement, and with the amended noise mitigation conditions listed on the addendum which had been discussed and agreed with the applicant and Merlin.

2.4 The Committee therefore resolved that:

The Corporate Director of Planning and Environmental Services be authorised to Grant planning permission subject to the following obligations and planning conditions:

The completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (As amended) to secure the following obligations:

To ensure no adverse impact on the Thames Basin Heath Special Protection Area:

- 1. SAMM (TBHSP) financial contribution of £34,650 in accordance with advice from Natural England*
- 2. Restriction on dog and cat ownership by occupiers*

Comment: Further clauses include:

- The marketing material given to each potential purchase will contain information about the location of Thorpe Park and its proximity to the development;*
- The lease of each dwelling will contain the same information;*

- *The owners will not make an application to amend details securing the noise mitigation works as approved unless the amendments improve or do not make worse the performance of the noise mitigation works approved unless they have the written consent of the then operator of Thorpe park*
- *Clauses with regard to the investigation of noise complaints*

To ensure no unreasonable interference with the future operation of Thorpe Park:

3. *The granting of a Deed of Easement, prior to occupation, for the benefit of Thorpe Park (whosoever holds the freehold title) to have the right to pass over the application site a level of noise to be agreed by the Local Planning Authority. That level to be informed by the noise surveys to be carried out under condition 30 (to establish the current baseline) and reasonably adjusted upwards to recognise the likely increase in activity and/or closer proximity of theme park activities associated with the anticipated future development of the theme park. This obligation to include any necessary dispute resolution or arbitration should the relevant parties and third parties (including the freeholder of Thorpe park) be unable to reach agreement on the appropriate noise level to be included*

And subject to the conditions (amended conditions 30-32 as per addendum), reasons and informatives (replacement no. 17 as per addendum) listed on the agenda.

2.5 In accordance with the requirements of the Town and Country Planning (Consultation) (England) Direction 2009, officers referred the application to the Secretary of State for Housing, Communities and Local Government on 2 May 2019. The response from the Secretary of State was received on 23 May 2019 was that the Secretary of State decided not to call in the application, and was content that it should be determined by the local planning authority.

3. Events and information since 17 April 2019

3.1 Following the committee resolution on 17 April 2019, officers worked with the applicant to progress the details of the s106 legal agreement. Officers also kept Merlin's planning agent up to date and fully informed about progress on this. During this time, it was still assumed that the applicant and Merlin were positively progressing their own discussions and coming to an agreement about noise matters in particular. Whilst a draft of an agreed Deed of Easement was to be included in the s106, officers, and members in their consideration of the application, were fully expecting the two parties to agree and sign a Deed of Easement. During May 2019, officers exchanged communications with both parties to progress the s106 and commence discussions about noise surveys as it was possible to carry out the additional noise surveys that all parties agreed should take place in the coming summer months as would have been required by condition 30. Planning and Environmental Health Officers met the applicant's noise consultant on 4 July 2019 to discuss methodology for and timing of the noise surveys. Following further exchanges, the Council's Principal Environmental Health Officer advised that he was satisfied with the methodology of the new noise surveys. It was agreed that the noise surveys should take place throughout the school summer holidays when Thorpe Park would be likely to be busy, from the last week in July to the August Bank Holiday Monday, 2019. The noise surveys were duly carried out in this period. It is understood that Merlin carried out their own 'shadow' surveys at the same time.

3.2 The findings of the new noise surveys were submitted by the applicant to the Council on 23 October 2019. Merlin also submitted on 6 November 2019 a Technical Note in the form of a memo from Merlin's Noise Consultant to the Council's Principal Environmental Health Officer dated 29 October 2019. This advised that Merlin's Noise Consultant had undertaken a review of the applicant's noise assessment and that both noise consultants had met to discuss the applicant's report. Merlin is in agreement with the data used and the methodology but concludes that concerns remain that present a risk to the Thorpe Park business. They consider the noise profile is materially greater than first assessed. They advised that visitor numbers during this period were down by 50% compared with previous years. The applicant's agent submitted a rebuttal email on 7 November 2019 concluding there are no new issues raised by Merlin as a result of the noise surveys, that had not been already taken into account by the Members.

3.3 During the period that officers were considering the applicant's new noise assessment and also Merlin's technical memo, and progressing detailed discussions on the s106 and potential draft Deed of Easement, further representations from Merlin were received on 18 November 2019 including reference to an appeal decision in Birmingham for a prior approval

change of use of an office to residential near commercial premises, where the Inspector commented that in this case future occupiers would be able to open their windows undermining the effectiveness of the noise mitigation. In respect of this current Cemex application, the applicant has always accepted that the background noise climate is substantially high that windows will need to be fixed shut so that future occupiers would not be able to open them (apart from in an emergency).

3.4 On 26 November 2019, the applicant submitted a final draft 106 and a unilateral Deed of Easement (there having been no decision by Merlin to be a signatory to the Deed) which would be included within the final version of the s106. The unilateral deed has the following rights:

- The right of Thorpe Park to produce noise (to a specified noise level) and pass sound waves over the application site and through any building
- This right binds all successors in title and all persons occupying or using the site
- Not to object to any future development at the Thorpe Park site as a theme park
- To design internal noise levels inside bedrooms of 30dB and living rooms of 35dB at LAeqdB, and 45dB at LAmaxdB.
- No application to vary the s106 will be made
- Marketing materials given to each purchaser and occupier of a dwelling will contain information about the location of Thorpe park and its character including noise generating activities (also included in s106)
- Lease of each dwelling will contain information about location of Thorpe park etc (also included in s106)
- No amendments to the provision of the noise mitigation the subject of conditions 31 and 32 {as set out in the committee report} (also included in s106)
- No planning application to be made at Cemex unless such an application either improves or does not worsen the acoustic performance of the noise mitigation secured under conditions 31 and 32 (also included in s106)

In addition, the s106 legal agreement proposes additional obligations:

- It will be the responsibility of each of the lessees, purchasers and occupiers to have full knowledge of the context of the site and the character of Thorpe Park
- The development shall not be occupied until Deed of Easement has been entered into, and the Council to have right to review the draft Deed
- Payment of SAMM and SANGs monies
- Restriction on means of cat and dog ownership
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3.5 Merlin's agent submitted a further representation on 28 November 2019 (dated 27 November 2019) as did the Property Director of Merlin to the Council's Chief Executive. In summary, the representation addressed serious concerns that Merlin has in relation to comments by the applicant and Council officers in response to their Technical Note memo (of 5 November 2019) and confirms that legal advice had been taken in the preparation of the representation. They requested that the Council gives detailed and careful consideration to Merlin's concerns and position. Merlin's Property Director commented that members were misled when they were told that the risk of complaints that might unreasonably restrict Thorpe Park's operation could be ameliorated. The new material now before the Council (not at the time of the Committee) clearly demonstrates this is incorrect – the risk cannot be removed. He says this is critical to the Council's decision making, and there are a number of issues which have not been appropriately assessed by the Council which would render any positive determination legally flawed. He says Merlin are simply seeking to continue the successful operation of Thorpe Park both now and for the future, for the benefit of all and is asking the Council to ensure that the proposals will not make that objective impossible.

3.6 Merlin's letter of representation of 27 November 2019 (final representation at the time of writing this report) reiterates and maintains Merlin's objection to the proposed development. They have three points regarding procedure: they request that the application merits redetermination by the Planning Committee and also that their Technical Memo of 5 November 2019 queries whether officers have delegated authority to determine the application. They say that further authority is required of members, in order to effect a lawful decision, and that they are concerned to ensure that proper and correct consideration is given by officers that increased levels of noise will not lead to unacceptable levels of effects on the residents of the proposed development.

3.7 The Merlin letter contains their representation that they say adds four new key matters that were not known when the Planning Committee considered the officer report:

- The surveys now identify more significant noise levels/impacts at Cemex than previously reported (officer comment – there are different opinions expressed by the parties on this matter)
- Noise peaks/maximums are now reported (were not previously) – these show significant and regular daily spikes (links to The Shore high court judgement) – this will have an associated behavioural response from residents (officer comment – it is agreed that there are peaks in noise but these are not always associated with noise from Thorpe Park given noisy planes and vehicles passing close by)
- The recorded noise levels set a new baseline requiring greater levels of insulation to the building envelope than previously required – effects on the new build and the listed buildings have not been assessed (officer comment – these effects have been considered and there are no technical barriers or evidence to suggest the required noise mitigation to achieve acceptable internal noise levels cannot be achieved)
- External noise levels cannot be mitigated – this is agreed by all parties – the levels are above British Standard and WHO guidelines 83% of the time, arguably they reach the Unacceptable level. (officer comment – it has never been disputed by the applicant or officers that there is a noisy external climate, which was fully understood by Members of the Planning Committee in April 2019, and this still weighs heavily against the proposal)

3.8 Further to Merlin's more recent submissions, and to provide members clarity when they are exercising their judgement, and deciding what weight to give to the multiple material considerations, officers would provide these comments:

- Merlin point: Members were misled when they were told that the risk of complaints would be dealt with by the s106, Memorandum of Understanding and Deed of Easement – this is incorrect, the documents cannot remove the risk: Officer comments- Members were not previously misled in respect of s106, Deed of Easement etc in removal of risk of complaints from future residents. The information received leading up to the Planning Committee meeting on 17 April 2019 from both the applicant and Merlin was that both parties were working positively towards an agreed solution and mechanism to deal with the future situation to the mutual satisfaction of both parties. However, notwithstanding this, and as the committee minute confirms, the Committee fully understood that further noise surveys were required to inform the final baseline figure for future noise related agreements.
- Merlin point: There is new information which is material to decision making which has not been taken into account by the committee members and s70 of the Town and Country Planning Act 1990 has not been complied with. Officer comments – the new information has been published on the website and fully reflected in this updated report. There is no conflict with the requirements of the legislation.
- Merlin point: Noise levels exceed the British Standard and WHO guidelines and this has not been considered by officers or the committee: Officer comments – this is incorrect as the original report made explicit reference to British Standards and WHO guidelines. In addition with this report, the full consultation response from the Council's Principal Environmental Health Officer has been available to view on the website and has been summarised such that members have the full information about standards and compliance matters. There has never been any disagreement that external background noise levels exceed standards. The EHO is satisfied that internal noise standards can be achieved.
- Merlin point: Noise insulation has increased considerably, not consideration that this can be achieved whilst preserving the historic significance of the Grade II* and Grade II listed buildings and this was not consulted on or presented to members and therefore has been no assessment as to whether in granting planning permission special regard has been had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; Officer comments – the original report confirmed that the applicant had fully considered the implications of the noise mitigation proposals for the Listed Building including window and glazing specifications, and means of installing mechanical ventilation systems. As the existing Listed Building was constructed as an office, the Heritage Statement and Impact Statement confirms there are spaces between ceilings and floors for equipment, and existing parapets hide existing and future external equipment. Many of the windows have been assessed as needing replacement and

Historic England supports the application. Officers can therefore provide members with assurance that special regard has been given to the desirability of preserving the listed buildings and their setting, and the features of special architectural or historic interest, which the application information details in full.

- Merlin point: RBC no longer has an officer in position of Corporate Director of Planning and Environmental Services to grant planning permission and the authority of another officer is not given by the committee resolution; Officer comment – the scheme of delegation was amended and approved under Standing Order 42 following the removal of the post of CDPEs such that delegated authority for planning decisions in respect of planning and related applications and planning enforcement and related matters was authorised to the Development Manager.
- Merlin's point: Any positive determination by officers would be flawed; Officer comment – officers are not making the decision; this updated report is making a new officer recommendation for the Committee to resolve to determine the application.

3.9 Merlin summarises their latest position as follows: the noise climate at Cemex site will likely generate complaints and this will have a significant and detrimental effect on Thorpe Park's ongoing operations; statutory noise nuisance claims must be investigated and the (noise) levels in the latest report underscore why they are so concerned. This conflicts with NPPF para 182 and emerging Local Plan Policy EE2. Merlin have made a Freedom Of Information request and reserve the right to make further representations. If Merlin is provided with written confirmation that RBC officers do not consider that

- I. The noise environment at Cemex House site to be unacceptable for residential/care home use (as existing and allowing for future development at Thorpe Park) such that the noise profile will not result in actionable statutory nuisances nor
- II. That future development at Thorpe Park will not be considered unacceptable in noise terms if the noise expected to be generated is up to the level in the Deed of Easement

then Merlin may be reassured. Merlin advised that they remain open to meeting officers to discuss the applicant's application and is content to meet with the applicant.

3.10 The Council's Principal Environmental Health Officer has reviewed the applicant's submissions and those of Merlin and has produced his own independent report on 8 January 2020 which explains both the internal and external noise environments. The internal noise climate would only be acceptable with mitigation measures, and the external noise climate is noisy with high background noise levels which have air, transport and theme park noise sources. Additional noise from Thorpe Park would increase the probability of investigation for statutory noise nuisance.

3.11 The following paragraphs are the report as printed on the agenda of 17 April 2019 committee and as updated by the written addendum and as updated to take account of further representations and submissions.

1. Site

1.1 The Cemex site is situated on the southern side of Coldharbour Lane/Norlands Lane, and is accessed via the roundabout at the road junctions. The southern boundary of the site is formed by the banks of Manor Lake. The application site has an area of some 7.37ha. The site is currently occupied by a range of buildings (total floorspace some 6,764sqm) which have been occupied by Cemex for their office headquarters. The main buildings on the site are as follows:

- Eastley End House (Grade 2 listed Georgian house) which is visible from Norlands Lane and the secondary gated access
- Meadlake House (Victorian house situated on the western side of the site, close to Eastley End House. Originally built as stables and coach house for Eastley End House)
- The Grange (an Arts and Crafts house, to the south east of the site), with its associated annexe
- The Grade 2* listed 20th century modern office building designed by Edward Cullinan architects (built in 1990). This building has a significant footprint, and covers much of the centre of the site (and links the other main buildings on the site), but is primarily single storey with flat green roofs supporting rooftop gardens, and with internal courtyards.

The listing descriptions are included as an appendix to this report, since they are extensive. It should be noted that Meadlake House, The Grange and Annexe are listed since they are within the curtilage.

- 1.2 The site contains a lake (on the southern side), tennis courts (northern side), car parking for some 226 cars and many mature trees. There is a distinctive landscaped mound on the eastern side of the site adjacent to the parking. The remainder of the site appears roughly level in the vicinity of the buildings, although land levels drop towards the Manor Lake.
- 1.3 The site is immediately adjoined by Eastley End Lodge and The Paddock along Coldharbour Lane and Eastley End Cottage (Grade 2 listed) and Bishops Platt lie opposite the site on Norlands Lane. There are trees and hedgerows along part of the site frontage, and a wall in the vicinity of the site access points (listed by virtue of the listings of the buildings on the site). The Norlands Lane frontage is treed and well screened. The main building visible from the road frontages is Eastley End House, with the tops of the single storey 20th century buildings visible (although appearing as walls). The surface car parking is clearly visible in the street scene when viewed from the roundabout and approaches to it. Thorpe Park lies to the south and east of the site. The maintenance and storage buildings within the park lie only 58m from the edge of the site (across the lake), with the 2 nearest large rides being The Swarm (some 260m away, but 50m at its highest point) and Stealth (some 350m away but 62m at its highest point). There is an outstanding permission under the masterplan for a 50m coaster to be constructed on the island adjacent to the 2 existing coasters (which would be closer to the site at approx. 210m from the site edge).
- 1.4 The site is in the Green Belt, but the western part of the site and southern edges are included in the Thorpe Park Major Developed site. It lies some 340m beyond the eastern edge of the Thorpe Settlement area. The western part of the site lies within the Thorpe Village Conservation Area (including Eastley End House and approx. half of the 20th century building and the wall along the site frontage). The site is close to the Thorpe Historic core and St Mary's 12th Century Church area of High Archaeological Importance. The small lake within the site, and Manor lake immediately to the south of the site are relevant sites to the South West London Waterbodies Special Protection Area. St Anns Lake South West London Waterbodies SPA and SSSI lie some 300m to the south. The Mead Lake SSSI lies some 900m to the north. The Manor Lake and Fleet Lake (and adjoining waterbodies) are part of the Abbey Lake Complex Site of Nature Conservation Importance (SNCI). The site is in a biodiversity opportunity area (in relation to standing open water). The site lies within the 5-7km zone from the Thames Basins Heath Special Protection Area (TBHSPA). The outer parts of the site (including the southern half of the buildings) lie in Flood zone 2 (medium risk), and the outer edges are in the high risk flood zone and functional floodplain (3a and 3b). The whole site is also in a ground water source protection area, and there is an indicative area for foul sewage flooding to the northeast of the site. The Flood diversion Channel 2 lies to the east of the site. The site is in the landscape problem area. The site appears on the brownfield register (SLAA/THP/123), though this excludes the outer edges of the site. It appears in the SLAA as site 123 (and in the Employment Land Review as site T2). The western and eastern edges of the site were assessed as part of the Green Belt review Part 2 in relation to buffer zones. Land on the opposite side of Coldharbour Lane/Norlands Lane is a safeguarded waste site and a minerals safeguarding area. The site is part of the Thorpe Neighbourhood Area.

2. Planning history

- 2.1 The site has been the subject of a variety of applications. Permission was granted to convert The Grange to flats in 1949; to extract sand and gravel from the car park area in the late 1950's; to convert Meadlake House to a separate dwelling in 1960; to convert Eastley End House to 2 flats in 1971; to change the use of Eastley End House to a restaurant in 1971, then to offices in the mid 1970s.
- 2.2 Permission was allowed on appeal in the mid 1980's (ref RU.85/0877) for the erection of buildings and various other works and use of the premises as International HQ for RMC. This was amended by further applications ref RU.87/0833, RU.88/0228 and 0229. This is essentially the building that was built (completed 1989) and then subsequently grade 2* listed in 2014. The extensions were designed by Edward Cullinan, with landscape architects Derek Lovejoy Partnership. There have been a range of other applications since 1989 for alterations to buildings and extension of car park to add 50 spaces (under RU.01/0237).
- 2.3 RMC was acquired by Cemex in 2005. It is understood that they re-modelled most of the cellular partitions of the new office building to open up the workspaces, and covered over the swimming pool for office use (no applications were submitted (or indeed required) as the building was not listed when the works were carried out). From 2006 onwards, staff numbers working at the site are understood to have reduced and elements of the business were relocated. Cemex decided to move in 2009 and placed the property on the market. As part of the marketing exercise, Cemex

drew up plans to demolish the office extensions and ancillary buildings, and to erect dwellings on the site.

2.4 Applications were formally submitted in 2013 as follows:

RU.13/1375: Hybrid planning application for the demolition of modern extension to Eastley End House and ancillary buildings and redevelopment of site comprising outline planning application for the construction of up to 68no. Class C3 dwellings, with all matters reserved for subsequent approval except for access and full planning permission for the conversion of Eastley End House (to 7no. 2 bed apartments), Meadlake House (to 4no. 2 bed two storey dwellings), The Grange (to 1no. 2 bed two storey units; 3no. 2 bed apartments and 1no. 1 bed apartment) and Annexe (to 3no. 2 bed two storey units) to provide a total of 19no. Class C3 dwellings

RU.13/1376: Listed building consent for the demolition of modern extensions and restoration of exposed elevations to Eastley End House and the conversion of Eastley End House (7no. 2 bed apartments), Meadlake House (4no. 2 bed two storey dwellings), The Grange (1no. 2 bed two storey units; 3no. 2 bed apartments and 1no. 1 bed apartment) and Annexe (3no. 2 bed two storey units) to provide a total of 19no. Class C3 dwellings

However, these applications prompted Historic England to list the office extension (in 2014). The applications were subsequently withdrawn.

2.5 It is understood that the site was put on the market again in March 2015, and Cemex have now vacated the site.

2.6 An associated application for Listed Building Consent was granted under ref RU.18/0704 on 18 April 2019.

3. Application

3.1 The current application seeks permission to retain the majority of buildings on the site and to refurbish and convert them to form 56 retirement apartments (30no. 1 bed and 26no. 2 bed) and 2 guest suites with a communal hub (reception area, lounge, bar, library, restaurant, gymnasium, treatment rooms, changing rooms, 2 winter garden areas, multipurpose hall, and to reinstate the swimming pool). It is also proposed to erect a detached predominantly two storey building containing additional retirement apartments to the east of the existing buildings (on the car park). The application has been revised to reduce the spread and number of new build units from 25no. to 23no.apartments (revised drawings and details received December 2018), and the mound is to be retained on the site. The proposed use of the site is a residential institution (falling within Class C2 of the Use Classes Order), although the units are self-contained. The C2 use classification reflects the extensive community facilities to be provided within the central core of the Cullinan extensions, and the management and operation of the site as a residential institution. Additional structures are proposed as follows: pavilion associated with new bowls green; and bins and ancillary storage/groundsmaintenance buildings in the service area adjacent to the parking. There are 226 car parking spaces at the current time, and the number is to be reduced to 136 (primarily in the northern tip of the site, but with a small parking area adjacent to Eastley End House for use by residents of Eastley End House and Meadlake House). Vehicular access is to be retained as existing. It is proposed to restore and improve the landscape features of the site, and to undertake ecological enhancements.

3.2 In terms of the main buildings on the site, the breakdown of accommodation proposed is as follows:

- Cullinan extension: Main entrance area, with communal facilities including pool, multi-purpose and hobbies room, bar/bistro, winter gardens (2 areas); changing rooms; leisure treatment/relaxation rooms, sauna, fitness suite, cinema room, stores, lounge and library, 2 guest suites, family room, 2 overnight rooms for staff, staff room, staff kitchen, restaurant (1st floor) and 32 apartments (14no. 1 bed and 18no. 2 bed)
- Eastley End House: 8 apartments (5no. 1 bed and 3 No 2 bed). Existing separate vehicular access retained
- The Grange and Annexe: 7 no. apartments (2no.1 bed and 5no. 2 bed).
- Meadlake house: 8 apartments (4no. 1 bed and 4 no. 2 bed). First floor extensions to replace covered walkways.
- The Lodge: later unsympathetic extensions demolished and conversion of the building to 1no. 1 bed apartment
- New build: 23no. 2 bed apartments in a predominantly 2storey building to the east of the site (NB reduced from 25 as initially proposed). Flat roofs are proposed for the new

building, some of which would be green roofs (the single storey parts are to be used as terraces). The two storey parts have a height of 7m. The footprint of new building is approx. 2045sqm; and floorspace approx. 3177sqm. The proposed materials are red brick and bronze colour patina cladding on 1st floor parts

- Pavilion: adjacent to the proposed bowling green, containing flexible space (with kitchenette and toilet) and garden and general stores. Floorspace approx. 100sqm.. Height 3.61m
- Service yard buildings (to north of car park): Gardeners store (53sqm); pump station (40sqm) and substation. Buildings approx. 2.6m high

Typical apartments have gross internal floorspaces of 60.2sqm (1 bed) and 82sqm (2 bed). All apartments are wheelchair accessible and useable.

3.3 It is proposed to demolish various post 90's additions to the buildings: extensions to the Lodge, and various small buildings in the grounds.

3.4 It is proposed that there be an on-site management team including security and concierge, with in house CCTV surveillance of the site. There is to be an on-site medical assessment room and on-site hairdresser. A minibus service is to be provided for residents, and a car share/ car hire scheme. It is anticipated that 40 staff will be required to operate the use. It is proposed that wider community use be allowed on a membership basis for 60+. Refuse stores are to be sited around the development, but daily collections will be provided from apartments. Refuse and recycling stores are proposed to the north of the car park and there will be a second collection point between Eastley End House and Meadlake House. A commercial refuse store is proposed adjacent to the main plant room.

3.5 In addition to a significant number of detailed drawings, various supporting documents were submitted with the application as follows:

- Planning Statement (Tanner Tilley dated April 2018)
- Planning Statement Addendum (Tanner Tilley 16/5/18)
- Design and Access Statement (Ayre Chamberlain Gaunt, April 2018)
- Heritage Statement (Forum Heritage Services, April 2018)
- Heritage Impact Assessment (Forum Heritage Services 18/4/18)
- Marketing brochure for the site dated February 2015
- Marketing Summary letter (during 2015-16) and asset overview and market demand (CBRE dated 24/4/18)
- Conditions Survey Reports for the different buildings on the site and the roads and parking areas (RUND Partnership dated January 2018)
- Flood Risk Assessment (jnp group April 2018)
- Drainage Statement and Summary Statement (jnp group March 2018)
- Green Infrastructure Strategy (Pegasus dated April 2018)
- Noise Impact Assessment KP Acoustics dated 2018
- Ecological Assessment (Ecology Solutions April 2018)
- Tree Report (ACD 27/2/18)
- Habitat Regulations Assessment (Ecology Solutions April 2018)
- Window and door schedules for the different buildings (Ayre Chamberlain Gaunt, dated April 2018)
- Phase 1 Ground Condition Assessment (PBA April 2018)
- Transport Statement (pba April 2018)
- Travel Plan (pba, April 2018)
- External Lighting Assessment (Max Fordham March 2018)
- Sustainability and Energy Statement (Max Fordham April 2018)
- Accommodation Report (older persons accommodation in the area)
- Statement of Community Involvement (Your Shout, March 2018)
- Archaeological Assessment (Wessex Archaeology, January 2018)
- Landscape and Visual Appraisal (Pegasus Group, 10/4/18)
- Schedule of accommodation (Ayre Chamberlain Gaunt, 16/4/18)
- Sustainability Report (Paul Trofimov and Assocs, April 2018)
- Sustainability report Addendum (Paul Trofimov, May 2018)
- Needs Assessment Report (Paul Trofimov and Assocs 18/4/18)
- Utilities Search Summary (Max Fordham 23/4/18)
- Email re Refuse and Waste provisions (Ayre Chamberlain and Gaunt 11/5/18)
- Viability Report (George Dhillon) dated 20/12/18

3.6 During the processing of the application and following the receipt of comments from consultees, various amendments and additional information has been submitted including revised drawings reducing the quantum, spread and configuration of the new build; revised FRA and technical documentation; further ecological information; noise report; highway improvements; a viability report and further viability information; and revised plans raising the slab of the new building marginally.

