

## COMMITTEE AGENDA REFERENCE: 5A

<b>APPLICATION REF:</b>	<b>RU.23/0338</b>
<b>LOCATION</b>	Land at Bittams Lane, Chertsey, KT16 9QX
<b>PROPOSAL</b>	Proposed change of use of land for the creation of 12 Gypsy/ Traveller pitches (11 net including retention of 1 existing pitch) comprising 1 static and 1 touring caravan per pitch including alterations to existing vehicular access point and associated parking, landscaping, amenity areas and bin store (amended description 25/01/2024)
<b>TYPE</b>	Full Planning Permission
<b>EXPIRY DATE</b>	01/09/2023
<b>WARD</b>	Longcross, Lyne and Chertsey South
<b>CASE OFFICER</b>	Jennifer Cade
<b>REASON FOR COMMITTEE DETERMINATION</b>	Major Application and number of letters of representation
<b><i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i></b>	

### 1. SUMMARY OF RECOMMENDATION

<b>It is recommended the Planning Committee authorises the HoP:</b>	
1.	<b>To approve the application subject to the completion of a S106 agreement and relevant planning conditions</b>
2.	<b>To refuse planning permission at the discretion of the HoP should the S106 not progress to their satisfaction or if any other material planning matters arise prior to the issuing of the decision that in the opinion of the HoP would warrant the refusal of planning permission.</b>

### 2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application is part of an allocated site for development in the Runnymede 2030 Local Plan, covered by Policy SL16. The site is allocated for a minimum of 9 net additional C3 dwellings, 11 net additional services Gypsy/ Traveller pitches and permanent retention of the existing temporary pitch.
- 2.2 The application site is sited to the south of Green Lane, to the east of Bittams Lane and to the west of a slip road to the M25. The junction with Little Green Lane is located to the west of the application site. The northern part of the site is currently being used for the siting of residential caravans (including existing temporary pitch) with the southern part of the site an open field. There is an existing access point off Bittams Lane to the north west. The area to the west of Bittams Lane is mostly residential in nature with Meadowcroft School located a short distance away.

- 2.3 The site lies within the Urban Area and part of the site lies within an Air Quality Management Area (AQMA). The site is located within 5km of the Thames Basin Heath Special Protection Area (TBHSPA).

### 3. APPLICATION DETAILS

- 3.1 This application seeks full planning permission for change of use of the land to create 12 Gypsy/ Traveller pitches (net 11 including retention of 1 existing pitch) along with modified access, parking, landscaping, amenity areas and bin store.
- 3.2 Each pitch will comprise 1 mobile home, 1 touring caravan, 2 parking spaces, a private amenity area and space for a day room. Two shared amenity areas are proposed along with 12 visitor parking spaces. The modified access with entrance gates to the south west has been constructed. The existing gypsy/ traveller pitch will be repositioned within the site and an existing stable block will be retained.
- 3.3 The application is supported by a Planning Statement, Noise Report, Ecology Report and BNG Metric, Foul and Surface Water Drainage Strategy, Arboricultural Impact Assessment, GBI Checklist, Air Quality Assessment and Air Quality Technical Notes.

### 4. RELEVANT PLANNING HISTORY

- 4.1 The following history is considered relevant to this application:

Reference	Details
RU.13/0923	Change of use of land to create 1 no. Gypsy pitch including the laying of hardstanding and day building. Allowed at Appeal July 2015
RU.12/1202	Amendments to planning approval RU.12/0458 (Erection of stables and ancillary landscape works (part retrospective) involving amended location of orientation of stables and amendments to hardstanding (retrospective) Grant Consent- subject to conditions January 2013
RU.12/0458	Erection of stables and ancillary landscape works (part retrospective). Grant Consent- subject to conditions July 2012

### 5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- 5.3 SPD's which might be a material consideration in determination:

Infrastructure Delivery and Prioritisation SPD, November 2020  
Runnymede Design Supplementary Planning Document SPD, July 2021

Thames Basin Heath Special Protection Area SPD, April 2021  
 Green and Blue Infrastructure SPD, December 2021  
 Runnymede Parking Guidance SPD, November 2022

## 6. CONSULTATIONS CARRIED OUT

### Consultees responses

Consultee	Comments
<b>RBC Drainage Engineer</b>	Objections but see comments of the LLFA – conditions have been recommended to overcome objection
<b>RBC Environmental Health Manager</b>	No objection subject to conditions
<b>RBC Contaminated Land Officer</b>	No objection subject to conditions
<b>RBC Arboricultural Officer</b>	No objection subject to conditions
<b>RBC Deputy Direct Services Manager</b>	Comments received
<b>RBC Planning Policy</b>	Comments received
<b>SCC Drainage LLFA</b>	Further information required but has recommended conditions
<b>SCC County Highways Authority</b>	No objection subject to conditions
<b>National Highways</b>	No objection subject to conditions
<b>Surrey Wildlife Trust</b>	Further information required prior to determination however scheme has been amended and the trees 3 trees shown to be felled are now to be retained which overcomes the objection based on biodiversity grounds with a net gain now being achieved.

### Representations and comments from interested parties

6.2 13 Neighbouring properties were consulted in addition to being advertised on the Council's website and in local newspapers and a site notice being put up at the site and 45 letters of representation have been received which can be summarised as follows:

- More than 1 pitch currently on the site without planning permission.
- Development has already begun.
- How will scheme comply with Policy SL16
- Proposal does not include dwellinghouses or integrated development.
- Concerns regarding additional traffic generation, parking, and highways safety
- Impact of plans to extend nearby Meadowcroft School alongside proposed development and other development in the nearby area.
- Concerns regarding increased noise levels and impact from air pollution
- Development is out of character with the area.
- Concerns regarding bin collections
- Potential for future unauthorised development
- Number of pitches in the surrounding area is disproportionate to other areas.

- Concerns regarding impact on privacy and security of neighbouring properties
- Open green space should be protected, especially close to M25
- Could pitches be accommodated at other sites?
- Is there a need for more gypsy/ traveller pitches and how will pitches be allocated?
- Site should be owned by the Council to ensure it meets local need
- Concerns regarding impact on local services and infrastructure
- Concerns regarding potential commercial uses at the site
- Concerns regarding impact on Green Belt. *Officer Comment- the site is located within the urban area not Green Belt*
- Only 13 residents consulted about application when it affects a greater number of residents *Officer Comments- 13 adjoining neighbours were consulted as well as a site notice being put up, it being advertised in local papers and on the Council website.*
- More trees and landscaping needed.
- More affordable housing needed.
- Concerns regarding drainage and surface water flooding
- Site should not be gated with fencing under 2m in height.
- Will existing developed area be returned to original vegetation?
- Undefined building on plans. *Officer note: this is an existing stable building which is to be retained.*
- Concern over number of accommodation units proposed. *Officer Comments: the proposal is for 12 (net 11) gypsy and traveller pitches.*

## 7. PLANNING CONSIDERATIONS

7.1 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:

- Principle and Quantum of Development
- Suitability for Gypsy and Traveller Pitches
- Noise, Air Quality and Land Contamination
- Impact on Highways
- Ecology and Biodiversity
- Flood Risk and Drainage
- Impact on the Visual and Residential Amenities
- Thames Basin Heath