4. Consultations

4.1 36 Neighbouring properties were consulted in addition to being advertised on the Council's website, by site notice and by advert in the local paper. Two letters of support have been received: One from a former employee (Egham resident) who expresses support for the development, for the preservation and restoration of the buildings and site, and for the proposed amenities which could be enjoyed by local residents for the benefit of a range of ages. The other is from a resident of Thorpe Green. Three letters of objection have been received. Firstly, Thorpe Ward Residents Association comment that whilst they are pleased to learn of a potential re-use of the site, and support the re-use of the existing building (with acoustic measures to insulate and mitigate noise impacts), they object to the additional building for 25 new C2 homes. The grounds of objection can be summarised as follows:

- Insufficient argument has been put forward for permanent release of Green Belt land from the community when alternative sites for the provision of C2 properties could be found in the area.
- Flood risk: the development would be within metres of the existing functional floodplain, and could place potentially infirm residents at risk during a flood event.
- Noise, particularly from Thorpe Park

The application was re-advertised in the paper and by site notice and neighbours and relevant consultees re-consulted on the revised drawings and documents, but no additional objections have been received (with the exception of a letter from Thorpe Park which is summarised in para 4.3 below).

4.2 Secondly, a letter raising some objections has been received from the Vicar of Thorpe who wanted to clarify that he supports the principle of transforming the site into supported living and care for the elderly and infirm, which he considers could be a real enhancement to the Thorpe community and meet a need if affordable to local people. However, he questions the development of the car park, flood risk and whilst recognising some additional housing needs to be built to pay for works to the listed building, he feels that a balance needs to be struck regarding the green belt. He comments that he was not asked about being quoted in the neighbourhood consultation document, and would not be willing to speak at the committee.

4.3 Thirdly, letters of objection have been received from Thorpe Park who raise concerns in relation to noise (in external areas of the site), and the threat that the development poses to the on-going operation of Thorpe Park (both as existing and accounting for future development) and hence the potential for on-going investment and its existing operation. Thorpe Park has reviewed the revised plans and documents and comments from consultees, and issued a further detailed letter of objection in which they set out their concerns in considerable detail, and followed this up with a further email and High Court case. They include a Written Opinion from leading Counsel, and conclude that the proposals do not accord with national policy and guidance nor the Council's Emerging Plan; that the evidence submitted is inadequate; that the development would have significant and detrimental impacts on the on-going operation of the Park; and that the social and economic benefits of the scheme are not sufficient to outweigh the noise impacts. As reported in the previous report, the previous written addendum and in sections 2 and 3 in this current report, Merlin have submitted multiple additional submissions, technical reports and memos, and counsel opinion to support their objections.

4.4 The Thorpe Neighbourhood Forum are supportive of the proposed use, the preservation of the listed buildings and, if issues such as flooding and noise are resolved, then state that they reluctantly support the limited Green Belt development

4.5 Historic England supports the application on heritage grounds and considers that the application meets the requirements of the NPPF in respect of heritage, following extensive pre-application discussions. They have provided a detailed response and comment that they are satisfied that in relation to heritage, an appropriate balance has been reached and that the proposals enhance

and better reveals the significance of the original design and that any harm arising through the loss of the squash courts is convincingly justified. They therefore support the proposals in providing what appears to be a sensitive and realistic new use that will provide for the long-term conservation of this important heritage asset. In their response, they comment that if the Council accept the justification for the quantum of development, they are satisfied that the appropriate site for the new build has been identified, and that the design responds appropriately to the listed buildings and compliment the original approach adopted by Cullinan. They comment that the variation of height and use of green roofs and landscape as an integral part of the design will ensure that there is no harm caused to the setting of St Ann's Hill. They recommend conditions on any permission with regard to lighting, detailed materials, junctions between partitions and existing fabric; recording of existing windows and doors; detailed treatment of floor voids and the differentiation between new and old building within; and a Heritage Partnership Agreement or Conservation Management Plan for the site to assist with future conservation. They have confirmed that they do not wish to comment on the revised plans.

- 4.6 The Twentieth Century Society has expressed their strong support for the proposals. They comment that this is a highly appropriate new use for a heritage asset of major significance, which restores much of the original design intent whilst breathing new life into the building through a series of well-judged interventions. They are happy with the light touch, logical and justified alterations. They consider that a holistic understanding of the buildings has guided the proposals from the outset. They are pleased with the restoration of key internal spaces and courtyards.
- 4.7 The Council's Conservation and Listed Buildings Advisor comments that he thoroughly supports this application. He considers that the information provided with the application to be detailed and of high quality. He comments that the Cemex House estate is an outstanding example of contextual planning that weaves together new and historic elements to create a seamless whole. He considers that the intervention and sophistication of the design extends to the exceptionally accomplished and richly detailed landscape, which includes courtyards and rooftop gardens. He comments that over the years, several of the original design features have been lost due to office expansion and operational requirements, and that the buildings have been deteriorating. However, he considers that the scheme seeks to reverse many of the interventions to the original design, and that the listed building would be enhanced by the application proposals. He considers that the new scheme retains and extends the concept of linked vistas used throughout the current campus, noting that the car park will be the site of three low level angled blocks of accommodation in the form of cluster courtyards with their living rooms focussed on the existing arboretum which is to be preserved and extended as an amenity area. He comments that apart from these new cluster courtyards, all other functions and apartments will occupy existing buildings and spaces with minimal alterations – and that the proposed new use for this complex will celebrate the mature landscape features as no other new user could hope to do so. He has no further comment to make in respect of the revised plans.
- 4.8 Surrey Archaeology have no objections subject to a condition to secure a programme of archaeological work.
- 4.9 The Surrey Police Crime Prevention Officer comments that the overall layout as proposed accords with Secured by Design principles, but he recommends a condition and informative on any permission to require the scheme so that it could achieve full Secured by Design (Gold) certification.
- 4.10 The Council's Tree Officer initially requested further information. This has now been received, and he has no objections, subject to safeguarding conditions.
- 4.11 Natural England initially requested further information in order to determine the significance of the impact on the statutorily designated sites nearby. They want to avoid recreational disturbance to the lakes or marginal habitats. To avoid likely effects from recreation areas they recommend that they could be zoned with screening provided so that birds could have safe sanctuary areas away from visitor pressure. They suggest that the residents could have an impact on the TBHSPA and recommended that the impact could be mitigated by payment towards SANGS and SAMM at a rate of a quarter of the sum required for the 5km zone unless the Applicants could ensure that occupiers met certain conditions (with regard to limited mobility and pets). The Applicants have now confirmed that they will contribute towards SANGS and SAMM in accordance with the recommended levels (£34,650 for SAMM and £110,000 for SANGS), and on this basis, Natural England has withdrawn its initial objection.

- 4.12 Surrey Wildlife Trust comments that the site is close to part of the South West London Waterbodies Special Protection Area and Thorpe Park No 1 Gravel Pit SSSI, and so the site is within the zone of influence and without appropriate mitigation is likely to result in adverse effects on this designated site. SWT advise that the application be assessed with regard to the relevant Avoidance strategies. With regard to the SNCI, they initially advised that the bat and reptile surveys identified as necessary in the Ecology Report needed to be undertaken to help establish the status of bat and reptile species, their use of the site and required mitigation/compensation required to help prevent an adverse effect. They recommended conditions on any permission including a CEMP, lighting, breeding birds, biodiversity improvements, and planting. They have reviewed and commented on the further surveys undertaken and the revised Ecological Report and have no objections subject to conditions. However, they comment that the Applicant should obtain at least a low level class impact licence (LLCIL) or European Protected Species Licence (EPS) from Natural England prior to any works which may affect bats and to undertake all the actions which will be detailed in the Method Statement which must support an EPS licence. They comment that a restriction on dog and outdoor cat ownership by occupiers would help to protect any overwintering ducks on the site
- 4.13 The Surrey Bat Group requested additional, more up-to-date surveys. Further surveys were undertaken, and a further briefing note submitted. The Group has outstanding concerns over the staffing of one of the survey positions, and so recommends a condition on any permission which would require a further limited emergence survey.
- 4.14 The County Highway Authority initially commented that as submitted, the application did not meet the CHA's transport requirements in respect of accessibility of the site for non-car modes. They put forward various suggestions for the Applicants to consider in respect of street lighting; pedestrian crossings and pedestrian improvements; and public transport improvements. The Applicants have now agreed to all of the proposed improvement works. The County Highway Authority have no objections subject to conditions to secure the following:
1. A speed assessment and appropriate measures to encourage the reduction in speed along Coldharbour Lane and Norlands Lane
 2. Street lighting along Coldharbour Lane and Norlands lane
 3. Various pedestrian crossings along Coldharbour lane, Norlands Lane and across Chertsey lane, and Village Lane
 4. Public transport improvements to bus stops
 5. A Construction Environment Management Plan
 6. A Travel Plan
- 4.15 The Environment Agency initially raised objections on 2 grounds essentially in relation to the amount of information provided: firstly, in relation to flood plain storage; and secondly, in relation to ground water and potable water supplies. Further information was submitted, and they withdrew their objection. They have been re-consulted on the revised plans, and any additional comments will be reported on the addendum.
The Environment Agency has now commented that they have no objections to the application, subject to conditions. Note: this would necessitate minor amendments to condition 17 as itemised on the 13th February addendum.
- 4.16 The Lead Local Flood Agency has no objections to the original and revised plans, subject to conditions.
- 4.17 The Council's Drainage Engineer initially commented that the floor levels should be raised well above the 1 in 100 year plus 35% climate change allowance and that a safe access and egress route should be provided for these houses considering the new flood data coming forward from the Environment Agency. The Applicants have amended the plans and provided further information, and the Drainage Engineer has confirmed that he now has no objections.
- 4.18 The Council's Contaminated Land Officer recommends conditions on any permission.
- 4.19 The Council's Environmental Health Officer initially raised concerns over the adequacy of the information provided. An additional noise survey was carried out, and amendments made to the application proposals (including the incorporation of alternative mechanical ventilation within the buildings). The objection letters from Thorpe Park, additional information and revised proposals have been reviewed, and the Environmental Health Officer has provided detailed comments to assist in the consideration of noise. He comments that it is hard to be definitive about the exact noise climate (due to differing variables at the site), but that the external noise levels are below

the level in saved Local Plan policy – although above the levels in other guidance (World Health Organisation and British Standard). However, provided high performance windows are used and there is alternative mechanical ventilation in the residential properties (which would mean that it wouldn't be necessary to open windows), then internal noise levels would be acceptable. He acknowledges that where external guidelines are not achievable, and development is desirable for other reasons, the British Standard guidance recognises that other considerations may mean that development can be permitted/should not be prohibited, but that development should be designed to achieve the lowest practicable levels in the external amenity areas. He suggests the use of shelters in the external areas that could offer some protection/shelter from noise. He advises that the weighing of all material considerations falls to the planning authority. Following the receipt of noise surveys from the applicant and several submissions from Merlin, the EHO has provided a comprehensive report setting out all the noise issues. He advises that the proposed insulation and ventilation measures proposed will provide a very good standard of internal noise level within the buildings (very little noise will be heard) but that the external noise climate is close to the upper end of acceptability. Therefore, the conclusion is that the existing noise climate with mitigation will provide an acceptable level of amenity within the site. He has advised that if noise levels were to increase substantially from surrounding noise sources, including Thorpe Park, then there could be significant adverse noise impacts.

- 4.20 Affinity Water has no comments.
- 4.21 Thames Water has advised that they have no objection with regard to the waste water network and waste water process infrastructure capacity, but requests an informative on any permission regarding the discharge of groundwater into a public sewer.
- 4.22 Cadent Gas requests an informative on any permission regarding processes in relation to gas apparatus on the site.
- 4.23 The Council's Head of Community Development comments that access to the proposed leisure facilities by non-residents would be difficult without a car and for many people, the cost of membership may be prohibitive. He comments that there is an oversupply of bowling greens, so any use is going to be recreational rather than competitive; and that their upkeep can be expensive. He suggests that they consider bringing the squash courts back into use as there are none being provided in the new leisure centre. He comments that there is demand for court time, so a club could be developed through community use, and the courts could double up as activity spaces during off-peak times.
- 4.24 Surrey County Adult Social Care comments that although NW Surrey has one of the highest amounts of extra care in Surrey currently, it is still below the optimum ratio of extra care (The Housing LIN recommended ratio of extra care to the 75+ population is 25 flats per 1000 of the population). The recommendation is to pursue the development of 120 affordable extra care housing flats across key areas within NW Surrey which can further reduce future reliance on traditional residential provision.
- 4.25 No comments have been received from the North West Surrey Clinical Commissioning Group (CCG), and SSE Power Distribution.
5. Relevant Local Planning Policies
- 5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001. GB1, GB5, GB7, GB10, HO1, H03, H04, H09, LE4, MV3, MV4, MV5, MV9, NE8, NE14, NE15, NE16, NE17, NE18, NE20, BE2, BE5, BE5A, BE8, BE9, BE10, BE12, BE16, BE17, BE22, BE25, R4, SV2, SV2A
- 5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application. Relevant policies: SD1, SD2, SD4, SD5, SD6, SD8, SD9, SL1, SL23, EE1, EE2, EE3, EE4, EE5, EE7, EE9, EE10, EE11, EE12, EE13, EE14, EE15, EE16, EE17, EE18, EE19.

6. Planning Considerations

6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF and in the light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are

- Impact on the Green Belt and whether the development is inappropriate development in the Green Belt, and if it is whether the harm by reason of inappropriateness and any other harm is outweighed by other considerations;
- Impact on the heritage assets (listed buildings, conservation area listed landscape and archaeology/ancient monument)
- Viability
- Design and impact on the character and visual amenities of the area and impact on the residential amenities of adjoining occupiers
- Impact on statutorily protected sites and protected species
- Housing supply and need for C2
- Flood risk and drainage
- Highways and parking
- Noise (and impact of the development in relation to Thorpe Park and their operations)
- Recreation
- Impact on infrastructure
- Whether the overall benefits of the proposal outweigh the harms

The planning history and comments from local residents, Thorpe Park and the Residents Association are also material considerations.

6.2 In terms of Green Belt, the whole site is in the Green Belt, but the car park, tennis courts and mound on the north eastern side of the site and the outer edges of the southern and western sides are also part of the Thorpe Park Major Developed Site (these areas of the site were formerly part of the Thorpe Park site – until approx. the late 1990's). In terms of saved Local Plan policy, GB1 states a strong presumption against development that would conflict with the purposes or adversely affect its open character; and saved policy GB10 states that limited infilling and redevelopment will be permitted in the major developed sites provided that certain criteria are met. It is considered that these policies are consistent with the NPPF. The Emerging Plan policy EE17 states that limited infilling on previously developed land may not be inappropriate providing there would be no greater impact on the openness of the Green belt than the existing, and sets out criteria for assessing such developments, and policies EE15 and EE19 seek to prevent greater impact on Green belt openness associated with changes of use and re-use. EE16 seeks to limit harm to the openness of the Green belt associated with outdoor sport and recreation. It is considered that the emerging policies are also consistent with the NPPF. The NPPF does away with the terminology of major developed sites, but instead states that the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development may be appropriate. The site is classified as previously developed land (PDL) under the terms of the NPPF definition, though the NPPF makes it clear that it should not be assumed that the whole curtilage should be developed and this is recognised in the Council's Brownfield Register, which excludes the majority of the outer 'green' parts of the site (whilst including hardsurfaced car parking areas and some of the associated open land between buildings). As initially submitted, the proposed new residential building extended outside the land identified as 'brownfield' on the Council's Brownfield Register, but the revised plans draw the proposed new residential building back into the brownfield register site (although the proposed recreation pavilion on the north-western side of the site is outside the brownfield site). The re-use of buildings is **not** inappropriate development under the NPPF, and the reduction in the spread of the new build residential building onto the brownfield site is welcomed and will restrict the harm to the openness of the Green Belt. Nevertheless, the construction of the new building on existing car parking/hardsurfaced areas has to be judged as inappropriate development (having a greater impact on the openness of the Green Belt than the existing development), and there will be in-principle harm and actual harm to the openness of the Green Belt from the new building proposed. In terms of purposes, the Council's Green Belt review (2017) considered that the site performed well in respect of preventing neighbouring towns from merging (being in the important gap between Thorpe and the finger of urban development extending down Chertsey Lane/Holland Gardens and Redwood); and assisted (albeit weakly) in respect of assisting in safeguarding the countryside from encroachment. The erection of new building on open parts of the site will conflict with the purposes of the Green Belt by spreading the built form onto currently open areas of the site - although it is

recognised that significant open land would remain within the site under the current application proposals and it is not considered that the purposes would be affected to such an extent that the site would no longer fulfil its role in meeting the identified purposes of the Green Belt.

- 6.3 The NPPF makes it clear that inappropriate development is harmful to the Green Belt, and should be refused except in very special circumstances. Furthermore, that very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is **clearly** outweighed by other considerations. It is thus necessary to assess any other harm and any very special circumstances before a final weighing exercise of all relevant matters can be undertaken.
- 6.4 The heritage assets on and close to the site are of considerable significance on this site: Special consideration must be given to the impact of the proposals on the listed buildings (Grade 2* and Grade 2); to the impact of the development on the character and visual amenities of the Conservation Area; to the scheduled ancient monument and the setting of and character of the registered park and garden site at St. Ann's Hill; and to archaeology. Firstly, in terms of listed buildings, it should be noted that Historic England identifies that Grade 2* listed buildings are particularly important buildings of more than special interest and that only 5.8% of listed buildings fall into this category. Historic England comments that Cemex House is an outstanding heritage asset, noting that it was designed by Edward Cullinan Architects, as part of a complex of designated heritage assets including the Grade 2 listed Eastley End House and Meadlake House. It comments that these existing buildings and their associated landscape and ancillary buildings were an integral element of the revolutionary design by Cullinan which resulted in a complex development of several historic layers with landscape used to connect them all in a sophisticated whole. The Twentieth Century Society also comment that the listed building is a heritage asset of major significance. It is important to recognise the significance of the assets when reviewing the application proposals.
- 6.5 Detailed documents have been submitted with the application which describe the significance of the heritage assets, including the setting and landscape, and detailed plans provided of the proposed conversion, new buildings and landscape enhancements. Whilst it is difficult to summarise these succinctly, essentially, it is proposed that the external envelope of the buildings, arrangement of spaces, courtyard spaces and landscape scheme for the roof gardens are to be substantially untouched, and enhancements made to the landscape. Internally, the existing entrance into the buildings and central part of the Cullinan building (which has a deep plan form, and lacks daylighting) are to be converted to communal accommodation, and the outer edges (with external walls) converted to apartments (including 2 guest suites and 2 staff overnight stay rooms). To facilitate this, windows and doors are to be replaced and changes made to their configuration. All of the older listed buildings (Eastley End House, Meadlake House, The Grange and The Annex and The Lodge) are also to be converted to apartments. Works to the communal areas include reinstatement of the original swimming pool, and the spaces of the original squash courts (now used as meeting rooms with false ceilings) are to be opened up and used as internal winter garden and amenity space. An external walkway at first floor level on Meadlake House is to be replaced by an enclosed glazed extension to be used for residential accommodation. A new one/two storey building is to be erected in the grounds for apartments (initially 25, but reduced to 23 in the revised plans), and smaller single storey buildings for recreational pavilion; and bin storage and maintenance buildings in the grounds. The vehicular access is to remain as existing, but car parking arrangements across the site altered.
- 6.6 Saved Local Plan policy BE12 notes that the best use for a listed building is usually the purpose for which it was designed. In this case, the older buildings on the site were built as C3 dwellings, but they have been converted to offices over the years. The proposed C2 use is a residential use albeit a residential institution rather than falling within the C3 use class. The Cullinan extensions were designed and built as offices. The Applicants have submitted evidence with regard to the marketing of the site (CBRE letter) which has been undertaken on two separate occasions. Whilst they had significant interest from a range of potential buyers, some of the offers were unacceptably low, and once they understood the constraints of the property, the majority withdrew their interest. They also provide an asset review and comment on market demand, noting that the property is rather isolated by modern HQ standards and access by public transport is poor – which would not be tolerated by the majority of corporate occupiers; that due to the configuration of the space into a series of widely dispersed offices and suites, the property does not reflect the needs of today's corporate occupiers; and whilst may have potential to be used as an out of town campus style business centre, attracting small businesses, a developer would have to invest substantially in the property to make it fit for purpose, and there would not be a critical mass of floorspace available. Lastly, they comment that the Grade 2* listed status would restrict a developer/investor from

achieving the changes required. CBRE comment that they consider that the site has a very limited appeal for commercial uses, and that an alternative residential use would create a long-term, sustainable purpose for this listed building. The buildings on the site have clearly deteriorated over the past few years whilst they have not been in active use. The site has been marketed for a reasonable period of time, and in the light of the need to ensure the long term survival of the building, it is considered reasonable to accept the principle of a change of use of the listed buildings in this case and in the light of the evidence submitted. It is relevant that neither Historic England nor the Twentieth Century Society raise concerns over the change of use (indeed the Society comment that they consider it to be a highly appropriate new use).

- 6.7 The Applicants have engaged with the Council's Listed Buildings and Conservation Advisor, Historic England and the Twentieth Century Society prior to submitting the application, and has also involved the original architect. All of the consultees are very supportive of the application proposals, and detailed comments have been provided. In summary, Historic England considers that the Applicants have a good understanding of the heritage significance of the site, and that they have used that understanding to inform and adapt the proposals as they have progressed. They comment that the Applicants have also recognised the sensitive nature of the location which informed the original design by Cullinan Studios and have sought to ensure that this approach has been continued in their proposals. They consider that the application involves restoring significant architectural spaces currently lost through damaging later alterations, but also involves loss of one of the former squash courts to provide a winter garden. They note that the proposals include the repair and refurbishment of the buildings and the re-instatement of planting which formed an integral element in the original design. They consider that the application provides detailed justification for both the number of new units proposed and their form in order to demonstrate that any harm to the significance of the heritage asset is required to provide the optimum viable use for the future positive conservation of the site. Historic England is satisfied that in relation to heritage, an appropriate balance has been reached and that any harm arising through the loss of the squash court is convincingly justified. They therefore support the proposals in providing what appears to be a sensitive and realistic new use that will provide for long-term conservation of this important heritage asset.
- 6.8 The Twentieth Century Society comments that they strongly support the proposals. They consider it to be a highly appropriate new use, which restores much of the original design intent whilst breathing new life into the building through a series of well-judged interventions. They recognise that the alterations to the original fabric are necessary, light-touch, logical and clearly justified. They are very pleased with the restoration of key internal spaces as well as landscaped terraces and courtyards.
- 6.9 In terms of the other heritage assets, special regard must also be given to the need to preserve or enhance the character and appearance of the Thorpe Village Conservation Area. The north western corner of the site lies in the conservation area, and the remainder is adjacent to it (though the main new building is some 50m from the edge of the Conservation Area). It is proposed to retain the built form in the conservation area, to erect a single storey pavilion, and to landscape the open spaces in the conservation area. Saved Local Plan policy BE5 includes criteria in assessing the impact of proposals in the conservation area and analysis of the application proposals against these criteria follows: The proposals involve the retention of buildings in and adjoining the conservation area which make a positive contribution to its character and appearance; it is proposed to preserve architectural features of importance (including walls and trees); the proposed alterations to the service yard adjacent to Eastley End House and landscaping of the open field will enhance this area of the site; important trees are to be retained; and the new build pavilion and associated wall will respect the scale, height, and architectural details of the site, and conservation area. The small new car park (18 spaces) close to the Coldharbour Lane entrance will be screened behind frontage vegetation (which can be enhanced) and would not have an impact on the character and appearance of the conservation area, nor is not considered that the new build residential building (which is some 40m from the edge of the Conservation Area) would adversely impact its character and appearance. The site is largely screened from St Ann's Hill and The Dingle Grade 2 historic park and garden, but the Applicants have undertaken a landscape impact analysis and identified one main viewpoint corridor. Clearly the new build in particular has the potential to impact this view. However, the height and mass of the built form will be limited when viewed from such a distance, and it is proposed to use a green landscaped roof form. On this basis, it is not considered that the impact will be perceptible. Historic England concur with this view.

- 6.10 The heritage assets have been identified as being of major significance; and the proposed use is consistent with their conservation in the longer term. The application proposals are wholly supported by the relevant statutory consultees, and their conversion and beneficial re-use must be accorded significant weight in the determination of the application. The Applicants comment that the long term sustainable use of the site is essential for its significance to be maintained. In order to secure the long term maintenance and upkeep of the significant landscape and setting of the buildings, they suggest that this can be secured by the adoption of a conservation management plan or Heritage Partnership Agreement. This would need to be secured by condition on any permission for listed building consent (see RU.18/0704 reported elsewhere on the Agenda). Historic England also recommend conditions in respect of details of the scheme (Comment: These include details of the treatment of junctions between new partitions and existing fabric, recording of existing windows and doors, detailed treatment of floor voids, and the differentiation between new and old within the building, as set out in the Heritage Statement, and they support the suggestion of a Heritage Partnership Agreement, or Conservation Management Plan for the site to assist with future conservation) . The scheme for conversion is considered to be in accordance with saved Local Plan policies BE5, BE8, BE9, BE12 and BE16, guidance in the NPPF and the 1990 Planning (Listed Buildings and Conservation Areas) Act, and Policy EE3 in the 2030 Emerging Local Plan.
- 6.11 Whilst ringing endorsements have been made by statutory consultees in respect of the conversion, Historic England have also commented that the appropriate site for the new build has been identified, and that they are satisfied that the design approach responds appropriately to the listed buildings and complements the original approach adopted by Cullinan. They comment that the variation of height and use of green roofs and landscape as an integral part of the design will ensure that there is no harm to the setting of St. Ann's Hill, but that the lighting and detailed materials will have to be expressly approved to ensure that this remains the case should permission be granted. Officers are also satisfied that the design of the new build is appropriate for its location, and the landscape and visual appraisal submitted with the application is thorough - and either negligible or beneficial effects are noted. With regard to the location of the new build, the revised configuration now means that the new build is on hardsurfaced car park, and the green bund at the southern end of the building is to be retained. The Landscape and Visual Impact Assessment makes the point that the new build is in the area of the site included in the 'Major Developed Site' designation, and suggests that the perception of the openness of the Green belt would not be compromised or affected by the development, citing various reasons for this including additional landscaping, positive management of the landscape, and limited perception of building from outside the site and extent of open areas that would remain. These points are accepted, and it is considered that the new building would not harm the setting of the listed building, and no conflict is seen with regard to saved Local Plan policy BE10. Whilst these points are accepted, nevertheless, the fact remains that the area of the proposed new building is currently open, and the new building will erode the openness of the Green Belt and hence remains inappropriate development (as per para 6.2 above).
- 6.12 Whilst supporting the application proposals from a heritage perspective, Historic England make it clear that they recognise that it is for the Council to determine the application on the basis of the planning merits as a whole. The Applicants argue that the additional new build apartments are needed to deliver a financially viable development (and point to the NPPF guidance to LPAs that when looking at heritage assets, consideration should be given to putting heritage assets to **viable** uses consistent with their conservation) – and that conversion of the existing buildings alone would not cover the sustainability of the service charges and compensate for the level of non-saleable floorspace and hence would not create a viable scheme (250 year leases are proposed to ensure this). They comment that the proportion of non-saleable floorspace in the conversion is high (amounting to some 42%). Looking at the issue in the round, it is accepted that the conversion maximises the use of the existing buildings for residential purposes, given the need to protect the historic interest of the building. In coming to a view on this, the configuration of the Cullinan building with large central areas without external walls (arising from its historic use and form) is a significant determining consideration. The Applicants argue that the new build floorspace brings the proportion of communal accommodation down to 34%, which they comment is closer to the industry standard. They also consider that the conversion alone would generate the need for an unachievably high service charge that would make the development unsustainable. Clearly this argument has a bearing on the considerations of the impact on the Green belt, and the balancing of the material considerations in the weighing of the harm. It is thus considered imperative to consider the viability arguments in some detail to consider whether the Applicants have established that the new build is the minimum size to limit the harm to the Green Belt whilst permitting a long term viable re-use of the site.

6.13 Details of the Applicants case justifying the need for the quantum of development on the site is provided in a number of documents: Initially in the Planning Statement, the Sustainability Report on the Facilities, Leisure and Estate Management Services, and the 2 Addendums to these Statements. Further responses were also submitted to officers questions, and subsequently a further report based on the amended scheme (reducing the number of units from 81-79) which contains additional comparison information. The Applicants argues throughout that if only 56 units were created by converting the existing building, the scheme would be unviable, and the latest report concludes that the 79 unit scheme is the minimum viable option to be sustainable.

The following are particularly highlighted:

- The conversion of the existing buildings would not provide a viable scheme in terms of profit on cost. The 79 unit scheme gives a profit on cost of between 8.82%-18.76% which they consider to be the minimum required. The relevant percentages for the 56 unit conversion scheme would be 1.52%-10.36% which makes it unviable. They have worked through the figures on a 71 unit scheme and a 76 unit scheme, but point to various matters which add risk into the analysis, including Government policy, falling sales prices and longer marketing periods. They conclude the 71 unit and 76 unit schemes to be unviable on this basis.
- There is, by necessity, a high proportion on non-saleable communal, staff, circulation, plant and machinery compared to sellable (apartment) areas and costs of running the scheme will be high due to the maintenance requirements of the listed buildings, the extensive grounds, costs due to layout and arrangement of the accommodation on the site and scale of the communal facilities (which is largely dictated by the configuration of the listed Cullinan building);
- The cost elements of the service charge would mean that the charge per unit for 56 units would be significantly higher than if 79 units are provided. A breakdown of costs is provided (though the commercially sensitive figures have been redacted from the reports). The Applicants advise that as the costs are so high, they will need to operate a 'Deferred Membership Fee' (DMF) scheme, which claws back a share of any profit from sales in the future in order to fund the on-going high costs of the communal services and charges, and to restrict the annual service charge to occupiers (albeit that it would still be in the order of £12,000). They have looked at the scheme under construction at the former Brunel University site in Englefield Green, and comment that whilst the costs for the 79 unit scheme would be greater than this 'benchmark' scheme, (and this would need to be reflected in a higher service charge), the 56 unit scheme would be considerably greater than the cost at the 'benchmark' site, making it unviable.
- They have sought to look at service charges of other providers, and provided figures from a number of developments which charge vary considerably (although they comment that this reflects the amenities and facilities available in the different schemes). Many also operate a DMF (although the structure of these and the claw back involved vary), and charge between £6,000-£10,200per annum.
- They estimate that there would need to be in excess of 110 C3 units at the site if the service charge necessary were to match that at other high-end benchmark C3 sites (although no details are provided of other sites)

6.14 Significant information has now been submitted on viability, and Officers consider that the evidence does indeed show that the 56 unit scheme would not be viable. The Applicants point out that there are increased risks due to the longevity of the sales curve and current economic uncertainty – and that construction costs are hard to quantify due to the nature of the listed buildings. These points are accepted. It is also accepted that direct comparison with other schemes is difficult. However, it is now considered that sufficient evidence has been provided in order for Officers to reasonably conclude that the reduced number of units (79) is the minimum required to ensure that the service costs are sustainable by future residents, and that the profit on costs is in a reasonable range.

6.15 The Applicants argue that there is a significant and growing need for older persons housing (including for residential institutions that fall into class C2 such as the extra care proposed in the application) and consider that this is an important material consideration. The most up-to-date evidence on the need for specialist housing (which includes sheltered housing, enhanced sheltered housing and extra care provision) available to consider this contention is in the 2018 Partial Strategic Housing Market Assessment update that was produced by GL Hearn (SHMA). The SHMA estimates a need for 552 units from 2015-2030 (although the work was refreshed for a recent Public Inquiry and the need reduced to 428 over the Plan period). Some 186 units are under construction, and permission has been granted for a further 143 units. Emerging policy SD10 requires 60 extra care units to be delivered at Longcross Village, and provision for more than 60

units is being explored by one of the site's promoters. As it stands therefore, the Council has not identified sufficient sites to meet the specialist accommodation needs of older people over the period of the Emerging Local Plan. The shortfall ranges from between 39 and 163 units. The need for C3 housing is considerably greater at the current time (since the Council do not have a 5 year housing land supply). Whilst it is anticipated that the need would be met in the Emerging Plan, the shortfall is a reality unless and until other sites come forward or the Emerging Plan is adopted. It is worthwhile noting that the SLAA indicates that the specialist accommodation proposed would release existing C3 housing, and that the development could be considered to contribute towards meeting C3 need on a 3:1 basis (hence contributing the equivalent of 26 units to the current shortfall). The need for specialist housing (and more substantial need for C3 housing) and the contribution this development makes to the increased supply must weigh in favour of the application.

- 6.16 In terms of impact on the residential amenities of adjoining occupiers, the nearest properties are Eastley End Lodge and The Paddock, which lie on Coldharbour Lane. These two properties currently have clear views across the western side of the site. It is proposed to retain this area as largely open land to be used for recreational purposes, with a walled kitchen garden, and a bowls green, with a single storey pavilion in between. The pavilion is set some 15m away from the property boundaries, and it is not considered that the building per se would adversely impact on the adjoining occupier's amenities. Excessive lighting or late night use could potentially have an adverse impact, but it is considered unlikely that late night noisy use would be permitted by the extra care operators and a restricting condition is not considered necessary (since it would therefore fail the conditions tests). Lighting details would be required for ecological reasons, and external lighting would need to be low key in order to protect foraging for bats. A small car parking area is proposed between Eastley End Lodge and Eastley End (on the site), but given the small size of the car park, limited associate vehicle movements, off-set and landscaping, it is not considered that this would materially erode the residential amenities of the neighbouring property. Eastley End Cottage and Bishops Platt lie opposite the site on Norlands Lane. Whilst the pattern of use of the site would be different from the existing, it is not considered that the impact on their residential amenities would be material due to the retention of screening, and off-set of buildings form the boundaries. No conflict is seen with regard to saved Local Plan policy H09 or guidance in the NPPF.
- 6.17 In terms of statutorily protected sites and species, part of the site, and Manor lake immediately to the south of the site are relevant sites to the South West London Waterbodies Special Protection Area/Ramsar. St Anns Lake South West London Waterbodies SPA and SSSI lie some 300m to the south. The Mead Lake SSSI lies some 900m to the north. The site lies within the 5-7km zone from the Thames Basins Heath Special Protection Area (TBHSPA). In terms of local sites, the Manor lake and Fleet Lake (and adjoining waterbodies) are part of the Abbey Lake Complex Site of Nature Conservation Importance (SNCI) selected for its wintering wildfowl, its marginal vegetation and its proximity to St Anns Lake SSSI. It should be noted that the proposals do not involve building in the SNCI, and that the proposed building (as revised) would be set off the lake margins by a minimum of 40m. The site is also in a biodiversity opportunity area (in relation to standing open water). Saved Local Plan policy NE16 has a strong presumption against any development that may destroy or adversely affect sites of international and national nature conservation importance, or the priority species or habitats that they support. Saved policy NE17 seeks to safeguard the ecological interests of sites of nature conservation importance in the County, and saved policy NE20 seeks to avoid harm to protected species. These policies are in general accordance with the new NPPF which seeks to protect and enhance biodiversity. Emerging policy EE9 similarly seeks to protect and enhance biodiversity, geodiversity and nature conservation, requiring that development not be likely to have a significant effect, either alone or in combination with other plans and projects.
- 6.18 A Habitat Regulations Assessment and an Ecological Assessment have been submitted with the application (plus follow up surveys and Protected Species Report and briefing note). Natural England initially considered that additional information was required in order to assess the significance of the impacts on designated sites and the surrounding habitat. They were concerned to ensure that recreational disturbance did not cause damage to the lakes or marginal habitats and suggested that to avoid likely effects from recreation, that areas could be zoned with screening provided so that birds could have safe 'sanctuary' areas away from visitor pressure. The Applicants have responded by referring to their proposals to add to the native thicket planting around the Manor Lake margins to reinforce potential habitat opportunities for wildlife, and they comment that no recreational use of Manor lake or other lakes is proposed. They suggest that this (and on-going management and maintenance of the landscape) can be secured by condition on any permission. With regard to the TBHSPA, NE has confirmed that they consider that the development could have

a likely significant effect if appropriate mitigation is not secured. They consider that mitigation at 2ha per 1,000 residents of SANG and a contribution towards SAMM is necessary. The Applicants have indicated that they would make a contribution of £64,350 towards SAMM which can be secured by a s106 agreement and SANGS which can be secured by condition. Natural England has been fully consulted and is satisfied with the application proposals, subject to conditions. In accordance with guidance from Natural England, the Habitats Regulations Assessment requirements are that plans or projects which may have a likely significant effect on a European designated site (such as the TBHSPA) can only proceed if the competent authority is convinced they will not have an adverse effect on the integrity of the European site. Recent case law has suggested that likely significant effects cannot be ruled out at this screening stage, and in accordance with the Natural England guidance and national legislation, the application proposal must be made subject to an appropriate assessment. In accordance with the Council's SPG, and without consideration of potential mitigation regarding the TBHSPA this application is 'screened in' to the need for appropriate assessment as it lies within a zone of influence where recreational disturbance arising from new occupation in proximity to the TBHSPA is likely to have an adverse effect. The guidance is that Natural England are required to be consulted and the LPA must have regard to its advice. Natural England agreed the framework for relevant development proposals affected by the TBHSPA in 2008 and the Council has been following this framework since then utilising it as standing advice removing the need for individual consultation to Natural England for schemes of this scale. It therefore falls to the Council to undertake the Appropriate Assessment of the application, which includes the consideration of any proposed mitigation, to reach a conclusion as to whether the proposal has a residual adverse effects that lead to a likely significant effect on habitats at the TBHSPA and other internationally and nationally protected sites. In undertaking this Appropriate Assessment it is considered that there will be permanent effects arising from increasing the number of residential units within 5-7km of the TBHSPA, and adjacent to the SW London Waterbodies SPA/Ramsar, the St Anns Lake SW London Waterbodies SPA and SSSI and Mead Lake SSSI. The applicant has agreed to provide mitigation measures which comply with the Council's adopted guidance and in accordance with Natural England's advice, and has agreed to enter into a s106 agreement and has confirmed that they will contribute towards SAMM, to provide SANGs or contribute to an existing SANG, and to incorporate measures to avoid likely effects of recreation, including restrictions on pet ownership. It is therefore concluded through this appropriate assessment that on this basis, the development has avoided impact on the integrity of the identified Designated Sites. This is in accordance with Saved Policy NRM6 of the South East Plan 2009, Saved policy NE16 and guidance in the NPPF as updated in 2019.

- 6.19 An Ecological Report was submitted with the application, and this has been followed up with further surveys and a Protected Species Survey Report and a briefing note. The reports identify that some of the mature trees on the site have potential for support roosting bats. Whilst only a small number of trees with low and negligible roosting potential are to be felled, these should be subject to soft felling techniques. High levels of bat activity were recorded two potential emergences observed from the Annexe and the Grange. The report recommends that work that has the potential to impact bats should be carried out in under a Low-impact Class Licence from Natural England. It recommends mitigation and enhancements be secured by conditions. Over wintering fowl have also been identified as using the lakes, but waterbodies are to be retained, and the report suggests that, subject to mitigation (such as pollution controls during and after construction and ecological enhancements to the lake margins) the development would ensure that the intrinsic value of the lakes is enhanced. There is no evidence of reptiles, badgers, great crested newts, water vole or otters on the site. The reports have been reviewed by the Surrey Wildlife Trust who recommend conditions on any permission, and they agree that a clause in the S106 to prohibit occupiers at the site from having dogs or outdoor cats would help prevent harm to over-wintering ducks. In the light of the limited number of over-wintering ducks found on the site, and the likely impact of pets, it is considered reasonable and proportionate to restrict new dog ownership but allow new owners to bring their dogs with them, but to require that any cats housed on the site, be kept indoors. A clause this effect would need to be secured in a S106 agreement. The Surrey Bat Group initially raised concerns over the adequacy of the bat surveys (commenting that insufficient information has been presented for the LPA to be able to satisfactorily determine the application), but they and the SWT have now confirmed that they have no objections, subject to safeguarding conditions, including that a further emergence survey be carried out in relation to one of the survey points.
- 6.20 A Green infrastructure strategy has been provided with the application which seeks to pull together landscape, leisure and recreation, improvements to circulation, enhancements to the green infrastructure, creation of an inclusive, safe and cohesive environment, supporting biodiversity and resilience to climate change. The Strategy identifies the site characteristics, and landscape areas, looking in detail at the different areas identified and enhancements for each area. In terms of

environmental/biodiversity enhancements, the ornamental lake within the site is to be retained, and enhancements made to the site to enhance the environment and biodiversity of the site, including additional tree planting, native species planting; bat and bird boxes; appropriate lighting; a new ecological corridor and roof gardens to the new building – although these measures would need to be secured by condition on any permission. In terms of trees, an Arboricultural Impact Assessment and Method Statement has been submitted which proposes that the majority are to be retained on the site, with limited tree removal proposed to facilitate the development, to remove poor specimens and to enhance the landscape (the majority to be removed are on the eastern side of the site, with the vast majority visible for a public perspective retained). However, the Green Infrastructure Strategy identifies areas of additional planting, including some feature specimens to create an arboretum in the forest zone, with additional tree planting identified in specific locations (such as along the northern boundary of the new build). The Council's Arboricultural Officer has reviewed the proposals and comments that the planting plans provided appear to be sufficient to replace those trees to be removed and to further enhance the landscape, and that the species and size are appropriate for their locations. He recommends conditions on any permission. On this basis, no conflict is seen with regard to saved Local Plan policies NE14 and NE15 or guidance in the NPPF

- 6.21 In terms of noise, saved Local Plan policy contains two relevant policies – BE22 and BE23 in relation to aircraft noise and road noise respectively (albeit that the area to which policy BE22 applies does not extend to include the application site). These policies state that development subject to aircraft noise should be constructed with attenuation measures, and that housing is not acceptable where road noise is high. Living rooms and bedrooms are particularly sensitive. Emerging policy EE2 reflects the more recent Government Noise Policy Statement (NPSE) and Note on Noise, and seeks to resist proposals which have or would be subject to unacceptable adverse effects in regard to noise; to implement measures to mitigate and reduce noise impacts to a minimum where external noise impacts are above Lowest Observed Adverse Effect level; and where they are above Significant Observed Adverse Effect level, only permitted where the social and economic benefits of the development outweigh noise impacts and unless the scheme's design and layout has been optimised to avoid, mitigate and reduce impacts to a minimum. The NPPF advises that new development should not contribute to, nor be put at risk from or adversely affected by unacceptable levels of noise pollution; and that it should be appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. Furthermore, decisions should ensure that new development can be integrated effectively with existing businesses and community facilities; that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established; and that where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. In this case, the site is subject to noise from aircraft, road traffic noise and noise from Thorpe Park (which lies immediately to the south east of the site). A noise report was submitted with the application, and a revised report received adding further data following the receipt of concerns raised by the Environmental Health Officer and from Thorpe Park. A further noise report has been submitted in October 2019 following a full and extensive noise survey in July/August 2019.
- 6.22 Thorpe Park has raised objections to the application, on the basis of the unacceptable noise levels at the application site (commenting that World Health Organisation (WHO) guidelines indicate that the application should be refused), and the impact that a C2 development in this location could have on both the on-going operation of the theme park and future investment arising from complaints. They point to the approved Medium Term Development Plan (MTDP) for the Park (RU.10/0579) which included zones for development (pink development zone, yellow service zone and blue quiet zone). These zones were defined partly on the basis of distance from residential property. An additional 50m rollercoaster was approved in outline on Area A, which is on the Cemex side of the Park, some 230m from the edge of the Cemex site as part of this MTDP. Thorpe Park are concerned that the proposed C2 development would bring sensitive receptors much closer to the Park's developed core, and if the logic that was used to determine the zones was applied in the future, this could potentially restrict the development of the pink zone, and development on this side of the Park. They raise concerns that the external noise levels at the site are likely to lead to complaints about the operation of the Park in the future, commenting that highest noise levels should be used in calculations as these would be more representative of noise from Thorpe Park than averaged levels used, and that internal noise levels to be achieved should be stated. They consider that the development poses a serious threat to the on-going operation of Thorpe Park as a major business in the Borough, and that comment that continual investment is needed to avoid

eventual decline and to maintain existing success (and the benefits to the Borough that come from this such as employment opportunities). They consider that the current application threatens the potential for ongoing investment and even the existing operation. They were re-consulted on the revised noise report and revised plans and continue to object, commenting that that the revised assessment remains inadequate; that the noise from Thorpe Park would have a significant adverse on the proposed use, and will lead to noise complaints; and that there is a significant risk that unreasonable restrictions will be placed on the Park as a result of the development if permitted. They do not consider that the benefits of the development are sufficient to outweigh the significant adverse noise effects, nor the associated serious threat that the development would pose to the ongoing operation of Thorpe Park – arguing that the overall effect on the economy would likely to be adverse, given Thorpe Park's contribution to spending and employment. They have also provided a commentary on a High Court case which they consider to contain similar considerations to the current application. As identified in the introductory and background paragraphs at the start of the report, Merlin has submitted several additional letters of objection with a Counsel's Written Representation, and other submissions including a Technical memo.

- 6.23 The reports have been reviewed by the Council's Environmental Health Officer who has provided a detailed commentary with reference to the NPPF and saved Local Plan policy and emerging policy (EE2), as well as a range of other relevant policy and guidance documents and case law. These documents include such documents as World Health Organisation (WHO) noise standards, BS 8233;2014(paragraph 7.7.3.2), PPG noise (paragraph 6), ProPG planning and noise (professional Practice guidance on Planning and Noise ANC, I of A, CIEH). He has also reviewed the objections submitted on behalf of Thorpe Park. Whilst he concludes that it is difficult to be definitive with regard to the noise climate (partly due to differing flight paths and impact of changing wind directions and differing levels of noise from Thorpe Park), from the evidence available, he advises that it would appear that the scheme would comply with saved Local Plan policy BE23; and that whilst external noise levels are likely to exceed standards, he recognises that the guideline values are not achievable in all circumstances (such as city centres or where making efficient use of land resources where development may be desirable – or where the social and economic benefits outweigh noise impacts). In such circumstances, he comments that emerging policy and guidance recognises that a compromise may be warranted - and development should be designed to achieve the lowest practicable levels. In terms of internal noise, the Applicants have agreed to the provision of high performance windows to achieve noise insulation and the installation of alternative ventilation so that residents do not have to open windows to ventilate their properties (although they have confirmed that it would not be practicable for the windows to be fixed shut due to the requirement for purge ventilation and for potential alternative means of escape in the event of a fire). The EHO is satisfied that these measures (which would need to be secured by condition on any permission) would provide a satisfactory internal living environment for the residents in relation to noise. It is worthwhile noting that the Applicants have assessed the impact of the proposed mechanical ventilation on the listed building, and shown that the impact of the system could be minimal in respect of the heritage asset. However, the EHO advises that it is difficult to mitigate against the impact of external noise, and suggests that protection/shelters be considered for when the residents are outdoors.
- 6.24 The external noise levels at this site are clearly above the WHO and British Standard recommended levels at times and locations within the site, and as such the development will, as a whole, be adversely affected by noise pollution. However, the use of high performance windows and mechanical ventilation systems in the living and bedrooms should ensure that it is possible to occupy the buildings without the need to open the windows, and hence to achieve satisfactory internal noise levels. Furthermore, whilst the external amenity areas will be subject to high noise levels (aircraft, roads and Thorpe Park), the scheme contains significant internal amenity areas, including the pool and associated treatment rooms, the pavilion, and winter gardens. These will all offer amenity areas protected to some extent from external noise. However, it must be acknowledged that mitigation for noise in the open external amenity areas of the site is impossible to achieve, and the concerns raised by Thorpe Park are relevant material considerations that weigh against the application – albeit that the intermittent nature of the noise (from aircraft and Thorpe park in particular), the mitigation, and characteristics of the development taken together indicate that the adverse effects may not be so severe to be considered unacceptable (and indeed that the case is materially different to the High Court case that Lichfields refer to in their letter of 18/1/19). It should also be noted that Thorpe Park do have permission under their outline masterplan permission (ref RU10/0579) to build another high rollercoaster (on island A – up to 50m) which would be closer to Cemex than the existing roller-coaster. It will be necessary for them to submit a noise assessment with any application (and details pursuant to the outline), but this permission has been implemented in part, and hence remains extant and capable of implementation. Clearly

this would be likely to increase noise levels at the site if it were built. It is also recognised that the introduction of additional residents at the Cemex site would indeed increase the potential for noise complaints in the future (both in reference to the current operation of the park, and future proposals). Furthermore, Thorpe Park considers that the development would lead to unreasonable restrictions being imposed on the Park or potentially to statutory noise nuisance investigations - which would impact on their operations, investment and long term operation. Officers would comment that the 'future agents of change' principle is relevant in relation to the operations at Thorpe Park, and that any complaints from future occupiers of the site would have to be viewed in the light of the existing noise environment, which makes up the 'character of the locality' a key relevant factor for assessing whether a statutory nuisance would exist – so that unless a proposal came forward from Thorpe Park in the future that took noise levels materially above the existing, noise levels at the Cemex site this should not restrict future development of the Park, and it is not considered that permitting the current development would result in unreasonable restrictions being placed on Thorpe Park. Nevertheless, the noise levels at the site must weigh against the application, and it must be considered whether they - and the arguments put forward by Thorpe Park, justify refusal of planning permission (as argued by Thorpe Park). If not, they must be properly weighed in the balance in concluding on the issue of harm, and permission should not be granted unless the social and economic benefits outweigh the noise impacts, and the scheme designed to avoid, mitigate and reduce impacts to a minimum. Having reviewed the submission, policy, consultee advice, case law, objections and impact of the agreed mitigation, Officers agree that noise (and its impacts in terms of the living conditions of proposed residents and on Thorpe Park) must properly be weighed in the planning balance. In their objection, Thorpe Park summarises what they consider to be the economic and social benefits and conclude that refusal is justified. This is considered in the concluding paragraphs to this report.

- 6.25 As an update to the original report in April 2019, in view of the additional noise survey and the final report submitted by the applicant, and the submission of the Technical memo and further representations by Merlin, the Council's Principal Environmental Health Officer has reviewed all the technical information and provided a full report. He advises that the proposed insulation and ventilation measures proposed will provide a very good standard of internal noise level within the buildings (very little noise will be heard) but that the external noise climate is close to the upper end of acceptability. Therefore, the conclusion is that the existing noise climate with mitigation will provide an acceptable level of amenity within the site. He has advised that if noise levels were to increase substantially from surrounding noise sources, including Thorpe Park, then there could be significant adverse noise impacts.
- 6.26 The noise surveys have been reviewed by both Merlin and the Council's EHO. The average noise levels are considered acceptable by the Council's EHO in terms of the principle of residential occupiers living at the site. He has critically reviewed the internal noise climate and is satisfied that the internal noise levels can be made to comply with British Standards and WHO requirements. Conditions are proposed to secure these. These apply to both the new build and the listed buildings and full consideration has been given to the need to give special regard to the protection of these heritage assets. In terms of external noise, Merlin is also concerned about the future fettering of their ambitions to progress the development of the Thorpe Park Theme Park. If Thorpe Park intend to complete their existing outline master plan 2010-2016 granted consent under RU.10/0579, then the requirements of condition 16 of this permission will be engaged, which requires a Noise Assessment to be submitted and approved for any of the major rides and attractions. The information submitted by Thorpe Park at the time of this outline application stated that "none of the proposed new rides are anticipated to be materially noisier than those currently in operation" (paragraph 5.20 of Scoping Report dated 15 December 2009), and "Preliminary noise calculations based upon generic ride noise levels, indicate that new rides are unlikely to affect the existing noise climate in these areas" (para 5.30 of Scoping Report dated 15 December 2009). Of course, this report only considered the residential properties near Thorpe Park as existing at the time, the current proposal would significantly change the situation and bring new residential occupiers close to Thorpe Park from a different direction. However, it is clear that the intention of Thorpe Park under their own application was to ensure that their new rides and attractions would not be materially noisier than were existing in 2009.
- 6.27 To bring this to a conclusion on noise impacts and in consideration of the impact that Thorpe Park's future operations may, or may not, have on the new residential occupiers, the Council's EHO considers that transportation noise appears to dominate the noise climate in the area. Shouts and screams can be heard above the background noise levels but these are intermittent. In addition it has to be taken into account that the Park is not open all year round. With condition 16 of Planning permission RU.10/0579 in place, it will be a requirement of Thorpe Park to design future rides

proposed under the existing master plan permission to provide a Noise Assessment, and there is no evidence available to the planning authority that the ride(s) proposed would cause such noise increases as to contradict their own intentions, as any significant increase in noise levels at the theme park could affect existing residents also close to the park. The EHO has confirmed that if complaints were received about noise levels from the Park, these would be investigated, in accordance with statutory requirements. To conclude, it is considered that the new noise surveys do not alter the balancing that is required of the material planning considerations that were taken into account when the Committee last considered the proposal, in April 2019. The exercise of judgement by Members still has to be carried out, as set out in paragraph 6.24 above.

- 6.28 In terms of flood risk and drainage, the outer (undeveloped) edges of the site are in the functional floodplain (zone 3b), the high risk flood zone 3a covers more of the site, and the southern half of the site is all in the medium flood risk area (zone 2). The site is outside any groundwater protection zones, but lies over a major aquifer with a high groundwater vulnerability, and there is potential for movement of contaminants through the strata and pollution of groundwater. A Flood Risk Assessment has been submitted with the application, and following consultation with the Environment Agency and the Council's Drainage Engineers, revised and additional details have been submitted. Under the terms of the NPPF, the change of use of the existing building does not require a sequential test, but the new build does. In addition, the proposed use is flooding terms is a 'more vulnerable use'. However, the majority of the new build is in flood zone 1, with only a small part encroaching into flood zone 2 (and a smaller part into a patch of land in flood zone 3a). If it is accepted that the conversion of the listed building would not be viable without a new building comprising additional residential units, and taking into account other constraints, it is considered there are no other options within the site to locate these units other than in the position as proposed. The slab level of the new building has been raised above the new flood level data coming forward from the Environment Agency (not yet published, but which are higher than current levels) and safe means of escape during a flood event has been considered (via Coldharbour Lane, Ten Acre lane, north along the B388 Thorpe By-pass, over the M25 via new Wickham Lane and south down Stroude Road). On this basis, the Council Drainage Engineer advises that safe means of escape can be safely achieved, although a condition would be necessary on any permission requiring the submission of a flood escape plan.
- 6.29 The Lead Local Flood Agency has confirmed that they have no objections to the application, subject to conditions. The Council's Drainage Engineer requested additional information and the raising of the slab of the new building. These changes have been incorporated, and further information provided on flood storage. The Drainage Engineer has confirmed that he is now satisfied, subject to conditions. The Environment Agency raised concerns over the adequacy of the flood risk assessment undertaken in regard to loss of flood plain storage and sufficiency of information to determine the risks to potable supplies, but following the receipt of additional information, withdrew their objections to the application, subject to conditions on any permission. On this basis, no conflict is seen with regard to saved Local Plan policy SV2 and SV2A, and guidance in the NPPF and NPPG. The EA has been re-consulted on the revised scheme and any comments received will be reported on the Addendum, but it is not anticipated that they will now raise objections since the spread of development has been reduced.
- 6.30 In terms of accessibility, the site is in a relatively remote location, some 900m plus outside the Village centre, and between 800m-1km from the nearest bus stops (on Village Road to the west and Chertsey Lane to the east). There are narrow pavements between the site and these bus stops, but the majority of the routes are unlit (by street lights), and there are generally not adequate crossings or links between the pavements across junctions to make pedestrian access practical or safe to encourage their use. The site is not thus in a sustainable location, and unless improvements are made, it is likely that the majority of movements to and from the site would be by private car. Whilst it must be recognised that this is an existing employment site, and traffic movements to and from the proposed use would be considerably less than the authorised use (estimated total of 206 vehicle movements a day with the proposed development against 922 if the offices were fully occupied), the NPPF advises that local authorities should support a pattern of development which (where reasonable to do so), facilitates the use of sustainable modes of transport. Local Authorities should actively manage growth to make the fullest possible use of public transport, walking and cycling, and the new NPPF puts an added emphasis on the need for new development to be well located and to be supported by the necessary infrastructure and facilities. Saved Local Plan policies seek contributions to improve transport infrastructure, to secure appropriate arrangements for access and facilitate accessibility to alternative forms of transport.

- 6.31 In this case, the County Highway Authority has requested various sustainable transport improvements including pedestrian and public transport elements for future occupiers and employees at the site. These measures can be summarised as follows:
- street lighting along Norlands lane and Coldharbour Lane to improve pedestrian access to the site from Village Road, Thorpe and Chertsey Road, giving a more comfortable and safer route for pedestrians;
 - improvements to the pedestrian crossing facilities so that accessibility for all is achieved. He comments that current provision at many of the crossings is too narrow to allow for pushchair/wheel chair access. Tactile paving is lacking in places meaning difficulties for those with visual impairments; and pedestrian desire lines are not catered for, with multiple crossing points required for those who need them, making for slow progress and poor quality connections;
 - improving access and facilities at bus stops which will benefit future occupiers at the site.

A speed survey will be necessary along Norlands lane and Coldharbour Lane, with speed reductions if deemed necessary (to accord with 'Setting Local Speed Limits'). The Applicant has agreed to fund all of these works, which would need to be secured by conditions on any permission. The works are extensive and will benefit existing residents as well as proposed – significantly improving pedestrian access in particular, and no conflict is seen with regard to saved Local Plan policies MV3, MV4, MV5 or guidance in the NPPF

- 6.32 With regard to car parking, this is to be located generally on the northern side of the site, with 93 spaces in the main car parking area in the north eastern corner, 25 bays adjacent to the new building (on its northern side); and 18 on the north western side (adjacent to Eastley End House). 8 of the spaces are larger disabled bays. In addition, facilities are to be provided for the 56 bikes for residents, and 10 for staff. An on-site minibus is to provide a shuttle service for residents to local amenities in nearby town. In addition, 2 electric cars are to be provided that will be available for residents to book, and a Travel Plan is to be provided. Whilst car parking levels on the site are reasonably high, the measures to encourage the use of alternative means of transport, and the improvements to infrastructure are significant, and on balance, the provision is considered to be reasonable and in reasonable accordance with saved Local Plan policy MV9 and guidance in the NPPF and NPPG.

- 6.33 In terms of leisure/recreation, there are no specific requirements in respect of recreation provisions associated with this type of development in the current Local Plan. However, saved Local Plan policy R4 states that community use of facilities will be encouraged, and saved policy GB5 contains clauses with regard to recreation facilities in the Green belt (which should protect openness, be essential and the minimum size necessary to support the use). Emerging policy EE16 similarly to limit built form associated with recreational uses, and emerging policy SL1 seeks to support development opportunities that take opportunities to assist people to lead healthy lives and improve the quality of life. The NPPF seeks to encourage developments that enable and support healthy lifestyles and communities, including sports facilities. Various leisure and recreation facilities are to be provided on the site for the new residents (indoor pool, fitness suite, sauna and steam rooms, indoor winter gardens, multi-purpose hobbies room, bowling green, allotments and pavilion, and as well as large areas of outdoor informal amenity areas), and facilities are to be provided for day care, and health and well-being services such as physiotherapy, chiropody etc. The Applicants propose that the landscaped gardens be available to the public, local schools, community groups and individuals on a number of open days throughout the year. They suggest that there could be membership access to the spa and gym; use of the pool for community groups, toddler swimming lessons/local schools; use of the multipurpose room for community groups, NCT classes, local history/heritage groups, yoga and pilates classes; the bowling green for competitions; treatment rooms for district nurse, local medical practice to see people in the community; and open gardens for the public, community groups and schools. The Council's Head of Community Development does not object, but comments that access to the site without a car would be difficult since the target group is older people, and that the cost of membership may be prohibitive. In addition, there is an oversupply of bowling greens, so any use is likely to be recreational rather than competitive. He considers that there would be a demand for squash courts, and would encourage the re-provisioning of these to meet demand in the community. The generous provision of leisure/recreation facilities on the site should encourage healthy lifestyles for new residents, and community access to facilities is welcomed (an in accordance with the intentions of saved policy R4). The relatively remote location of the site will limit the value of the community use of the facilities (and much of the use would be chargeable), but nevertheless, the facilities would add to what is available in the local area, and could be of benefit in encouraging healthy lifestyles. The pavilion is limited in height and bulk, and whilst it has not been argued to be the minimum size

necessary to support the open use, nevertheless, the Applicants consider it necessary to facilitate community use, and it will provide covered amenity areas that will offer shelter from external noise, and would facilitate the use of the allotments and bowling green in this area of the site.

6.34 In terms of other issues:

- Resource efficiency and renewable energy: The applicants estimate that the carbon dioxide emissions of the whole site post development would be less than the 1990s benchmark by nearly 25%. Emissions will be further reduced by the use of solar photovoltaic panels on the new build and ground/water source heat pumps. The details are considered acceptable under emerging policies SD8, SD9 and guidance in the NPPG and NPPG.
- Green infrastructure: An Assessment has been submitted with the application which provides the background to the Landscape Design proposals which are considered to be appropriate and in accordance with saved (NE11,NE12) and emerging policies (EE11,EE12) and the NPPF and NPPG.
- Use: Officers are satisfied that the evidence provided means that the use falls within the C2 use class (residential institution) within the existing Use Classes Order due to the level of community facilities, staffing, management, packages of care, flexibility of nursing and personal care, design, operation, and leases. It should be noted that the need for affordable housing is not triggered by C2 development.
- A Lighting Assessment has been submitted which identifies that the site is in a low district brightness area and which provides a strategy for lighting at the site. The Strategy is a useful starting point, but details would need to be secured by condition on any permission
- Contaminated Land: Whilst the submitted Ground Condition Assessment suggests that the potential for contamination is low/moderate, a condition is required on any permission to secure further investigation and assessment (as recommended by the EA and Contaminated Land Officer)
- Archaeology: A Desk based Assessment has been submitted that concludes that archaeological remains are likely to be limited – with no overriding heritage constraints which should preclude development of the site as proposed. Whilst this is agreed, further work is required to accurately assess on site, and a condition would need to be secured on any permission to secure an investigation prior to ground works commencing.
- Community Involvement: The Applicants carried out a consultation exercise in the community before submitting the application, including guided tours of the site. A Statement has been submitted summarising this. 94 people attended the exhibition, and 33 comments were received, the majority of which supported the proposals presented.
- A Utilities Search Summary has been provided which summarises responses from Statutory undertakers and identifies anticipated works required
- Impact on infrastructure/contributions – none identified.

Pre-commencement conditions would be necessary with regard to a number of conditions including surface water drainage, Construction Environmental Management Plan, tree protection, remediation strategy, method of construction statement - since further details are required/works need to be carried out prior to work commencing to avoid harm to the environment.

7. Planning Balance and conclusions

7.1 It is accepted that the C2 use proposed for the listed building is an appropriate re-use both in terms of Green Belt and listed building, and the proposals are considered to strike the right balance in maximising the use of the building whilst protecting its heritage value. Furthermore, it is now also accepted that the viability arguments put forward by the Applicants suggest that additional new building is required to ensure the viable long-term use of the site, and that the siting of the proposed additional built form and its spread has been closely considered and deemed to be the most appropriate in relation to the heritage assets, and the brownfield site. Nevertheless, the application proposals constitute inappropriate development by virtue of the additional building proposed. The NPPF advises that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. Substantial weight must be given to any harm, and potential harm to the green belt, and to any other harm - and such harm must be clearly outweighed by other considerations in order for the application to be permitted. In this case, the harm to the Green Belt is 'in principle' and actual (new building on existing open parts of the site). In addition, harm has been identified in regard to noise (see paras 6.21-6.24 above).

7.2 The Applicants have put forward what they consider to be the 'very special circumstances' which outweigh any harm. These can be summarised as follows:

1. The Applicants have argued that the site has been extensively marketed for B1 use, without success, and that the site no longer offers the form of office facilities required in the 21st century. They state that Cemex will vacate the site totally in the very near future (much of the site is already vacant). Without an occupier, the site and buildings will quickly deteriorate. It is agreed that the preservation and enhancement of the listed buildings by a sensitive conversion to a use which would reduce or remove risks to the asset and ensure its long term retention and conservation is a 'very special circumstance' which is considered to carry significant weight. Support from Heritage England and the 21st Century Society reinforce the importance of this issue, and the NPPF advises that the more important the asset, the greater the weight given to the conservation of a designated heritage asset. The fact that the buildings are grade 2* listed and considered to be of significant importance by HE and the Twentieth Century Society reinforces that this must carry significant weight. This is also considered to constitute a social and economic benefit.
2. The 23 unit new build apartments are argued to be an essential planning pre-requisite to support the proposals for a sustainable restoration, conversion and preservation for the long-term use of the listed buildings on the site. The Applicants argue that the simple conversion of the listed buildings to create 56 units would not produce a viable scheme. Their case has been presented in some detail and expanded to include an analysis of an alternative C3 scheme, whether a lesser number of C2 units could be viable, and comparisons with other C2 developments. The evidence presented suggests that for the use to be viable in the long term (they are suggesting long leases of 250 years), it is necessary to provide a minimum of 79 C2 units on the site, but that in excess of 110 C3 units would be needed. Officers are now satisfied with the level of evidence provided, and that it can now reasonably be concluded that the 79 units proposed is the minimum necessary for the development to be viable. This argument is considered to carry significant weight due to the NPPF driver to achieve a viable development that will sustain the long term preservation of the heritage assets on the site. As above, the preservation of the listed building is considered to constitute a social and economic benefit.
3. The Applicants argue that there is a significant and overriding need for extra care accommodation of this nature within the area. They refer to the Surrey County Council Adult Social Care Commissioning Strategy for older people in Surrey, and the submitted Care Needs Assessment submitted with the application. Comment: Whilst it is agreed that there is a need for older persons accommodation in the area, the need in the Borough is significantly less than for C3. Furthermore, there have been a number of sites coming forward for C2 in recent years which have reduced the shortfall so that it is relatively minor over the Plan period. It is also noted that the proposed units are unlikely to be 'affordable' to many (based on the viability information provided). Nevertheless, the scheme would effectively contribute the equivalent of 26 C3 units (based on the 2018 SLAA assumption regarding release of C3 homes on occupation of the C2 accommodation), and the scheme would thus make some contribution towards meeting the objectively assessed need for C3. Whilst noting that need for C2 is not considered to carry significant weight, it must be noted that the Cullinan extensions would not readily convert to C3, given the extent of the floorspace at the centre of the building that does not benefit from natural light. Furthermore, the sub-division of these areas would not be acceptable from an architectural/heritage perspective – and indeed, the analysis that the Applicants have provided suggests that in excess of 110 C3 units would have to be provided to make a C3 use viable at the site – which would be likely to be significantly more harmful to the openness of the Green Belt than the current proposals. It is not thus considered that a C3 use would be a practical or desirable alternative use or development on this site. Overall need (for C2/3) is considered to be a less compelling argument, although some weight can be attached to it as a very special circumstance, and it is also considered to be a social benefit of the application.
4. The Applicant argues that sustainable transport links would be developed enabling less reliance upon the car. The site is not in a location that is currently accessible by alternative forms of transport, and the links to public transport for pedestrians are poor. However, significant abnormal works are proposed to improve the accessibility of the site (including pedestrian crossings, works to bus stops, pavements and lighting), and measures are proposed in the Travel Plan to encourage use of alternative means of transport, including a minibus and 2 electric cars for residents to use. Given the relatively remote location of the site, the agreed works and Travel Plan are considered to be necessary, but given the extent of the works, the fact that the authorised use has operated with such poor links, and the benefit that the improvements will also provide to local residents, they are also

considered to carry some weight in favour of the application. This is similarly another social benefit.

5. It is argued that the use would provide a vibrant and efficient use of the site providing employment for local people, and the Applicants estimate that up to 40 people would be employed. Given that there would be a significant reduction in people employed at the site from when it was in full use as offices, this argument is not considered to weigh in its favour (though recognising that if an alternative use is not found, all employment opportunities could be lost from the site).
6. The Applicant suggests that the development would bring significant abnormal community benefits including access to the facilities in the building for day care, access to health and wellbeing services such as physiotherapy, chiropody etc., and they state that public access the landscaped grounds would be available to schools, community groups and individuals on a number of open days throughout the year, and suggests that membership of the gym, pool and spa, restaurant, multi-purpose room, bowling green, gardens by the public and medical consultancy/treatment rooms which may be used by a district nurse or local medical practise to see residents and the local community. The current site and building have not been accessible to the public, and it is considered that the benefits to the community if secured along the lines indicated could be considered to carry some (albeit limited) weight. A condition would be required on any permission to ensure that the benefits were secured, and this is also considered to constitute a social benefit to the public.

7.3 As stated throughout this report, Merlin considers that the application proposals are contrary to policy in relation to noise impacts, and should be refused as a departure from planning policy. They conclude that the impacts of the development on Thorpe Park would be significant and detrimental to its ongoing operations, and that the benefits of the development do not outweigh the adverse noise impacts. They consider that the noise assessment carried out is insufficient and ultimately down-plays the significance of the noise impacts and associated effects, and so does not provide the necessary basis to understand the internal noise impacts and therefore the required mitigation, and that the assessment demonstrates an unacceptable environment for external amenity space. They have provided additional commentary in one of their letters making reference to a High Court case where a permission for the residential conversion of a barn close to a Cemex quarry was challenged and found by the Judge to be unsound. The judge in that case was of the view that consideration should have been given to how the granting of permission would be likely to impact the future operation of the quarry. The economic importance of Thorpe Park to the local and regional economy must be recognised (in the 2011 report on the 5 year plan, this was estimated as £18million to the local economy and £43million to the regional economy and 1,620 jobs in the main impact area and 1,970 in the wider region). It is not an easy or clear cut judgement to consider how the granting of permission on the current application would impact Thorpe Park in the future. It is accepted that bringing residents closer to the site where external noise levels are recognised as being significant and in the Significant Observed Adverse Effect Level (SOAEL) range could indeed lead to complaints from future residents with regard to noise. The EHO has always advised that the internal noise climate (for residents) would be reduced to comply with WHO noise standards (with the use of suitable high performance windows and a suitable alternative mechanical ventilation system), and the Applicants have agreed that these measures can be incorporated into the scheme including within the Listed Building. However, it is undeniable that external noise levels will remain high - and although indoor amenity spaces are being provided - future residents may indeed raise objections to the existing operations and future proposals for new rides at the Park. Again, it is recognised that it is material that there is an extant outline permission for an additional 50m rollercoaster on Area A of the park – which would be closer to the Cemex site than the rest of the developed area. The consent for the ride (and future rides) requires the submission of a noise report, and the detailed design of the ride may indeed need to reflect the existence of new residents closer to the ride. Merlin concludes that should the proposed development be approved, and noise sensitive receptors be much closer to Thorpe Park's operations, this will result in existing residents being exposed to SOAEL, and they are concerned that any future development at the Park is unlikely to be acceptable to the Council as it will appear to result in an unacceptable noise environment for the sensitive receptor site. They state that no reference has been made by the applicant to development permitted at Thorpe Park but not yet built, nor to the Park's reliance on the introduction of new rides and attractions to maintain its position as a leading regional theme park (ie its not a static business with a static noise environment). They consider that restricting their capacity to invest in its development would jeopardise its future. Officers have noted the Noise Impact Assessment submitted with the 2011 application for a rollercoaster on Island C and the Noise and Vibration chapter of the ES submitted with the 2010 Medium Term Development Plan. However, any new application would need to be

supported by fresh assessments and as is required, each proposal will be considered fully on its own merits.

- 7.4 The noise climate is a material consideration and substantial weight has to be given to both the need to ensure an acceptable living environment for future residential occupiers and the need to ensure that Thorpe Park can continue to operate as a theme park to continue to contribute to the local economy. The Council as local planning authority cannot compel either party to give or accept a Deed of Easement. Eden as applicant have the right to put forward a unilateral Deed of Easement which promises certain restrictions but equally Merlin as operator of Thorpe Park has a right not to agree. It is therefore still the role of the planning authority to exercise their judgement taking account of all the material considerations, including these noise related matters. Officers consider that the new noise surveys and the mitigation measures that have been agreed to be incorporated in the existing and new buildings will ensure that the internal noise climate will be to a very good level, in full compliance with relevant British and WHO standards. The external amenity space would of course be subject to significant noise but officers consider that the noise surveys show that a 'line has not been crossed' such would render this site unsuitable for residential occupation for C2 use as is proposed in this application.
- 7.5 From the detailed information provided in the noise surveys, it is clear that Thorpe Park is not the primary source of noise – there are very high levels of aircraft noise and vehicular noise. There are peaks from screams from rides but officers consider that on average, Thorpe Park would not be the primary source of noise and disturbance to the amenities of residents of the site. Officers have taken into account the NPPF paragraph 182 requirement to consider existing businesses, such that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established, which is one of the key concerns of Merlin. The NPPF states that were the operation of an existing business could have a 'significant adverse effect' on new development, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Therefore, notwithstanding officers' conclusions that the operation of Thorpe Park would not have a 'significant' adverse effect on the new residential occupiers because of the more predominant noise sources from road and air, the applicant has proposed to provide suitable mitigation measures within the development which complies with the NPPF. This is of course only in relation to internal living areas. However, as the report has previously explained, due to the attributes of the listed building and the proposals to refurbish and enhance the facilities, there will be ample indoor amenities which will provide a highly suitable alternative to the external amenities, and will offer future residents a reasonable choice. Officers therefore conclude that no further noise surveys are required and that residents will be able to reside at the site with a reasonable level of amenity.
- 7.6 Whilst it accepted that the balancing exercise is indeed crucial in this case, officers consider that the combination of the 'very special circumstances' outlined above (notably the significant weight attached to the heritage considerations, and some weight to the abnormal local transport improvements and community benefits, and to the contribution towards meeting need), and the social and economic benefits of the application proposals do now clearly outweigh the harm to the Green Belt and the other harms described above including the noise implications for amenity, and tip the balance in favour of the application. The impacts on the operation of Thorpe Park, existing and future, have been given detailed consideration, and given due weight in the balancing of the merits and impacts. If greater weight is given to concerns about impacts on the future operation of Thorpe Park such would suggest that planning permission for the proposal should be refused, which would seem to be the outcome of the objection from Merlin, then it is not clear what alternative future use of the Cemex site would be able to come forward that did not result in the same concerns of Merlin. The risk is therefore that the listed building will further deteriorate, and this would be contrary to the advice of Historic England and the statutory requirements placed on the Local Planning Authority to the need to have special regard to the protection of heritage assets. Members are therefore advised that this is the key balancing that needs to be carried out based on all the information above. Officers have always advised members that planning decisions cannot bind the Council from carrying out duties under other legislation, including investigating complaints about statutory noise nuisance. However, from the clarity provided by the applicant in their unilateral Deed of Easement and as obligated in the s106 legal agreement, it is considered that future residents will be fully aware of the noise character of the area and the proximity of the new homes to Thorpe Park. Officers have carefully reviewed the draft Deed of Easement and the draft s106 and are satisfied that these documents form an acceptable package of measures, which when taken together with the requirements of planning conditions recommended, will ensure that the proposed development can be integrated effectively with Thorpe Park as the existing business, again in compliance with paragraph 182 of the NPPF. Conditions are also necessary to secure all

the measures proposed by the applicant (including high specification windows; mechanical ventilation and internal amenity space in accordance with the details in the application), as well as the highways and other measures including planting/landscaping and ecological/biodiversity measures; and a mix of conditions to secure details and enhancements to the heritage assets (including the heritage partnership agreement) required to make the application acceptable. A S106 is needed to secure the SAMM contribution and condition for SANGs provision.

7. Conclusion

7.1 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 been given to s149 of the Equality Act 2010 (as amended), which has 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
- (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.

7.2 The development has been assessed against the following Development Plan policies – saved Policies GB1, GB5, GB7, GB10, H03, H04, H09, LE4, MV3, MV4, MV5, MV9, NE8, NE14, NE15, NE16, NE17, NE18, NE20, BE2, BE5, BE5A, BE8, BE9, BE10, BE12, BE16, BE17, BE22, BE25, R4, SV2, SV2A of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation:

The Development Manager be authorised to GRANT planning permission subject to the following obligations and planning conditions:

The completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (As amended) to secure the following obligations:

A: To ensure no adverse impact on the Thames Basin Heath Special Protection Area:

- SAMM financial contribution of £34,650 in accordance with advice from Natural England
- Restriction on dog and cat ownership by occupiers

B: To ensure no unreasonable interference with the future operation of Thorpe Park:

- The marketing material given to each potential purchaser will contain information about the location of Thorpe park and its proximity to the development;
- The lease of each dwelling will contain the same information;
- The owners will not make an application to amend details securing the noise mitigation works as approved unless the amendments improve or do not make worse the performance of the noise mitigation works;
- The owners will not make any planning application on the site unless such a planning application either improves or does not worsen the acoustic performance of the noise mitigation works approved unless they have the written consent of the then operator of Thorpe Park
- Clauses with regard to the investigation of noise complaints
- Unilateral Deed of Easement prior to occupation, for the benefit of Thorpe Park (whenever holds the freehold title) to have the right to pass over the application site a level of noise 65 dB (as informed by the noise surveys carried out in July/August 2019 and reasonably adjusted upwards to recognise the likely increase in noise associated with the likely increase in activity and/or closer proximity of theme park activities associated with the anticipated future development of the theme park)

And subject to the following conditions

- 1 Full application (standard time limit)
The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

- 2 List of approved plans
The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:
Existing Drawings: PLN_001C, 002A, 003A, 010A, 015A, 016A, 017A, 018A, 030A, 031A, 050A, 051A, 052A; PLN_MH_050A, 051A; PLN_EE_050A, PLN_AG_050A, 051A; PLN_LD_050A; PLN_CH_070, 071,072; PLN_MH_075; PLN_EE_080; PLN_AG_085; PLN_LD_090; PLN_095.
Proposed Site Drawings: PLN_100, 110C, 111C;
Proposed Floorplans: PLN_200, 201, 202, 203, 205B, 206B, 207B, 208B, 209B, 220A, 221A, 222A, 209B; PLN_CH_220, 221, 222, 223, 224, 230, 231; PLN_EE_220A, 221, 222, 223; PLN_MH_220B; PLN_AG_220A, 221, 222; PLN_LD_220A; PLN_NB_220C, 221C, 222C, 223A; PLN_PB_220B
Proposed sections & Elevations: PLN_300D, 301D; PLN_CH_301A, 302A; PLN_MH_300B, 301B, 302B, 303B, 304; PLN_EE_300A; PLN_AG_300A; PLN_SY_300B; PLN_CH_350, 351; PLN_MH_350B, 352A; PLN_NB_350D, 351C.
Details: COM_CH_500A, 501A, 502A, 510A, 511A, 512A, 520A, 530A, 531A, 532A; COM_AN_510A, 511A.
Flood Risk & Drainage Plans as specified in the Ayre Chamberlain Gaunt Issue sheet sent with letter dated 5/12/2018 (revised docs dated 5/12/18);
Phase 1 Ground Condition Assessment Drawings as specified in same issue sheet;
Heritage Statement & Heritage Impact Assessment & Report on proposed ventilation strategies for buildings to be converted (Ayre Chamberlain Gaunt dated 10th August 2018)
Landscape Drawings: P17-2669_100A, 101A, 102, 103, 104, 105, 106A, 107, 108, 109, 110A, 111, 120A; P17-2669_09-C RevC_11B, P17-2669 revC.
Mechanical, Electrical, Plumbing drawings as specified in Ayre Chamberlain Gaunt drawing issue sheet (as amended 5/12/18).
Arboricultural Reports & drawing PR121639-03

Reason: To ensure an acceptable scheme and to comply with saved Policies BE2, BE5, BE8, BE9, BE10 of the Runnymede Borough Local Plan Second Alteration 2001.

- 3 External materials (samples required)
Before the above ground construction of the new build development hereby permitted is commenced, samples of the materials to be used in the external elevations shall be submitted to and approved by the Local Planning Authority and no variations in such materials when approved shall be made without the prior approval, in writing, of the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order that the development harmonises with the surroundings in the interests of visual amenity and to ensure that materials respect and are appropriate to preserve and enhance the heritage assets and their settings and comply with saved Policies BE2, BE5, BE8, BE9, BE10 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.

- 4 Surface Water Drainage details

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) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all

stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum Greenfield discharge rate of 4.0 l/s (as per the SuDS pro-forma or otherwise as agreed by the LPA).

c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) 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.

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, and to accord with saved Policies SV2 and SV2A of the Runnymede Borough Local Plan Second Alteration 2001

5 External lighting and floodlighting

Before any external lighting, including floodlighting, is installed at the site, details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed hours of use and measures to ensure that no direct light is projected into the atmosphere above the lighting installation. Development shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To protect the residential amenities of the neighbouring properties, the light environment of this green belt area, the setting of the heritage assets and to protect wildlife and to comply with saved Policies HO9, NE20, BE5, BE8, BE9 & BE10 of the Runnymede Borough Local Plan Second Alteration 2001, guidance within the NPPF, and Policy EE2 of the Runnymede 2030 Draft Local Plan.

6 Construction Environmental Management Plan (CEMP)

Prior to commencement of development, including any demolition works or site clearance, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (inter alia) details of protection measures around the lake margins during construction; timing constraint (demolitions outside the winter period of October to April); measures to avoid deleterious run-off to the lakes/waterbodies; and methodology to avoid pollution, and other measures included at paragraph 5.42 of the Habitat Regulations Assessment submitted with the application. The development shall take place fully in accordance with the approved details.

Reason: To protect the environment and protected sites and species in the vicinity of the site and to comply with Policies NE16, NE17, & NE20 of the Runnymede Borough Local Plan First Alteration 2001, Policy EE2 of the Runnymede 2030 Draft Local Plan and guidance within the NPPF.

7 Landscaping

a. No above ground development shall take place (with the exception of internal works to the listed buildings) until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority (LPA) and these works shall be carried out as approved prior to the first occupation of the development. This scheme shall include indications of all changes to levels, hard surfaces, walls, fences, access features, minor structures, the existing trees and hedges to be retained, together with the new planting to be carried out and details of the measures to be taken to protect existing features during the construction of the development and shall include (inter alia) the creation of a strong planted buffer along the margins of Manor Lake, to reduce public access to the margins of the Lake and provide a buffer from areas used by Gadwell & Shoveler, in accordance with details in the Habitat Regulations Assessment submitted with the application; and enhancements to the setting of the listed buildings.

b. All hard and soft landscaping works shall be carried out in accordance with the approved details. 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 occupation of any part of the development or in accordance to the timetable agreed with the LPA. Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of similar size and species, following consultation with the LPA, unless the LPA gives written consent to any variation.

Reason: To preserve and enhance the character and appearance of the area, and setting of the heritage assets; and in the interests of protected sites and species, and to comply with saved Policies NE14, NE15, NE16, NE17, NE18, NE20, BE2, BE5, BE8, BE9, and BE10 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

8 Tree retention

No tree to be retained in accordance with the approved plans (hereafter known as retained trees and including offsite trees) shall be cut down, uprooted or destroyed and no works to the above or below ground parts of the trees in excess of that which is hereby approved shall be carried out without the written approval of the Local Planning Authority until the expiration of five years from the date of completion of the development. If, within this time, a retained tree is pruned not in accordance with BS3998, removed, uprooted, damaged in any way, destroyed or dies, replacement trees shall be planted at the same place, sufficient to replace the lost value of the tree as calculated using an amenity tree valuation system, unless otherwise agreed in writing by the Local Planning Authority. The number, size, species, location and timing of the replacement planting shall be as specified by the Local Planning Authority.

Reason: To protect the trees to be retained, ensure that the value of the trees is replaced and preserve and enhance the appearance of the surrounding area, the setting of the listed building, and ecology of the site and protected sites and species, and to comply with saved Policies NE14, NE15, NE16, NE17, NE18, NE20, BE5, BE8, BE9, BE10 of the Runnymede Borough Local Plan Second Alteration 2001, and guidance in the NPPF.

9 Tree protection

Following the tree surgery works hereby approved but prior to the commencement of any other works hereby approved, and before any equipment, machinery or materials are brought on to the site, tree protective measures in accordance with the approved Tree Protection Plan (PRI21639-03 June 2018) and Arboricultural Method Statement (PRI21639aia-ams, 12/6/18) shall be installed. Once in place, photographic evidence of all the protective measures shall be submitted to the Local Planning Authority for approval. Nothing shall be stored or placed in any fenced area in accordance with this condition, nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access, other than that detailed within the approved plans, be made without the written consent of the Local Planning Authority. The works shall be carried out in accordance with the approved method statement and protection plan and the protective measures shall remain in place until all works are complete, all machinery and materials have finally left site and an appointed Arboricultural consultant has given written approval for their removal. Arboricultural supervision in accordance with 4.1 of the Arboricultural Method Statement (PRI21639aia-ams, 12/6/18) shall be carried out and records of such submitted to the Local Planning Authority. All trees listed as being retained in the submitted Tree retention and removal plan (DRWQ NO: P17-2669_101) shall not be removed within 5 years from the commencement of works without prior written approval from the Local Planning Authority. Any tree that is removed in contravention of this condition shall be replaced as soon as practicable with more than one new tree of a suitable size and species, to be determined by the Local Planning Authority.

Reason: To protect the trees to be retained, enhance the appearance of the surrounding area, the setting of the heritage assets and protected sites and species, and to comply with saved policies NE14, NE15, NE16, NE17, NE18, NE20, BE5, BE8, BE9, BE10 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

10 Landscape Ecological Management Plan

A Landscape Ecological Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; and ecological and biodiversity enhancements and long-term management of the ecology of the site and protected species (including the sensitive lake margins), shall be submitted to and approved in writing by the Local Planning Authority before occupation of the development or any phase of the development for its permitted use. The Plan shall be implemented in accordance with the approved details thereafter.

Reason: To enhance the appearance of the surrounding area, the setting of the heritage assets, and protected sites and species and to comply with saved Policy NE15, NE16, NE17, NE18, NE20, BE5, BE8, BE9, BE10 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

11 Protection of Manor Lake

No works shall be undertaken at the site to facilitate water sports/water based activities on or in the Manor Lake.

Reason: In the interests of protected sites and species, and to comply with saved Policies NE16, NE17, & NE20 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

12 SUDS verification

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. 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 restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS, and to accord with guidance in the NPPF/G.

13 Remediation Strategy

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - " all previous uses
 - " potential contaminants associated with those uses
 - " a conceptual model of the site indicating sources, pathways and receptors
 - " potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
5. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of Condition (i) or otherwise agreed and where remediation is necessary, a remediation scheme, together with a timetable for its implementation must be submitted to and approved in writing immediately to the local planning authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of Condition (i) or otherwise agreed and where

remediation is necessary, a remediation scheme, together with a timetable for its implementation must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of Condition (ii) in the form of a Remediation Strategy which follows DEFRA CLR11 approaches. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation (verification) plan and report must be submitted to and approved in writing by the Local Planning Authority in accordance with (3) above

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with guidance in the NPPF.

14 Verification of remediation

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site, in accordance with guidance in the NPPF.

15 Flood Risk mitigation

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) C85759-R001 Rev D, September 2018, JNP Group Consulting Engineers and the following mitigation measures detailed within the FRA:

- Compensatory flood plain storage scheme as shown in drawing Flood plain storage plan, Drawing No. C85759-SK-014 Rev D dated 11.07.18 and table 1 Flood compensation in Preliminary Extract from Flood Risk Assessment For Approval Floodplain Compensation dated 09/11/2018 by Andrew Wallace.
- Finished flood levels are set no lower than 14.90 metres above Ordnance Datum in respect of the new build apartments

The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.
4. To ensure that during a flood event there is not an unacceptable risk to the health and safety of the occupants and an increased burden is not placed on the emergency services.
5. To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.
6. To prevent obstruction to the flow and storage of flood water, with a consequent increased risk of flooding.

7. To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity; all in accordance with guidance in the NPPF.
- 16 Further bat survey
- Prior to work commencing on the Lodge (including demolition or soft stripping), a further bat emergence survey shall be carried out, and the results submitted to and approved by the Local Planning Authority prior to any work being carried out on the Lodge.
- Reason: To ensure the protection of bats and since the survey carried out in respect of position B5 was considered to have been less than comprehensive, and to comply with saved Policy NE20 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.
- 17 Speed survey
- Prior to the above ground construction commencing on the new build or the first occupation of the development (whichever is the sooner) a scheme shall be submitted to the Local Planning Authority to assess the speed of traffic along Coldharbour Lane and Norlands Lane. The findings of the assessment and appropriate measures to encourage the reduction in the speed of traffic shall be submitted to and approved by the Local Planning Authority. Such measures as may be approved shall be implemented prior to the first occupation of the development hereby permitted.
- Reason: To assess the need for speed reducing measures to be implemented so that the development does not prejudice highway safety nor cause inconvenience to other highway users, and to accord with saved Policy MV4N of the Runnymede Borough Local Plan Second Alteration 2001, and guidance in the NPPF.
- 18 Highway Improvements
- Prior to first occupation of the development a scheme shall be submitted to and approved by the Local Planning Authority to secure the following improvements:
- A. Street lighting
1. Street lighting will be installed along the length of Norlands Lane from the Redwood junction to the Cold Harbour Lane junction.
 2. Street lighting will be installed along the length of Coldharbour Lane from the Norlands Lane junction to the Ten Acre Lane junction.
- B. Pedestrian Crossings
- (i) New pedestrian crossings, to the current Surrey County Council Standard, shall be installed on:
1. The Eastern arm of the Coldharbour Lane/Ten Acre Lane roundabout.
 2. The Southern arm of the Coldharbour Lane/Ten Acre Lane roundabout.
 3. The Western arm of the Coldharbour Lane/Norlands Lane roundabout.
 4. The South Eastern arm of the Coldharbour Lane/Norlands Lane roundabout.
 5. The Eastern arm of the Coldharbour Lane/Norlands Lane roundabout.
 6. Across Chertsey Lane (A320) to enable access to bus stops, along the appropriate desire line for pedestrian use.
- (ii) Additional pedestrian crossing improvements to Surrey County Council standards shall be carried out at:
1. Norlands Lane/Chertsey Lane junction.
 2. Village Lane Eastern Footway and Village Lane Western footway to enable access to bus stops.
 3. Additional footway link between the two site entrances at the Norlands Lane/Coldharbour Lane roundabout allowing pedestrian exit from the Western site access/egress to the new pedestrian crossing over the Southern arm of the roundabout.
- C. Public Transport improvements

1. Upgrade the bus stops on both Eastern and Western sides of Chertsey Lane (A320) to current County Council Standards to include Real Time Passenger Information (RTPI).
2. Install appropriate signage, timetable board and information at the bus stop on Village Lane outside the Red Lion.

The scheme shall be implemented in accordance with the approved details prior to the first occupation of the residential units on the site.

Reason: To improve the accessibility of the site by alternative means of transport in view of the relatively remote location of the site, and to improve the sustainability of the development, and to comply with saved Policies MV4 and MV5 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF

19 Parking on site

No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The vehicle parking/turning areas shall be retained exclusively for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to comply with saved Policies MV4, MV9 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

20 Method of Construction Statement

No development shall start 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) measures to prevent the deposit of materials on the highway

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to comply with saved Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF

21 Travel Plan

Prior to the first occupation of the development, a Travel Plan, in accordance with the aims and objectives of the National Planning Policy Framework (NPPF) and in general accordance with the "Cemex House, Thorpe Travel Plan' document (project ref: 42799 dated April 2018), shall be submitted for written approval by the Local Planning Authority. The approved Travel Plan shall then be implemented prior to first occupation and thereafter maintained to the satisfaction of the Local Planning Authority

Reason: To encourage sustainable transport measures and improve the sustainability of the development and site, and to comply with guidance in the NPPF.

22 Protection of bats

All of the recommended actions in section 5 of the Protected Species Survey Report by Ecology Solutions dated August 2018 shall be implemented during the construction phase of the development hereby permitted - with particular reference to the need for the applicant to:

" Obtain at least a Low Level Class Impact Licence (LLCIL) or European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing and to;

" Undertake all the actions which will be detailed in the Method Statement (as outlined) which must support an EPS licence.

Reason: To help prevent adverse effect to legally protected bat species resulting from the proposed development works, and to accord with saved Policy NE20 of the Runnymede Borough Local Plan Second Alteration 2001, and guidance in the NPPF.

23 Ecological survey (implementation)

The development hereby approved shall be implemented fully in accordance with the recommendations in the Ecological Assessment ref 7678.EcoAs.vf3 dated November 2018 by Ecology Solutions hereby approved (noting that these include improvements to the Lake edge habitats). A Verification Report shall be submitted to document the ecological enhancements prior to the first residential occupation of the development hereby permitted.

Reason: To enhance biodiversity and to comply with saved Policy NE20 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

24 Programme of archaeological work

No works below current ground levels shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To allow archaeological information to be recorded and to comply with saved Policy BE15 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

25 Restriction of use

The extra care apartments hereby permitted shall be occupied by at least one person who is of at least 55 years of age and in need of care and this care shall include a minimum package of care for each letting and/or sale unless otherwise agreed in writing with the local planning authority. It shall be occupied and used at all times following the first commencement of the use hereby permitted, as a single planning unit falling within the definition of a residential institution for the provision of residential accommodation and care to people in need of care and for no other purpose whatsoever, including any other use in Class C2 in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To accord with the terms of the application and to ensure that the use remains in Class C2 and contributes towards meeting an identified local need for extra care accommodation in accordance with the terms of the NPPF and the intentions of saved Policies HO3 and HO4 of the Runnymede Borough Local Plan Second Alteration 2001 and the Councils' Housing Needs Assessment.

26 Securing abnormal community benefits

Prior to the first occupation of the first residential apartment hereby permitted, the Applicants shall submit a written scheme to the local planning authority setting out measures to facilitate the public access to the site and facilities hereby permitted. Such a scheme shall include (inter alia) the following details:

1. Measures to facilitate the use of the site (including facilities within the building) by local schools, individuals and community groups
2. Frequency and range of events to be run on an annual basis for people to come into the community and make use of the buildings and grounds
3. Timescales and mechanisms for review of the plan

Once the scheme is approved by the Local Planning Authority, it shall be implemented by the Applicants prior to the occupation of 75% of the residential units hereby permitted, and subject to review in accordance with the details set out in the plan.

Reason: To secure reasonable community use of the site and buildings in accordance with the terms of the application and in accordance with saved Local Plan policy R4 and in order to secure community benefits which are put forward as very special circumstances that are

required (in part) to outweigh harm to the Green belt, in accordance with saved policy GB1 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

27 Vegetation and bird survey

Any scrub, hedgerow and tree clearance must be undertaken outside the breeding season (March to July inclusive) unless the applicant has first carried out a survey of such vegetation which shows that there are no nesting species within the application site and any such survey results have been submitted to and approved by the Local Planning Authority (LPA). Bird nest boxes shall be incorporated into the new development in accordance with details to be submitted to and approved by the LPA prior to the first occupation of any part of the development.

Reason: To prevent birds being injured or killed during site clearance works and to comply with saved Policy NE20 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

28 SPA

No development shall take place until a scheme for the mitigation of the effects of the development on the Thames Basin Heaths Special Protection Area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of Suitable Alternative Natural Greenspace (SANG). In the event that the proposal is for the physical provision of SANG, the SANG shall be provided in accordance with the approved scheme before first residential occupation of the C2 apartments hereby permitted.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a significant adverse effect on a European site within the Conservation of Habitats and Species Regulations 2010.

29 Flood risk management and evacuation plan

Prior to the commencement of the above ground construction of the development hereby permitted, a Flood Risk Management Plan (FRMP) shall be submitted to and approved in writing by the Local Planning Authority. The FRMP shall provide a householder pack which shall include details of how this pack will be made available to the first and subsequent occupiers, and include details of a safe escape route and the place that people can be evacuated to.

Reason: To maintain control in the interests of public safety and to comply with saved policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

30 Further noise survey requirements

Prior to commencement of development - other than preparatory works, demolition and removal of fixtures and fittings carried out in accordance with the approved plans, additional continuous noise surveys shall be undertaken in late July/August (during Thorpe Park's normal peak operating period) to re-evaluate and ratify the general noise levels which are typically found at the application site during Thorpe Park's peak operational period and hence further inform the baseline levels for the provision of mitigation required by Conditions 31 and 32.

The additional noise surveys shall be carried out in accordance with the following requirements and timescales:

A. Prior to undertaking the additional continuous noise surveys, a methodology setting out the locations of the noise measurement positions (to include the proposed external amenity space, existing and proposed residential facade locations and the nearest boundary within the application site to Thorpe Park), the type of noises which are expected to be generated, the parameters being measured and the precise timings of the surveys, shall be submitted to and approved by the Local Planning Authority; and

B. The late July/August continuous noise surveys shall then be undertaken strictly in accordance with the agreed methodology, over a minimum and constant 4 week period; and

C. The late July /August continuous noise survey results and subsequent application to condition 2, shall consider the following averaging for the acoustic parameters:

- dB LAeq, 15mins - 90th percentile of measured 15 minute values to be used.
- dB LA90, 15mins - arithmetically averaged measured 15 minute values to be used.
- dB LAm_{ax} - 90th percentile of measured 15 minute values to be used; and

D. The late July /August continuous noise survey results shall then be submitted to and approved by the Local Planning Authority, in the form of a noise survey report, prior to commencement of development (other than, preparatory works, demolition and removal of fixtures and fittings carried out (in accordance with the approved plans) and shall inform the acoustic specification of all external windows, external doors, ventilation and external building fabric, as required under conditions 31 and 32

Reason: In order to limit noise levels inside the residential units and to provide a satisfactory living environment for future residents, in accordance with saved policies BE22 and BE23 of the Runnymede Borough Local Plan Second Alteration 2001, guidance in the NPPF, the Noise Policy Statement for England, and British Standard 8233:2014.

31 Details of acoustic insulation required

Prior to the commencement of development (other than preparatory works, demolition and removal of fixtures and fittings carried out in accordance with the approved plans), details of all external windows (including framing system and glazing), external doors, trickle vents and external building fabric (existing or new build, as hereby approved) within the existing and new proposed buildings to be converted and/or constructed on the application site shall be submitted to and approved by the Local Planning Authority and shall meet the following requirements:

A. All windows of the properties and amenity buildings within the application site are to be sealed shut and the specification of the glazing units and together with the rest of the external fabric of the building when taken together will ensure no exceedances of required internal noise levels within rooms and periods as detailed below:-

(i) Bedrooms and sleeping areas not to exceed 30 dB LAeq and/or 45 dB LAmax during night period (23:00 to 07:00) and daytime periods

(ii) Living areas/ resting areas not to exceed 35 dB LAeq and 45 dB LAmax during the daytime period and night time period

(iii) Daytime period for (i) and (ii) above shall be defined as Thorpe Park typical public opening hours only (i.e. between the hours of 10:00 to 20:00), for the purposes of calculation

(iv) Any other room not specified above is required to comply with internal noise levels and time periods as specified in table 4 of BS8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice',

B. Any measurements taken to ensure that the levels detailed in section A are adhered to, shall be made/taken inside rooms with windows sealed shut, doors closed and any relevant mechanical ventilation in operation.

C. The details of proposed measures shall provide mitigation so as to provide internal noise levels to the levels identified in Part A of this Condition having regard to the measured noise levels determined and verified pursuant to Condition 30 and after applying an increase of 8 dB to both LAeq dB and LAmax values (applied to all 1/1 octave band parameters).

The development shall then be carried out strictly in accordance with the approved details and the approved details shall be retained as approved for the life of the development. There shall be no alteration to any part of any building's acoustic insulation without the prior consent of the Local Planning Authority and any alternative acoustic insulation measures subsequently proposed must meet the same or higher acoustic insulation standards to those required by this Condition.

Verification that the internal noise levels required by this condition have been achieved shall be submitted to and approved by the Local Planning Authority in a validation report prior to the completion of development or first residential occupation of any existing buildings and/or any new build hereby permitted (whichever is the sooner) or in accordance with a phasing plan first agreed by the Local Planning Authority (noting that phasing may necessitate the submission of a final validation report). Testing for the validation report is to be undertaken in the first peak Thorpe Park operating season (i.e. late July/August) following completion of the relevant part of the development and at times when the worst noise conditions are most likely to prevail, in particular and wherever possible when all rides/attractions at Thorpe Park are in operation, over a minimum and constant period of 4 weeks (including Daytime/Nighttime levels). The validation report(s) shall also contain details of the external noise levels across the site at the times of testing for the verification. In the event that the verification report as submitted to the Local Planning Authority indicates that the noise levels required by this condition have not been achieved, details of further mitigation measures (together with timescales for implementation) shall be submitted to the Local Planning Authority within 8 weeks of the Local Planning Authority's notification of non-approval of the report and approved by the Council prior to residential occupation of the relevant part of the development. The further mitigation shall be

carried out as approved in accordance with a timetable to be agreed by the Local Planning Authority and thereafter retained for the life of the development.

Reason: In order to limit noise levels inside the residential units and to provide a satisfactory living environment for future residents, in accordance with saved policies BE22 and BE23 of the Runnymede Borough Local Plan Second Alteration 2001, guidance in the NPPF, the Noise Policy Statement for England, and British Standard 8233:2014.

32 Mechanical ventilation details:

A. Details of the mechanical ventilation systems to be incorporated into the existing buildings to be converted (including a noise assessment of the ventilation system) shall be submitted to and approved by the Local Planning Authority prior to commencement of the development, and such details as may be approved shall be installed prior to the first residential occupation of the existing buildings on the site, and permanently retained as approved thereafter.

B. Details of the mechanical ventilation systems to be incorporated into the new residential building hereby permitted (including a noise assessment of the ventilation system) shall be submitted to and approved by the Local Planning Authority prior to the installation of the systems. Such details as may be approved shall be installed prior to the first residential occupation of the site hereby permitted, and permanently retained as approved thereafter.

C. All habitable rooms are required to have a suitable mechanical ventilation system due to the requirement for sealed windows.

D. Any mechanical ventilation system introduced into any building approved for development must ensure that the mechanical ventilation system when operational is so designed to ensure that the internal noise levels of the rooms being served by the ventilation system do not generate noise levels that would result in non-compliance with internal noise levels as specified in condition 31A.

Reason: To ensure that a suitable internal living and sleeping environment is provided for future residents that would enable them to keep the windows closed to protect them for noise, and for the rooms to be suitably ventilated, in accordance with saved policies BE22 and BE23 of the Runnymede Local Plan Second Alteration 2001, Guidance in the NPPF and G, the Noise Policy Statement for England, and BS8233; 2014.

33 Plant/equipment noise

New and existing operational plant/ equipment within the development shall be assessed in accordance with BS4142:2014 and shall achieve a minimum level that is 10 dB below pre development background noise levels (expressed as LA90 dB) at the relevant time, at the nearest defined receivers to the operational plant elements unless otherwise agreed in writing by the local planning authority. If the plant/ equipment operates intermittently or can be considered tonal or impulsive then a further correction shall be applied, in accordance with BS4142:2014. The assessment shall consider cumulative effects from all operational plant/ equipment operating simultaneously.

Reason: To ensure that a suitable internal living and sleeping environment is provided for future residents that would enable them to keep the windows closed to protect them for noise, and for the rooms to be suitably ventilated, in accordance with saved policies BE22 and BE23 of the Runnymede Local Plan Second Alteration 2001, Guidance in the NPPF and G, the Noise Policy Statement for England, and BS8233; 2014.

Informatives:

- 1 The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.
- 2 The details of the mechanical ventilation system for the buildings to be converted shall be in general accordance with the Ayre Chamberlain Gaunt Report on the ventilation system submitted with the application, and shall be designed to minimise the impact on the listed buildings.
- 3 The applicant is advised that the landscaping scheme should be a high quality scheme and prepared by a qualified landscape architect.
- 4 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 and 149).

- 5 The applicant is advised that this permission is subject to a Section 106 Agreement.
- 6 The applicant is advised that to satisfy the above condition in respect of SANG there are likely to be two options.

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). The physical provision of SANG is likely only to be suitable for schemes of in excess of 60 dwellings due to the need to meet Natural England's guidelines for SANGs. The achievement of this is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 (as amended).

The second is to enter into a land transaction, for an appropriate financial sum, with the Council to obtain a licence to utilise part of one of the Council's SANGs in mitigation. If the applicant wishes to pursue this option they should contact the planning case officer for further advice.

The applicant is further advised that the above arrangements will be in addition to the payment of any applicable Strategic Access Management and Monitoring (SAMM) payment through the Planning Obligation process

- 7 The applicant can find further advice on what information is required to enable the approval of conditions in relation to surface water drainage on the Runnymede Borough Council's website www.runnymede.gov.uk Search for "surface water drainage" in the search function.
- 8 For the avoidance of doubt, the following documents submitted as part of the above application have been reviewed and should be referred to as part of any future submissions or discharge of planning conditions:

" Drawings:

- o C85759-SK-001-Rev H - Site Foul and Surface Water Strategic Drainage Plan
- o C85759-SK-002-Rev A - Site Foul and Surface Water Strategic Drainage Plan Sheet 2 of 7
- o C85759-SK-003-Rev A - Site Foul and Surface Water Strategic Drainage Plan Sheet 3 of 7
- o C85759-SK-004-Rev A - Site Foul and Surface Water Strategic Drainage Plan Sheet 4 of 7
- o C85759-SK-005-Rev B - Site Foul and Surface Water Strategic Drainage Plan Sheet 5 of 7
- o C85759-SK-006-Rev B - Site Foul and Surface Water Strategic Drainage Plan Sheet 6 of 7
- o C85759-SK-007-Rev A - Site Foul and Surface Water Strategic Drainage Plan Sheet 7 of 7
- o C85759-SK-008-Rev A - Drainage Construction Details - Sheet 1 of 2
- o C85759-SK-009-Rev A - Drainage Construction Details - Sheet 2 of 2
- o C85759-SK-011-Rev B - Exceedance Route Plan Existing Site
- o C85759-SK-012-Rev C - Exceedance Route Plan Proposed Site 100yr + cc
- o C85759-SK-013-Rev C - Exceedance Route Plan Proposed Site Exceedance Event

" Flood Risk Assessment - Rev E, jnp Group Consulting Engineers, 5 December 2018, document reference: C85759 R001.

" Drainage Assessment Report - Rev C, jnp Group Consulting Engineers, 5 December 2018, document reference: C85759 R002;

" SuDS Management and Maintenance Document - Rev B, jnp Group Consulting Engineers, 5 December 2018, document reference: C85759 R003.

- 9 Other informatives related to Drainage (& the LLFA):

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

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

Minimum finished floor levels have been recommended in the Flood Risk Assessment - Rev E (jnp Group Consulting Engineers, 5 December 2018, document reference: C85759 R001.) In the absence of a formal consultation response from the Environment Agency these levels should be taken forward to detailed design.

If there are any further queries please contact the Sustainable Drainage and Consenting team via SUDS@surreycc.gov.uk.

- 10 Environment Agency informatives re flood risk & ground water protection:
Note: The Environment Agency has reviewed the PBA Phase 1 Ground Condition Assessment for Cemex House - Site Development dated July 2018 and is satisfied that part 1 of this condition has been fulfilled.

This site is underlain by the Shepperton Gravel Member (Principal Aquifer) and within a source protection zone (SPZ3) for a potable water supply. The car park and 'The Mound' on the eastern part of the site, coincide with an historic landfill site and the development proposal is to build apartments in this area. Whilst there are records of the waste deposited in the historic landfill there are no records of the material used to build 'The Mound' (over the landfill) in the early 1980's. A deep penetrative foundation solution is likely to be required for the apartment blocks and waste material may be disturbed during piling. We therefore agree with the recommendations of the PBA Phase 1 Ground Condition Assessment for Cemex House - Site Development dated July 2018 that an intrusive investigation should be undertaken prior to redevelopment of the site and that this should focus on the suspected landfill and 'The Mound' (to characterise the in-fill material).

This site is underlain by the Shepperton Gravel Member (Principal Aquifer) and within a source protection zone (SPZ3) for a potable water supply. The car park and 'The Mound' on the eastern part of the site, coincide with an historic landfill site and the development proposal is to build apartments in this area. Therefore we need to protect the aquifer from any contamination that could be mobilised by development.

- 11 The EA advise that all sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

- 12 Highway informatives:

1) Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council.

2) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

3) The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a licence must be obtained from the Highway Authority Local Highway Service Group before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. 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

4) 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).

5) The Highway Authority advise that the proposed estate road(s) are of insufficient public utility to warrant adoption as highway maintainable at public expense.

- 6) 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
- 13 Affinity Water advice:
Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.
- If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.
- If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.
- All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.
- 14 The Applicant is advised that the overall layout as proposed accords to Secured by Design principles, but that with attention and support to the more detailed aspects of the physical security requirements could achieve full Secured by Design (Gold) certification. For more advice, you should contact the North Division Crime Prevention Design Advisor (BREEAM SQSS) of Surrey Police. Details are provided in the consultation response dated 9/5/18
- 15 Thames water advice:
1. Waste Comments
There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
2. 'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
2. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 16 The Applicant is advised that the LEMP should incorporate the enhancements recommended by the Surrey Wildlife Trust in their letter dated 29/5/18

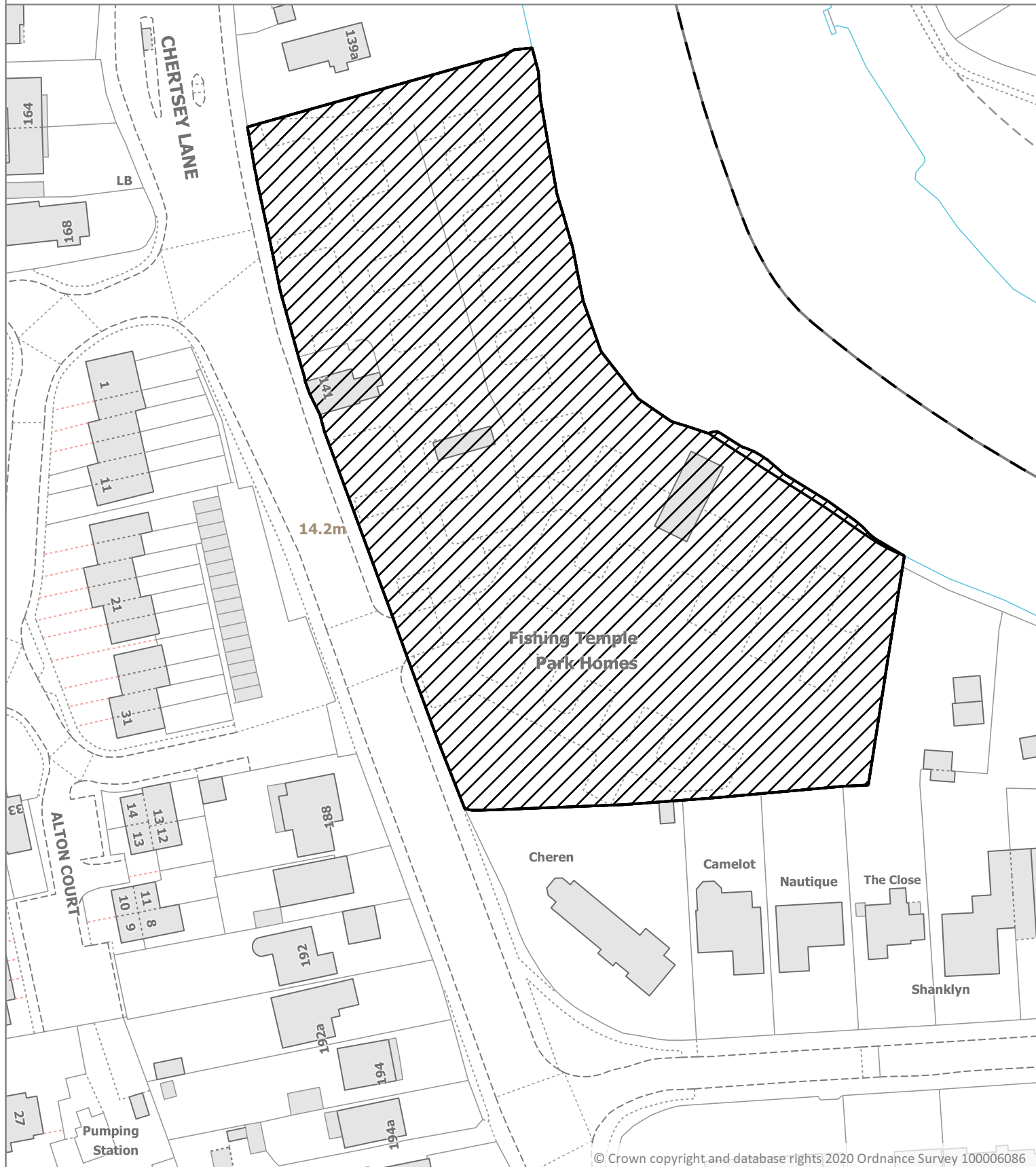


FOR LOCATION PURPOSES ONLY

Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

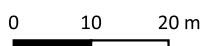
Date: 22/01/2020

Thames Retreat 141 Chertsey Lane Staines-Upon-Thames TW18 3ND



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Scale:1:1250



RU.19/0263



RU.19/0263	Ward:
LOCATION:	Thames Retreat 141 Chertsey Lane Staines-Upon-Thames
PROPOSAL	TW18 3ND Retention of electricity substation/security hut and erection of decking to units 1 -11, 19 and 21 and retention of boundary fencing along the northern boundary.
TYPE:	Full Planning Permission
EXP DATE	12 April 2019

SUMMARY OF RECOMMENDATION: Grant with conditions

1. Site
 - 1.1 The application site is a lawful caravan site with the current layout approved under RU.17/1752. Only some of the caravans have been brought back onto the site following refurbishment of the site. The site is accessed from Chertsey Lane and abuts residential properties to the North and South which is defined by wooden fences with planting with the River Thames along the Eastern boundary and Chertsey Lane to the west which is screened by a boundary wall. The site lies within the high risk flood zone and abuts the functional flood plain along the River Thames. The site is located within the Urban Area and an Area of Landscape Importance.
2. Planning history
 - 2.1 RU.19/0259 - Variation of condition 3 of planning permission RU.17/1752 - to amend the height the mobile homes to be raised off the ground from 1 metre to 0.85 metres and infill the surrounding by brick skirting. Granted October 2019
 - 2.2 RU.18/1225 – Details pursuant to conditions 5 and 8 of planning permission RU.17/1752. Approved August 2018
 - 2.3 RU.18/0592 – Details pursuant to conditions 4, 6 and 7 of planning permission RU.17/1752. Approved April 2018
 - 2.4 RU.17/1752 – Engineering operations including changes to land levels across the site. Granted March 2018
3. Application
 - 3.1 The applicant has applied for retrospective planning permission to retain an electricity substation and decking to caravans in plots 1 -11, 19 and 21. The caravan in plot 1 is in-situ and the decking has been erected. The substation is located close to the front boundary of the site and is 6.6 metres deep, 3 metres wide and has a flat roof at a height of 2.2 metres. The building houses the electricity meters for the units on the site and replaces a pre-existing building in the same position. The decking attached to the caravans would extend to a depth of approximately 1.8 metres and across the width of the units. The decking would be enclosed by glazed screening at a height of approximately 0.95 metres. Additional bamboo fencing has also been installed on the northern boundary fence with the adjacent neighbouring property no. 139a Chertsey Lane.
4. Consultations
 - 4.1 28 Neighbouring properties were consulted in addition to being advertised on the Council's website. A total of three letters of representation have been received which have been published online. A summary of the objections to this application is detailed below:
 - The substation will be a new building at ground level; it adds to the cumulative effect of building in the Flood zone, and will not enable the free flow of flood water.
 - Number of concerns regarding Thames Retreat: flood risk issues to neighbours from raising of land and concrete bases
 - Number and size of properties has destroyed outlook from neighbour
 - Solid wall replacing previous wall with gaps and further wall has been constructed
 - Due to raised height, direct infringement of privacy, and noted balconies are being constructed
 - Concern about noise
 - The substation building is already present on the site
 - 4.2 Environment Agency – No objection subject to condition

- 4.3 Spelthorne Borough Council - No objection
5. Relevant Local Planning Policies
- 5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001 : BE2, HO9, NE8, and SV2
- 5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.
6. Planning Considerations
- 6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are the impact the substation building, decking and fencing would have on the visual amenities of the street scene, the residential amenities of the occupiers of the adjacent neighbouring properties and flood plain.
- 6.2 The substation is located behind the existing front boundary wall and is low level. The wall screens the majority of views of the building from the street and views to the building from the river would be screened by the caravans to be sited at the site. It is therefore considered that the building does not materially harm the visual amenities of the area in compliance with saved Policy BE2.
- 6.3 The decking and fencing would be within the site and are also not clearly visible from the street scene; however they are visible from the other side of the river. The decking would have a limited projection from the caravans, and would be subservient feature. The fencing has been attached to a section of the existing north boundary fence and is not any higher than the established planting in the adjacent neighbouring properties further along the boundary. Therefore it is considered that the decking and fencing would not be overly dominant when viewed from the river and would not unduly harm the visual amenities of the area when viewed from the river also in compliance with saved Policies BE2 and NE8.
- 6.4 The substation building is not located close to any neighbouring properties outside of the caravan site and as such it is considered that it would not harm the amenities of the occupiers of any adjacent neighbouring properties. Within the site, the building is not be obtrusive or otherwise harmful to the residential amenities of the occupiers of the caravans. Saved Policy HO9 is therefore complied with in this respect.
- 6.5 The decking is proposed on a number of caravans throughout the caravan park. It is considered that whilst there may be some impacts on privacy within the site, there would be no harmful overlooking or loss of privacy to neighbouring residential properties outside the site. This is with the exception of No. 139a Chertsey Lane which abuts the caravan site to the north. In terms of direct overlooking into the neighbouring dwelling, there is a good separation distance between the property at No. 139a and the new decking at the nearest caravan plot 1. The applicant has erected bamboo fencing which restricts views from the decking into the neighbouring garden, and therefore maintains privacy. Therefore it is considered that the proposed decking and fencing would not cause a material level of overlooking nor would it be overbearing to the detriment of the occupiers of the adjacent neighbouring properties. However, a condition requiring the fencing along the northern boundary to be maintained and retained is recommended to protect the amenities of the occupiers of the neighbouring property. It is considered the appearance of the bamboo fencing is not harmful to the amenities of the area or the riverside landscape, and therefore the application complies with saved Policy HO9.
- 6.6 The site is located within the high risk flood zone. The decking is open and enables flood water to flow underneath. The substation is brick, but this replaces a previous substation. The Environment Agency raise no objection to the application subject to condition regarding the provision of compensatory flood storage as a result of the substation as recommended in the Flood Risk

Assessment and that the decking is constructed as indicated per the Flood Risk Assessment. It is therefore considered that the proposal complies with Saved Policy SV2 of the Runnymede Borough Local Plan.

7. Conclusion

7.1 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 been given to s149 of the Equality Act 2010 (as amended), which has 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
- (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.

7.2 The retention of the decking, fencing and substation building would not materially harm the visual amenities of the area, would not unduly affect the residential amenities of the occupiers of the adjacent neighbouring properties and not impact on the flood safety. The development has been assessed against the following Development Plan policies – saved Policies BE2, HO9 and SV2 of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation: Grant subject to the following conditions

1 Full application (standard time limit)

The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 List of approved plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans Site Plan showing proposed decking on units 1, 7, 19 and 21, Elevations of revised substation building, Existing electric substation Elevation and Plan, Red line plan received 2 July 2019, Clarification of application email from applicant dated 14 November 2019, Additional Flood Risk Assessment Information received 11 July 2019, elevations of caravans showing height of veranda received 15 February 2019, photographs of Hut received 5 February 2019.

Reason: To ensure an acceptable scheme and to comply with saved Policies BE2, NE8, HO9 and SV2 of the Runnymede Borough Local Plan Second Alteration 2001.

3 The development shall be carried out in accordance with the submitted flood risk assessment (ref reference A3082/FRAI/002 dated 10.07.2019 compiled by Accon UK) and the following mitigation measures it details:

The decking shall be constructed in accordance with Figures 2.2 and 2.3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes to reduce the risk of flooding to occupants and elsewhere and to comply with saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

4 Within 2 months of the date of this permission, details of a scheme to provide compensatory flood

storage shall be submitted to, and approved in writing by, the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to comply with saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

- 5 The northern boundary fencing shall be retained and maintained as shown on the submitted photographs received 22 August 2019 in perpetuity.

Reason

To preserve the residential amenities of the occupiers of the users of plot 1 and the amenities of the occupiers of the adjacent neighbouring residential property and to comply with Saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001.

Informatives:

- 1 Summary of Reasons to Grant Consent
The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.
- 2 The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.



FOR LOCATION PURPOSES ONLY

Ashleigh Redwood Thorpe TW20 8SU

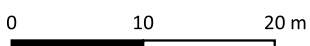
Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

Date: 22/01/2020



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Scale:1:750



RU.19/1392



RU.19/1392	Ward:
LOCATION:	Ashleigh Redwood Thorpe TW20 8SU
PROPOSAL TYPE:	Proposed rear extension and proposed loft conversion with dormers. Full Planning Permission
EXP DATE	20 November 2019

SUMMARY OF RECOMMENDATION: Grant with conditions

1. Site

1.1 Redwood is a small cul de sac at the western end of Norlands Lane immediately adjacent to the Green Belt boundary. The application property Ashleigh is a bungalow sited to the east of the cul de sac, accessed from Redwood with two accesses, one leading to parking on the northern side, and the other to parking and garage on the western side. The site is adjacent to 17 Redwood to the west and is to the rear of West Winds, Carmyle and Trespassers in Norlands Lane to the south. Other residential properties in Holland Gardens back onto the site and also to the north. There is mature planting around the site. The site lies within the Thorpe Neighbourhood Forum area. The site is located within Flood Zone 3a and Flood Zone 2. The dwelling (excluding the site for the proposed single storey extension) and northern end of the garden are also within the Functional Floodplain.

2. Planning history

2.1 This bungalow and detached double garage received planning permission in 1976. It has not been extended since.

In 1992 planning permission (RU.92/0669) was refused for a two bedroom detached bungalow next to Ashleigh. In 2019, planning application RU.19/0225 was refused for the demolition of Ashleigh and the erection of five new detached dwellings with parking, due to cramped and incongruous form of development, impact on neighbouring residential amenity and flood risk.

3. Application

3.1 Full planning permission is sought for the erection of a single storey rear extension and a loft conversion with two bedrooms each with en-suite bathrooms in an enlarged roof space by adding dormers to the four roof slopes. The rear extension would be located centrally with a width of 5.7m, and depth of 3.4m with windows/doors on all sides. The extension would have a flat roof, and would be 2.7m high. The applicant has confirmed that a gas membrane is to be installed under the extension. In respect of the dormer windows, amended plans have been received following concerns expressed by neighbours and discussions with officers. The applicant has reduced the main three dormers, ensuite windows will be obscured with top opening windows only, and the front dormer is to be part obscured to prevent direct overlooking. The proposal as amended is therefore a single dormer on the front elevation (west) the lower part of which is to be obscurely glazed, and a rooflight. There would be a small dormer window on each of the side elevations (north and south) both obscurely glazed with top opening only, and two small rear dormer windows on the east elevation. The applicant has also submitted a Flood Risk Assessment.

4. Consultations

4.1 17 Neighbouring properties were consulted in addition to being advertised on the Council's website and representations with objections have been received from three households. The main grounds for objection are:

- The dormer windows would result in a loss of privacy to neighbouring residents
- The Flood Risk Assessment is out of date and ineffective and the proposed extension would put existing and future residents at an increased risk from flooding

4.2 Thorpe Neighbourhood Forum: Object on grounds of Flood Risk in terms of water displacement causing increased flood risk to neighbouring properties and risk of flood hazard to the future occupiers of the converted bungalow.

4.3 The Council's Contaminated Land Officer raises no objection but requires a gas protective membrane to be installed as the application site is adjacent to the Norland's lane landfill site.

5. Relevant Local Planning Policies

5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001:BE2, HO9, SV2

5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.

5.3 Council's SPG – Householder Guide (July 2003)

6. Planning Considerations

6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are the visual impacts of the proposed roof enlargements and the rear extension on the street scene and character of the area, and impacts on neighbouring amenities, and flood risk.

6.2 The existing bungalow is sited in the northern part of its plot, and set back from the frontage with Redwood, and away from the western, northern and eastern boundaries. Whilst the site has an open frontage with only a small section of dwarf wall, the bungalow is unobtrusive in the street scene of Redwood. The dwellings in the vicinity are two storey with frontages devoted to parking. The rear extension would not be visible from Redwood, and as a single storey structure, would not be harmful to the character of the area. The conversion of the space under the roof would not result in any changes to the height or form of the roof. The front dormer and rooflight would be visible from Redwood but due to their small scale and subservient appearance, and set back from the frontage, would not appear prominent in the street scene. The two side dormers would be also subservient and would not have a harmful appearance. Finally, the rear dormers would also have a subservient appearance, with no presence in the street scene. It is considered that the character and appearance of the area would be maintained, and the proposal complies with saved Policy BE2.

6.3 In terms of impact on residential amenities, the proposed rear extension would be closest to the rear gardens of Nos. 11 and 13 Holland Gardens. However, being single storey and flat roofed, and a minimum distance of 9.4m to the boundary with these neighbours, combined with existing screening, it is considered the extension would not be obtrusive, nor cause any overlooking or harmful overshadowing to these neighbours. The separation distances to other neighbours in Holland Gardens and the three neighbours to the south in Norlands Lane would ensure no harm to these properties would arise, and there would be no harm to neighbours in Redwood.

6.4 The proposed side dormers on the north and south elevations would serve bathrooms and would be obscurely glazed with top opening only, and it is considered that on this basis, the privacy of neighbours would be maintained, with a condition recommended to secure this for the northern elevation to protect the privacy of the rear garden of No. 17 Holland Gardens. The front dormer window would face towards the rear garden of No. 17 Redwood. There is an existing distance of 14m to the common boundary and a total separation distance of 26 metres to the rear of the conservatory extension. It is considered that these separation distances and boundary screening would maintain privacy. However, in view of neighbour concerns, the applicant has proposed that this window be partly obscurely glazed. Whilst this is not ideal for the amenity of the occupiers of the front bedroom to be served by this window, and the window will be openable, it is nevertheless considered this is a reasonable compromise solution to provide an acceptable relationship with the neighbour and provide adequate amenities for both properties. There are no concerns arising from the proposed rooflight on the front roofslope which will serve the landing. There will be two clear glazed dormer windows in the rear roofslope which will face the rear of the properties in Holland Gardens, with views towards Nos. 9-15 Holland Gardens. However, as the dormer windows will be set back from the eaves, there would be a minimum separation distance to the rear boundary of approximately 14.5m from the dormer windows such that whilst the windows will be visible from neighbours, there would be no overlooking or harmful loss of privacy to the rear rooms of the

neighbours, and with the screening along the boundary, there would be limited impact on the privacy of the gardens. It is therefore considered that the proposed dormer windows as amended would maintain and protect the amenities of neighbouring dwellings and their gardens, in accordance with saved Policy HO9 and the adopted Householder Guidance SPG.

6.5 The application site is located within the high risk flood plain and the front and northern side of the plot are within the functional flood plain. The proposed rear extension would be sited outside the functional flood plain which is to be welcomed. In accordance with standing advice from the Environment Agency, minor householder extensions are acceptable within the floodplain subject to flood resilience and mitigation measures being incorporated, which the applicant confirms will be the case. A condition is recommended to secure this, and the proposal complies with saved Policy SV2 and the NPPF in this respect.

6.6 In addition, the applicant also confirmed that a gas membrane is to be installed to the proposed ground floor extension as requested by the Council's Environmental Health Officer. A condition is recommended to secure this.

7. Conclusion

7.1 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 been given to s149 of the Equality Act 2010 (as amended), which has imposed 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
- (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.

7.2 The development is considered will have an acceptable appearance with no harm to the street scene or character of the area, and no harm to flood risk. There would be a compromise with internal amenity in order to protect the amenities of the neighbour at No. 17 Redwood, and there would be no harm to the amenities of other neighbours. The development has been assessed against the following Development Plan policies – saved Policies BE2, HO9, and SV2, of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation: Grant subject to the following conditions

1 Full application (standard time limit)
The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 List of approved plans
The development hereby permitted shall not be carried out except in complete accordance with the following approved plan and documents:

- Amended Proposed Layout Plans & Elevations, drawing No. TL-4144-19-1B
- Email received 4th December 2019 from Anglia Design, in respect of gas membrane, flood risk mitigation and window design.

Reason: To ensure an acceptable scheme and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration 2001.

- 3 External materials (as approved on form)
The development hereby permitted shall be constructed entirely of the materials stated in Part 5 of the submitted valid planning application form unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that the proposed works harmonise with that existing in the interests of visual amenity and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.
- 4 Obscure glazing
- Before the first occupation of the rooms in the roof hereby permitted, the lower part of the bedroom window in the front roof elevation shall be fitted with obscured glazing (at Pilkington Glass Level 4 or equivalent) as shown on approved plan TL-4144-19-1B and any part of the window that is less than 1.7 metres above the floor of the room shall be non-opening and fixed shut. The window shall be permanently retained in that condition thereafter.
- Reason: To avoid overlooking into the adjoining property and to comply with saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.
- 5 High level windows
- Notwithstanding any indication otherwise given on the plan hereby permitted, the window in the north facing elevation shall be obscure glazed to a height of 1.7m above finished floor level and top opening only, and thereafter maintained in this form.
- Reason: In the interests of amenity of neighbouring properties and to comply with saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.
- 6 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the ground gas protective membrane (regarding ground gas migration pathways) which shall be laid under the floor of the extension hereby approved. The approved details shall be fully implemented and retained for the life of the development.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with guidance in the NPPF.
- 7 In the event that contamination is found at the site during the construction of the extension hereby approved, work shall stop immediately, a site investigation carried out by a competent person and a report shall be submitted in writing to the Local Planning Authority for Approval. No further works shall be undertaken unless otherwise approved in writing by the Local Planning Authority.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with guidance in the NPPF.
- 8 Floor levels and flood proofing
- The floor level within the proposed rear extension shall be set no lower than existing levels of the dwelling and flood proofing of the proposed development shall be incorporated where appropriate.
- Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity and to comply with saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001, guidance within the NPPF and the Environment Agency's Standing Advice on Development and Flood Risk March 2007.
- 9 Storage of spoil post completion (sites wholly within floodplain)

Upon completion all spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity and to comply with saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

10 Steps and ramps

Any steps or ramps must have an open construction.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood water storage capacity and to comply with saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

Informatives:

1 Summary of Reasons to Grant Consent
The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

2 Amended Plans
The applicant is advised that this permission has been amended since the proposal was originally submitted to the Local Planning Authority. The approved drawing numbers are set out on this decision notice.

3 Nature Conservation Informative - Bats, Badgers etc
The applicant/developer is advised that before undertaking any construction work you should check any buildings or land to ensure that there are no bats, badgers, wild birds or other protected plant and animal species. It is an offence to kill, injure or disturb bats and badgers or intentionally damage, destroy or obstruct their places of shelter. If you find any protected species you should not start any work until you have contacted English Nature and got the appropriate consent.

4 Hours of Construction Works
The applicant is advised that the council has established the following guideline hours for noisy works:

8am to 6pm Monday to Friday; and
8am to 1pm on Saturday.

There should be no noisy work on Sundays or Public Holidays.

Further information is available from the Council's Environmental Health Department.

5 Discharging of Planning Conditions
The applicant/developer is advised that there is a standard national form to be submitted to the Local Planning Authority when discharging the conditions specified in this decision notice.



FOR LOCATION PURPOSES ONLY

Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

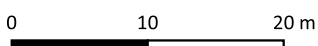
Date: 22/01/2020

30 Meadow Way Addlestone KT15 1UF



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scale 1:556



RU.19/1514



RU.19/1514	Ward:
LOCATION:	30 Meadow Way Addlestone KT15 1UF
PROPOSAL TYPE:	Two storey side and rear extension and single storey side extension Full Planning Permission
EXP DATE	12 December 2019

SUMMARY OF RECOMMENDATION: Grant with conditions

1. Site
 - 1.1 No. 30 Meadow Way is a two storey detached dwelling on the south side of Meadow Way. Meadow Way is characterised by mostly two storey detached and semi-detached properties. The application site is set back from the road with off street parking with a low wall to the front of the property and mature vegetation. The rear of the property is bounded by a standard height fence and mature vegetation. The neighbouring dwellings are arranged in an unusual position. The neighbouring dwelling to the west No. 28 Meadow Way is in the same orientation as the application site, fronting Meadow Way (north) with its small rear garden to the south. This dwelling has been extended to the side and rear and has a garage which forms part of the common side boundary with the application site. To the east, No. 16 Brentwood Court is a semi-detached dwelling which is orientated in the opposite direction to the application property: it has its access from the south from a communal access area, with a large 'front garden' adjacent to the back garden of the application property, and a 'rear garden' on the northern side adjacent to the front garden of the application site. This neighbour has a first floor extension. The application property has a long L-shaped rear garden and the western rear boundary is also adjoined by No. 28a Meadow Way, which is located immediately to the rear of No. 28 Meadow Way and has a west/east orientation such that its main rear garden backs onto the application site. To the rear of the application site are garages and the access area for Brentwood Court. The application site is located within the urban area.
2. Planning history
 - 2.1 Relevant planning history is detailed below:
 - 2.2 CHE.11952 Future development at White Lodge. Now known as 30 & 32 Simplemarsh Road and Meadow Way. Outline Application. Grant Consent- subject to conditions June 1958
 - 2.3 CHE.12440 7 pairs S/D houses and 1 detached house (K/as 16-30 (even) and 7-21 (odd) Meadow Way. Grant Consent- subject to conditions December 1958
 - 2.4 CHE.12851 14 Garages (for 30, 16-26 and 7-21 Meadow Way). Building Regs Only, Approve April 1959
 - 2.4 RU.19/0906 Two storey side extension and two storey rear extension. Grant Consent- subject to conditions August 2019 - *currently under construction*.
3. Application
 - 3.1 This application is for a part two storey, part single storey wrap around extension across the rear and western side of the dwelling, and single storey conservatory side extension on the eastern side of the dwelling. This application proposes an alternative scheme to that approved by planning permission RU.19/0906. The changes proposed under the current application include the following: the addition of a first floor side extension to create a two storey side extension. A design and access statement has also been submitted with the application and amended plans were received during the course of the application which removed the first floor windows and velux roof light on the western side elevation. As amended, the scheme proposes the following. The existing rear elevation is staggered, and the proposed rear extension would 'square off' the ground floor footprint. The proposed single storey rear element will have a width of 8.7 metres, a maximum depth of 4.4 metres and a height to eaves of 2.9 metres. The proposed first floor rear element above the new ground floor extension would be set back from the ground floor, and will have a depth of 3 metres, width of 6.5 metres and height to ridge of roof of 8 metres to match the existing ridge. The proposed two storey side extension (with a small single storey element on the western side of the dwelling) would extend along the full depth of the extended dwelling, with a width of 2.4 metres, depth of 11.2 metres (12.2 metres at single storey level to join the single storey rear extension), height to eaves of 4.8 metres and height to ridge of roof of 5.6 metres with a lean to roof, extending up to the eaves level of the existing dwelling. The proposed single side

conservatory extension would be on the eastern side of the dwelling and would have a width of 1.7 metres, depth of 6.6 metres and height of 3.4 metres.

3.2 All proposed windows on the side elevations (apart from those on the single storey side conservatory) are to be obscurely glazed. Additional windows include two ground floor windows and one obscurely glazed first floor window on the front elevation, two windows and bi-fold doors on the rear elevation at ground floor level and three windows on the rear elevation at first floor level. On the western elevation there is to be a side door and an obscurely glazed window at ground floor level. On the eastern side there are conservatory windows at ground floor level and two obscurely glazed windows at first floor level.

4. Consultations

4.1 5 Neighbouring properties were consulted in addition to being advertised on the Council's website and 8 letters of representation have been received which raise the following concerns:

- Plans fail to mention neighbouring property has 6 windows facing the application site, the new proposal now has 3 windows on the first floor and a velux window facing these.
- Putting previously removed windows back into the scheme which would impact privacy and be overbearing
- Reference to shop fronts in the design and access statements- are they proposing to turn the house into a commercial premises. As Meadow Way is entirely residential this would be inappropriate
- Proposal is not aesthetically pleasing and does not respect scale and proportions of the existing building
- Photos included in design and access statement are of semi-detached houses whereas 30 Meadow way is a detached dwelling
- Loss of privacy and outlook, significant increase in overlooking, loss of daylight, overshadowing and visual dominance caused by the proposal.
- Factually incorrect information has been supplied to Question 6 of application form Trees and Hedges- there are several very tall trees on the property in close proximity to the extension
- Totally opposed to the possibility that the owner might create a 'shop front' and associated signage which is out of keeping with the neighbourhood which is entirely residential and would be detrimental to surrounding property values.
- Works have already started and should be halted while they await permission to be granted
- Not opposed to the double side extension however documents make reference to 'shop fronts'. Meadow Way is entirely residential with parking already a problem.
- There is a parade of shops around the corner in Green Lane and Addlestone shops are a 2 minute walk away on Station Road- therefore no need for any shop as the road cannot cater for extra traffic and would not fit in with the surroundings
- A shop would bring unwanted traffic by foot and vehicular and would raise safety concerns for local residents
- Endorse the development for a bigger and better home, but not for a shop
- Object to any change from residential
- A double storey side extension with the proposed angled roof would detract from the current pleasing visual impact
- Several tall trees at the rear of the site appear to be within falling distance of the proposed development
- Considerable reference to shopfronts/ commercial property in the design and access statement- any change of use would be detrimental to other surrounding properties
- The development impacts my privacy and outlook and is visually dominating in its scale
- The change of use ie shop fronts, commercial use would be detrimental to my house and the rest of the road with parking being a particular issue
- Trees in the rear garden of No. 30 Meadow Way could cause damage to surrounding properties
- Extensions at other properties cited by the applicant do not infringe on the privacy, outlook, daylight or overshadowing of neighbouring properties
- Increases the size of the proposed development and makes considerable reference to shop/commercial premises in the Design and Access Statement

Revised plans and a revised design and access statement and supporting letter were submitted by the agent which removes mention of commercial premises and shop fronts and explains that

this is not relevant for the current application. The following letters were received after these amendments which made these additional comments:

- The first floor windows and velux have been removed from the side elevation, however the door and obscurely glazed window remain on the ground floor remain. Why is there a door on the side of this property which leads into a bedroom? This is not to be obscurely glazed so will have full view from our first floor windows into the door and would be above boundary fence so would impact privacy therefore object tot this door on the side elevation
- Pleased that reference to shop fronts has been removed however concerned about a door leading from the ground floor bedroom on the side elevation. As there are 3 other bedrooms questions whether this will be used as a care home/ shelter home rather than private residential dwelling which will have consequences in terms of noise and parking
- Strongly object to any attempt to use this property for commercial purposes
- Application does not address problems with several large trees which are a hazard to their property and surrounding properties as branches have fallen off these trees in the past causing damage

Many of the letters raise concerns over a potential use of the dwelling for commercial use, this is due to incorrect information being included within the design and access statement, and this has since been removed and both the agent and the applicant have confirmed that no part of the site will be used for commercial use and this application is a householder application for private residential use.

5. Relevant Local Planning Policies

5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001: HO9 and BE2

5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.

5.3 *Council's SPG – Householder Guide (July 2003)*

6. Planning Considerations

6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are the impact that the proposed development would have on the visual amenities of the street scene and the residential amenities of the occupiers of the adjacent neighbouring properties. The existing planning permission is a material consideration. There have been no changes to planning policy or site circumstances since the grant of permission that would impact on this recommendation.

6.2 The majority of the proposed development including the rear extension and single storey side conservatory extension are the same as previously approved under RU.19/0906. It was considered that the appearance of the extensions was acceptable in terms of impact on the appearance and character of the area and the impact on the street scene. In addition, these elements of the scheme took account of the relationship with neighbouring properties having regard to the set back from the boundary, existing boundary treatment and compliance with relevant splay lines and concluded that there would be no harm to neighbouring amenity. It is therefore considered that as there have been no changes in circumstances that these previous conclusions still apply. It is the two storey side part of the proposal that is the change from the previous approved scheme.

6.3 The proposed two storey side extension would replace a pre-existing single storey side extension (which has been demolished) and would be set off from the side boundary by a minimum of 1 metre. This is in accordance with the adopted Householder SPG. The original side extension comprised a garage with low eaves, with a high sloping roof up to the main eaves of the dwelling

with no habitable accommodation under the roof. Under this current proposal, the roof would again extend up to the main eaves of the dwelling, but in order to accommodate a full first floor, the roof would have a much reduced slope such that the eaves of the extension would be just below the main eaves. It is considered that the style and design of the proposed extension would not be out of keeping with the existing dwelling and due to its set back from Meadow Way, would not be obtrusive in the street scene. It is therefore considered that the proposal would maintain the character and appearance of the area. In respect of the original scheme submitted under the previous reference RU.19/0906 which was deleted by the applicant, this current proposal has a lower ridge and eaves height than the previous application so would be more subservient to the host dwelling and is considered acceptable in terms of the street scene. The design and materials complement the existing dwelling and maintains a lean-to roof style which will be pitched away from the western side boundary. The separation distance is maintained between the dwellings, therefore retaining visual separation which characterises the area. It is therefore considered that the scheme as now proposed with a full two storey side extension would comply with Saved Policies BE2 and HO9 in these respects.

6.4 In terms of impact on residential amenities, the amended scheme has most implications for the neighbour to the west No. 28 Meadow Way. The scheme as submitted included first floor windows on the side elevation facing this neighbour including a rooflight. Following concerns from the neighbours, amended plans were received which deleted all first floor side windows and rooflight window in the western side elevation. The amended scheme therefore only has windows on the front and rear elevations at first floor, not the side elevation. An obscurely glazed window and a door are proposed on the ground floor side elevation which have already been granted permission under RU.19/0906 and are not considered to have a negative impact on the privacy of neighbouring property No. 28 Meadow Way. The side extension would not extend beyond the existing front elevation and will extend 3 metres beyond the existing rear elevation to match the two storey rear extension. This will not extend beyond the rear elevation of No. 28 Meadow Way so will not break a 45 degree line from the centre of this neighbour's nearest window so that the outlook and visual impact will be limited. As the ridge height is well below that of the host dwelling there is considered to be no material additional overshadowing to this neighbouring property compared with the pre-existing situation with the high roof over the garage. An additional window is proposed on the front elevation at first floor level, however this is not considered to be materially different from the existing and will serve a bathroom so will be conditioned to be obscurely glazed and non-opening above 1.7 metres. However, in order to protect privacy and in view of the change in the scheme, it is considered necessary to restrict future windows on the side elevation at first floor and this can be secured by condition. It is therefore considered that the proposal with the two storey side extension would not result in material harm to the residential amenities of No. 28 Meadow Way.

6.5 In terms of other neighbours, the two storey rear extension and conservatory side extension are as approved under RU.19/0906. The amended two storey side extension would be screened from view from No. 16 Brentwood Court, and it is considered that there would be an acceptable relationship maintained with this neighbour. There is mature heavy boundary planting along the rear western boundary with No. 28a Meadow Way and this will maintain the privacy of this neighbour. There would be no harm to the amenities of the neighbours to the north of the application site due to the ample separation distance to No. 21 Meadow Way and No. 50 Ecton Road. Therefore the proposal is considered to comply with Saved Policy HO9 and the Householder Guide.

6.6 The letters of representation received raised concerns about the design and access statement making reference to 'shop fronts' and 'commercial premises'. In addition, the statement originally submitted also made reference to conservation areas and listed buildings which does not apply to this application site. This was general information which was misleading to neighbours and following residents' and officers concerns', these matters were deleted from the design and access statement. Both the agent and applicant have confirmed that the proposal is for a residential dwelling and not for commercial use and the plans confirm this.

7. Conclusion

7.1 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 been given to s149 of the Equality Act 2010 (as amended), which has imposed 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
- (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.

7.2 The development is considered to be visually acceptable, and has no adverse impact on residential amenity. The development has been assessed against the following Development Plan policies – saved Policies HO9 and BE2 of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation: Grant subject to the following conditions

1. Full application (standard time limit)

The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2. List of approved plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:

CEA19/MW/101, CEA19/MW/009, CEA19/MW/008, CEA19/MW/007, CEA19/MW/006, CEA19/MW/005, CEA19/MW/004, CEA/MW/003, CEA/MW/002, CEA/MW/001 Received 15/11/2019

Reason: To ensure an acceptable scheme and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration 2001.

3. External material (materials to match)

The development hereby permitted shall be completed with external materials of a similar appearance to those used in the construction of the exterior of the existing building to which it is attached.

Reason: To ensure that the proposed works harmonise with that existing in the interests of visual amenity and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.

4. Obscure glazing

Before the first occupation of the extensions hereby permitted, the first floor window serving a bathroom in the front elevations shall be fitted with obscured glazing (at Pilkington Glass Level 4 or equivalent) and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening and fixed shut. The windows shall be permanently retained in that condition thereafter.

Reason: To avoid overlooking into the adjoining property and to comply with saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.

5. No additional windows

Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 and of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any orders amending or re-enacting that Order with or without modification, no windows, dormer windows, roof lights or other openings shall be formed in the first floor side elevation of the two storey side extension hereby approved including the roof without the consent in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the adjoining residential properties and to comply with saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.

Informative

- 1 The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

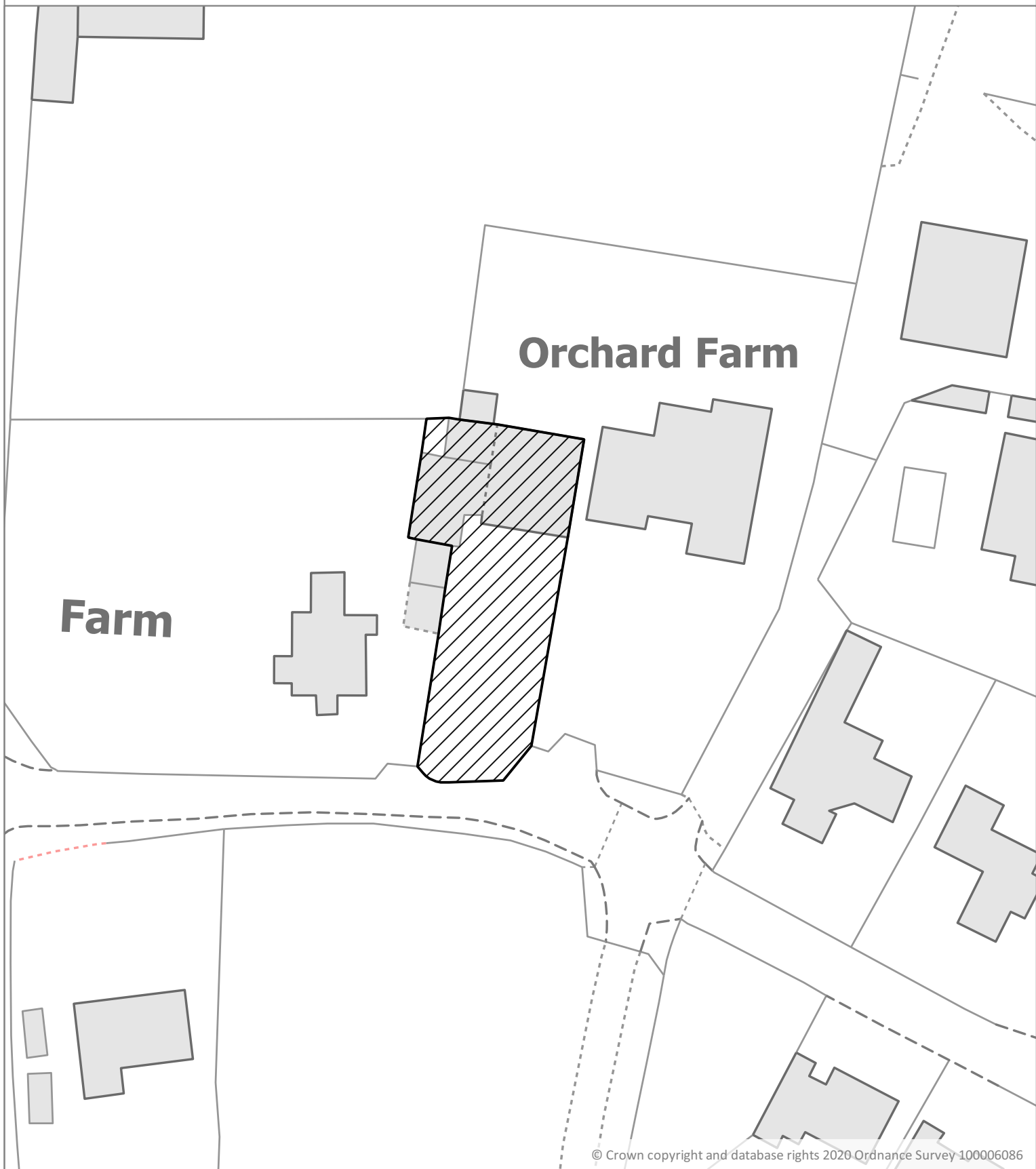


FOR LOCATION PURPOSES ONLY

Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

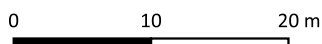
Date: 22/01/2020

The Old Workshop, West End Farm Rosemary Lane Thorpe TW20 8PS



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Scale:1:1250



RU.19/1530



RU.19/1530	Ward:
LOCATION:	The Old Workshop West End Farm Rosemary Lane Thorpe TW20 8PS
PROPOSAL	Erection of a detached chalet style dwelling with associated landscaping, following demolition of existing workshops and offices (Renewal of permission RU.16/0907).
TYPE:	Full Planning Permission
EXP DATE	17 December 2019 (Extended to 24/01/20)

SUMMARY OF RECOMMENDATION: GRANT subject to conditions

1. Site

- 1.1 The Old Workshop is located on the northern side of Rosemary Lane, Thorpe, to the east of West End Farm, which is a former farmhouse and a Grade II listed building. There are single storey buildings sitting towards the rear of the site, with hardstanding forward of this. The plans submitted with the application show an existing single storey workshop building sited at the far northern end of the site with two workshop areas and an office area, with a container to the front. The site is bound by a brick wall which extends down either side boundary and along the front boundary of the site, where there is a gated access to the site. The properties to either side of the application site are residential, with the area characterised by properties of varying age and style.
- 1.2 The site lies within the Green Belt, a Landscape Problem Area and is within 5km of the Thames Basin Heaths Special Protection Area. The site is within the Thorpe Neighbourhood Forum area.

2. Planning history

- 2.1 The most relevant planning history is detailed below:
- 2.2 RU.81/1043 - Erection of detached chalet bungalow and garage. Refused planning permission April 1982.
- 2.3 RU.97/1256 - Erection of a detached four-bedroom house with detached garage. Refused planning permission February 1998 and associated appeal dismissed.
- 2.4 RU.12/1290 - Certificate of Existing Lawfulness for the brick building with internal workshops, office, storage areas, snack preparation area and w. c. facilities, together with the concrete hardstanding, brick boundary walls, timber entrance gates and brick pillar and the use of the workshop and yard for a joiner's business (for the fabrication and assembly of furniture, windows, doors, gates, wardrobes and other timber fittings for residential and commercial premises for customers elsewhere) and together with the use of the office, internal storage areas, snack preparation and w. c. facilities. Granted April 2013.
- 2.5 RU.16/0907 - Erection of a detached chalet style dwelling with associated landscaping, following demolition of existing workshops and offices (amended plans received 03/08/2016 and 10/08/2016). Granted 14/09/16 – not implemented, and now expired.

3. Application

- 3.1 This is a full application for the erection of a detached chalet style dwelling with associated landscaping, following demolition of the existing workshops and offices. This application is effectively a renewal of RU.16/0907. The proposed dwelling would have a width of 7.7 metres, with an overall depth of 15 metres, including single storey elements to the front and rear, and the supporting statement states that the proposed dwelling would have a gross external area of 191.76 sqm metres. . The dwelling would have a half-hipped roof, at a maximum height of approx. 7.6 metres, including two pitched roof dormers and two roof lights in the eastern side elevation and three dormers to the western side elevation. The dormer features on the western side would have a central obscurely glazed window serving a bathroom but the other two would be solid with exposed timbers. The eastern side elevation would have two glazed dormers with obscure glazing up to 1.7m and top opening only serving a bedroom and staircase. There would be windows on the front and rear elevations in addition. The dwelling would be constructed in brick and tiles to match the neighbouring properties.
- 3.2 A Design and Access statement and the associated plans which have been submitted with the application are identical to that approved under RU.16/0907, indeed they have the same date as the previous application. The applicant has confirmed in writing this application is exactly the

same as the 2016 application with no changes and has stated that due to varying circumstances the approved scheme (RU.16/0907) has not been started but does not consider that policies since that time have changed so fundamentally to not allow the scheme. The applicant has submitted a unilateral undertaking with respect to SAMM payment in relation to the location of the site within 5km of the Thames Basin Heaths SPA, in accordance with the current guidance.

3.3 A comparison between the existing and proposed buildings is as follows:

	Existing building	Proposed (and as previously approved)
Width	17m	7.7m
Depth	13m	15m
Height	3.6m	7.6m
Floorspace	188 sqm	191 sqm
Footprint	188 sqm	104 sqm

4. Consultations

4.1 4 Neighbouring properties were consulted in addition to being advertised on the Council's website, publicised in the local paper, and a site notice displayed, and three representations have been received, including one from Thorpe Ward Resident's Association expressing the following concerns:

- Since the 2016 application there has been updated Planning Guidance and a revised National Planning Policy Framework (NPPF).
- Whilst in principle we do not have an objection to replacing the current outbuildings with a well-designed house, we feel that the siting and dimensions of the building are inappropriate and would cause loss of privacy and visual harm.
- The plans for a four-bedroom, two storey house at a height of 7.35 metres, with windows overlooking front and rear aspects of Orchard Farm, are not of an acceptable design.
- It is not believed that the site is as large as the 0.51 hectares detailed in the application.
- An alternative design/layout will be given full and fair consideration, as there is no objection in principle to the erection of a suitable building on the land.

4.2 SCC County Highway Authority CHA has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not material impact on the safety and operation of the adjoining public highway. Therefore, the County Highway Authority has no highway requirements.

4.3 The Council's Conservation Officer raises no objection to the proposal.

4.4 The Council's Contaminated Land Officer has identified that the Council's mapping system shows the site as an area which has been filled with unknown material and as such recommends that an assessment of the nature and extent of contamination on the site is carried out prior to development works commencing, and can be a condition

5. Relevant Local Planning Policies

5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001: BE10, GB1, HO1, HO9, LE4, MV4, MV9, NE15, NE16.

5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.

5.3 Council's SPG – Householder Guide (July 2003)

6. Planning Considerations

6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the Green Belt and therefore, the key planning issues are whether the proposal would be an appropriate form of development within the Green Belt, the impact on the openness and visual amenities of the Green Belt, and the impact on the residential amenities of the occupiers of the adjacent neighbouring properties. Consideration

is also required regarding highways implications, the loss of commercial land and the impact on the character and setting of the neighbouring listed building, West End Farm. Special regard has to be given to the protection of heritage assets, including the setting of listed buildings. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. Whilst the site is proposed to be removed from the Green Belt under the emerging Local Plan 2030, it remains at the current time within the designated Green Belt. Very little weight can be given to this aspect of the new Local Plan given that the releases from the Green belt go to the heart of the Local Plan proposals. The site is also within the area of the Thorpe Neighbourhood Pre-Submission plan November 2019, but no proposed allocations are made for the application site. Therefore it is the current 2001 Local Plan that is the primary development plan for the determination of the application. Since the 2016 application there has been updated Planning Guidance and a revised National Planning Policy Framework (NPPF). However, these have not introduced any material changes to the national policy framework in respect of planning constraints but have reinforced climate change and biodiversity issues. The planning application approved under RU.16/0907 is also a material consideration.

6.2 Whilst the NPPF attaches great importance to protecting the openness and visual amenities of the Green Belt, stating that the construction of new buildings within the Green Belt should be regarded as inappropriate development and should not be approved except in very special circumstances, the NPPF identifies certain exceptions to this. Paragraph 145 (d) of the NPPF states an exception would be the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, (which in this case the proposal is not in the same use), and therefore the application cannot be considered against this exception. Paragraph (g) describes another exception being the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development. It is considered that this is the relevant part of paragraph 145, and the previous planning application was also determined against this part of the NPPF (albeit under a different paragraph number). Saved Policy GB1 of the 2001 Local Plan is consistent with the NPPF and can be given significant weight. Saved Policy GB1 contains a presumption against development that would harm the open character of the Green Belt or conflict with the purposes of including land in the Green Belt.

6.3 The site is located just outside of the Thorpe settlement boundary and is located between existing residential properties. Whilst the proposed dwelling would sit more centrally within the plot, bringing it closer towards Rosemary Lane than the existing buildings, a minimum set back of some 8.5 metres would remain to the front boundary adjoining Rosemary Lane. There would also be a separation of approx. 2 metres between the dwelling and either side boundary. The proposed development would therefore provide space around the dwelling that would complement the existing grain and pattern of development in the vicinity maintaining a spacious character and appearance, and openness of the Green Belt. The proposed dwelling would be higher than the existing buildings, by some 4m, and in combination with the siting further forward in the site than the existing could make the development more prominent than the existing. This was a matter that was considered under the previous application. In the balancing of the planning merits, the chalet style of the design of the dwelling, with low eaves and first floor space accommodated under the roof, combined with the improvements to the openness of the site at the rear providing clear separation to Orchard Farm to the east, were given significant weight. In addition, the reduction in spread of built form arising from the proposal was also given significant weight. Effectively, the proposed dwelling has a similar floorspace to the existing workshop but this is over two floors rather than spread out over a single storey at ground floor. This has therefore resulted in a substantial reduction in the spread of development across the site. It was previously considered that this improvement in the openness of the site and the Green Belt, balanced against and mitigated the impact of the increase in height and prominence of the new dwelling. In addition, the removal of hardstanding and container and the introduction of domestic landscaping would also improve the visual amenities of the site compared with the existing, which the updated NPPG states is a consideration of the openness of the Green Belt. Also weighing in favour of the application is the removal of any unsightly equipment, vehicles and structures associated with the existing workshops, which would further improve the Green Belt.

6.4 It is therefore concluded that the redevelopment of this previously developed site for a residential dwelling with landscaped gardens would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development. The application therefore falls within the exception of para 145g and is therefore not inappropriate development in the Green Belt and complies with saved Policy GB1. This is the same conclusion as in 2016. However, in order to protect the Green Belt and to acknowledge the fine balancing of the merits of the case, it is considered necessary to remove permitted development rights for extensions and alterations to the dwelling and for outbuildings and hard standings within the plot, within

A to F of Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015, in order to protect the open character of the Green Belt.

- 6.5 In regard to the impact on the setting of the neighbouring grade II listed building, the former farmhouse of West End Farm, this is situated immediately to the west of the application site. The Council's Conservation and Heritage Advisor has reviewed the application and is satisfied that the design of the proposed chalet style dwelling and its proximity to the neighbouring listed building will not adversely impact on the setting of the listed building, in accordance with previous conclusions. It is therefore considered the setting of the neighbouring Grade II listed building will be maintained, It is considered that the removal of permitted development rights as described above will also ensure that the setting of the listed building is protected in the future. Subject to this, it is considered that the proposal complies with saved policy BE10 and the NPPF.
- 6.6 Saved Policy HO9 and the NPPF require good standards of design that maintain the character of an area and provide high standards of amenity for existing and future occupiers. It was previously considered that the design, siting, scale and appearance of the proposed dwelling was acceptable in the street scene and would not detract from the character of the area, which is primarily residential. The introduction of soft landscaping in the site frontage will enhance the appearance of the site and will comply with saved Policy NE15. There is ample space for parking and turning within the site frontage, generous space to the side boundaries, and a rear garden of 11.5m which is in excess of the minimum recommended in saved Policy HO9 which in combination will provide a generous plot consistent with others in this part of Thorpe and which will also ensure that there will be generous amenities for the future occupiers of the dwelling in accordance with saved Policy HO9.
- 6.7 In regard to the impact on residential amenity, the proposed dwelling would sit forward of Orchard Farm to the east and would therefore be highly prominent when viewed from the neighbour. The main area that would be affected would be the frontage of the neighbour which is mostly laid to hardstanding to park cars. There would be views from the front window over the garage of the neighbour and the proposed dwelling would break the 45 degree splayline from this window. This is a negative of the scheme. However, it was previously considered that given the separation to the common side boundary and the distance between the dwellings, that there would be no harmful overbearing to the neighbour. In favour of the application is the removal of the existing workshop building which abuts the side garden of Orchard Farm and the replacement with garden land would be a positive benefit to the overall outlook of Orchard Farm. There would be some overshadowing to the frontage but because it is used for parking, this would not be harmful to the amenities of the occupiers. In terms of overlooking to Orchard Farm, the two dormer windows facing the frontage parking area would be obscurely glazed up to 1.7m above floor height and top opening only. These would be towards the front part of the new dwelling and at some distance from the front elevation of Orchard Farm. The two rooflights which would serve a bathroom and dressing room would be closer, but with obscure glazing, it is considered that there would be limited views to the neighbour. A condition is necessary to secure these windows. There would be a first floor rear window which would afford some limited views towards the front window of Orchard Farm, but the angle of view would be restricted and there would be a distance of just over 11 metres, which combined would ensure privacy is maintained. The rear garden depth of 11.5m, would ensure privacy to the rear garden of Orchard Farm is maintained., and the proposed site layout plan shows some new planting which would assist in screening views. In view of the importance of enhancing the landscape as well as protecting privacy, a condition is required to secure details of planting. Taking all these factors into account, it is considered that there would be an acceptable relationship with Orchard Farm, and that the amenities of this neighbour would be maintained.
- 6.8 The listed building West End Farm is a residential dwelling to the west of the site, and this has a single storey outbuilding immediately abutting the common side boundary with the application site. There would be a separation distance of 2 metres to the boundary with West End Farm, and due to the angled siting of this neighbour away from the boundary, it is considered the proposed dwelling would not be harmful overbearing to the occupiers, and there would be no breach of the 45 degree splayline such that the outlook would be maintained and there would not be any harmful overshadowing. In terms of overlooking, the dormer features on the west elevation of the proposed dwelling would only include one glazed dormer, and this is proposed to be obscure glazed and with limited opening, which can be secured by condition, would maintain the privacy of the neighbour. The first floor rear window would only provide views across the rearmost part of the garden of West End Farm and would not be harmful. The front first floor window would look over the driveway to the garage and would not harm privacy. As such, the proposed dwelling would not adversely impact upon the residential amenities of the neighbouring occupants to either side of the application site and given the separation to other neighbouring properties, would not adversely impact upon the residential amenities of the occupants of any other neighbouring property, in

accordance with saved Policy HO9. It is a material consideration that there would be some benefits to neighbours from the ceasing of the workshop use but only limited weight can be given to this.

- 6.9 The existing access to the workshop site is at an angle off Rosemary Lane. The County Highway Authority have advised that the existing site access does not provide the required visibility according to current guidance and is therefore considered to be sub-standard. However, the County Highway Authority raises no objection to this application, as due to the change in land use, they consider it likely that this would result in a reduced number of vehicle movements. On this basis, the County Highway Authority has no requirements and the application is not considered to have a material impact on the safety and operation of the adjoining public highway in accordance with saved Policy MV4. The site plan shows space for at least two cars to park within the frontage and it is considered that the proposal complies with saved Policy MV9 in respect of parking.
- 6.10 In regard to other matters, the Council's Contaminated Land Officer has identified the site as being in an area of land filled with unknown material, and due to this and the existing use as a workshop, the officer recommends a condition to ensure that the risks from land contamination to future users of the land and neighbouring land are minimised. In addition, a condition requiring details of surface water drainage is considered necessary in order to ensure that the development is sustainable in drainage terms, in order to comply with saved Policy SV2 and the NPPF. In terms of climate change, two additional conditions are also proposed requiring a scheme for renewable energy and requiring an electric charging point, in compliance with the Policy SD9 in the new Local plan which can be given weight. New policy EE9 is consistent with the NPPF and requires enhancements to biodiversity, and the application is silent on this matter. It is considered that a condition is necessary to secure measures to enhance the biodiversity of the site to comply with this new policy requirement.
- 6.11 The application site is within 5km of the Thames Basin Heaths SPA. In accordance with guidance from Natural England, the Habitats Regulations Assessment requirements are that plans or projects which may have a likely significant effect on a European designated site (such as the TBHSPA) can only proceed if the competent authority is convinced they will not have an adverse effect on the integrity of the European site. Recent case law has suggested that likely significant effects cannot be ruled out at this screening stage, and in accordance with the Natural England guidance and national legislation, the application proposal must be made subject to an appropriate assessment. In accordance with the Council's SPG, and without consideration of potential mitigation regarding the TBHSPA this application is 'screened in' to the need for appropriate assessment as it lies within a zone of influence where recreational disturbance arising from new occupation in proximity to the TBHSPA is likely to have an adverse effect.
- 6.12 The guidance is that Natural England are required to be consulted and the LPA must have regard to its advice. Natural England agreed the framework for relevant development proposals affected by the TBHSPA in 2008 and the Council has been following this framework since then utilising it as standing advice removing the need for individual consultation to Natural England for schemes of this scale. It therefore falls to the Council to undertake the Appropriate Assessment of the application, which includes the consideration of any proposed mitigation, to reach a conclusion as to whether the proposal has a residual adverse effects that lead to a likely significant effect on habitats at the TBHSPA. In undertaking this Appropriate Assessment it is considered that there will be permanent effects arising from increasing the number of residential units within 5km of the TBHSPA. The applicant has agreed to provide mitigation measures which comply with the Council's adopted guidance and has submitted a unilateral undertaking which is being considered by the Council's legal team in respect of SAMM payment and has confirmed that they will contribute towards SANGS to be secured by condition. It is therefore concluded that subject to the submission of an acceptable Unilateral undertaking be submitted and carrying out an appropriate assessment on the basis of an acceptable unilateral undertaking, the development has avoided impact on the integrity of the TBHSPA. This is in accordance with Saved Policy NRM6 of the South East Plan 2009, Saved policy NE16 and guidance in the NPPF.

7. Conclusion

- 7.1 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 been given to s149 of the Equality Act 2010 (as amended), which has imposed 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

- (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.

- 7.2 In terms of the balancing of the issues, there would be a new residential dwelling which would contribute to the borough's housing supply as required by saved Policy HO1 and the NPPF, and this weighs in favour of the application. However, weighing against is the loss of an existing commercial site which provides space for small businesses, contrary to saved Policy LE4 which seeks to resist the loss of existing suitably located industrial and commercial land. Under the previous application, more weight was given to the provision of a new home, and weight was given to the benefits to existing residential occupiers from the ceasing of the workshop use in terms of noise and disturbance. It is considered that this same weighting can be applied. All other matters have demonstrated that there would be no materially adverse harm to the visual amenities or open character of the Green Belt or the amenities of adjoining residents or highway safety. The setting of the listed building will be protected, and the development can be made sustainable and address climate change and biodiversity. The applicant has also addressed the TBHSPA. The development has been assessed against the following Development Plan policies – saved Policies BE10, GB1, HO1, HO9, LE4, MV4, MV9, NE15, and NE16 of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation: Grant subject to the following conditions

- 1 Full application (standard time limit)
The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.
- 2 List of approved plans
The development hereby permitted shall not be carried out except in complete accordance with the following approved plans - Proposed Site Layout Plan KJT/West End Farm/101(c), Proposed Floor Plans and Elevations KJT/West End Farm/102(d) Location Plan, Planning Statement received 05/06/19.

Reason: To ensure an acceptable scheme and to comply with saved Policies GB1, BE10 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001.
- 3 External materials (samples required)
Before the above ground construction of the development hereby permitted is commenced, samples of the materials to be used in the external elevations shall be submitted to and approved by the Local Planning Authority and no variations in such materials when approved shall be made without the prior approval, in writing, of the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order that the development harmonises with the surroundings in the interests of visual amenity and to comply with saved Policies BE10 and HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.
- 4 Obscure glazing

Before the first occupation of the dwelling hereby permitted, the windows in the two dormers in the eastern side elevation and the two rooflights in the eastern roof elevation shall be fitted with obscure glazing (at Pilkington Glass Level 4 or equivalent) up to a minimum height of 1.7 metres above the floor of the room in which they are to be installed and any part of the windows that is less than 1.7 metres above the floor of the room in which they are installed, shall be non-opening and fixed shut. The windows shall be permanently retained in that condition thereafter.

Reason: To avoid overlooking and safeguard the residential amenities of the adjoining property and to comply with saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance in the National Planning Policy Framework.

5 Obscure glazing

Before the first occupation of the building hereby permitted, the window in the central dormer in the western side elevation shall be fitted with obscured glazing (at Pilkington Glass Level 4 or equivalent) and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening and fixed shut. The window shall be permanently retained in that condition thereafter.

Reason: To avoid overlooking into the adjoining property and to comply with saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance in the National Planning Policy Framework.

6 Restricted Permitted Development Rights

Notwithstanding the provisions of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders amending or re-enacting that Order with or without modification), no development falling within the descriptions of Classes A to F shall be constructed or carried out, without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place and to protect the amenities of occupiers of adjoining properties, the setting of the adjacent listed building and the amenities of the surrounding area and to protect the open character of the Green Belt and to comply with saved Policies GB1, BE10 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

7 Landscaping

a. No above ground development 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 (LPA) and these works shall be carried out as approved prior to the first occupation of the development. This scheme shall include indications of all changes to levels, hard surfaces, walls, fences, access features, minor structures, the existing trees and hedges to be retained, together with the new planting to be carried out and details of the measures to be taken to protect existing features during the construction of the development.

b. All hard and soft landscaping works shall be carried out in accordance with the approved details. 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 occupation of any part of the development or in accordance to the timetable agreed with the LPA. Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of similar size and species, following consultation with the LPA, unless the LPA gives written consent to any variation.

Reason: To preserve and enhance the character and appearance of the surrounding area and to comply with saved Policies BE10, NE15 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

8 SuDS (scheme for approval - pre-construction)

Prior to the commencement of construction of the development hereby approved, details of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority (LPA). Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the LPA. Where a sustainable drainage scheme is to be provided the submitted details shall:

a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

b. include a timetable for its implementation; and

c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To ensure that surface water does not discharge into the surface water sewer and to provide a sustainable development.

9 Potentially contaminated land

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (i) to (iv) or otherwise agreed remedial measures have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until Condition (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

No development must take place until an assessment of the nature and extent of contamination on the site has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and shall assess any contamination on the site whether or not it originates on the site. The report of the findings must include:

- o a survey of the extent, scale and nature of contamination;
- o an assessment of the potential risks to:
 - (a) human health
 - (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - (c) adjoining land
 - (d) ground waters and surface waters
 - (e) ecological systems
 - (f) archaeological sites and ancient monuments

(ii) Submission of Remediation Scheme

If found to be required no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal and remedial options, proposal of the preferred option(s), a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

If found to be required, the remediation scheme shall be implemented in accordance with the approved timetable of works. On completion of measures identified in the approved remediation scheme, a verification or validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the local planning authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of Condition (i) or otherwise agreed and where remediation is necessary, a remediation scheme, together with a timetable for its implementation must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of Condition (ii) in the form of a Remediation Strategy which follows DEFRA CLR11 approaches. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation (verification) plan and report must be submitted to and approved in writing by the Local Planning Authority in accordance with Condition (iii).

- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with guidance in the NPPF.
- 10 SPA
No development shall take place until a scheme for the mitigation of the effects of the development on the Thames Basin Heaths Special Protection Area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of Suitable Alternative Natural Greenspace (SANG). In the event that the proposal is for the physical provision of SANG, the SANG shall be provided in accordance with the approved scheme before any dwelling is occupied.
- Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a significant adverse effect on a European site within the Conservation of Habitats and Species Regulations 2010.
- 11 Demolition (Green Belt)
The dwelling hereby permitted shall not be occupied until the existing building shown hatched on drawing number 101 (c) has been demolished and all resultant debris removed from the site unless permission in writing is obtained from the Local Planning Authority for its retention.
- Reason: To protect the openness of the Green Belt and residential amenity and to comply saved Policies GB1 and HO9 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance in the NPPF.
- 12 Renewable energy (approval of scheme)
Prior to the first occupation of the development hereby approved, details of the chosen renewable energy/low carbon technology to be used, along with calculations demonstrating that 10% of the predicted energy consumption would be met through renewable energy/low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority (LPA).
Development shall be carried out in accordance with the approved details and thereafter retained, maintained and operational unless otherwise agreed in writing by the LPA.
In the event of air or ground source heat pumps being the chosen renewable energy measure, details shall be submitted to and approved in writing by the LPA prior to installation. Details shall include acoustic data to demonstrate that there will be no increase in the background noise level and that there will be no tonal noise emitted from the unit, as well as details of the location of the unit(s) and the distance to the closest dwelling.
Reason: To ensure that a minimum of 10% of the energy requirement of the development is produced by on-site renewable energy sources/low carbon technology and to protect the amenities of occupiers of nearby properties and to comply with Policy SD9 of the Runnymede 2030 Draft Local Plan and guidance within the NPPF.
- 13 Electric vehicle charging point
The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
Reason: To sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with guidance in the NPPF.
- 14 Biodiversity
The above ground construction of the development hereby approved shall not commence until details of the measures to improve and enhance biodiversity at the site have been submitted to and approved in writing by the Local Planning Authority. Such details as shall be approved shall be fully implemented prior to the first use or occupation of the development.
Reason: To enhance biodiversity and to comply with guidance within the NPPF.

Informatives:

- 1 Summary of Reasons to Grant Consent
The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.
- 2 The applicant/developer is advised that there is a standard national form to be submitted to the Local Planning Authority when discharging the conditions specified in this decision notice.
- 3 Land Ownership
The applicant is advised that consent to carry out works to the above tree(s) does not convey rights of access over land not in the applicants ownership without the neighbours consent to do so.
- 4 Party Wall Act 1996
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.
- 5 Surface Water Drainage
The applicant can find further advice on what information is required to enable the approval of conditions in relation to surface water drainage on the Runnymede Borough Council's website www.runnymede.gov.uk Search for "surface water drainage" in the search function.
- 6 SPA
The applicant is advised that to satisfy the above condition in respect of SANG there are likely to be two options.

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). The physical provision of SANG is likely only to be suitable for schemes of in excess of 60 dwellings due to the need to meet Natural England's guidelines for SANGs. The achievement of this is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 (as amended).

The second is to enter into a land transaction, for an appropriate financial sum, with the Council to obtain a licence to utilise part of one of the Council's SANGs in mitigation. If the applicant wishes to pursue this option they should contact the planning case officer for further advice.

The applicant is further advised that the above arrangements will be in addition to the payment of any applicable Strategic Access Management and Monitoring (SAMM) payment through the Planning Obligation process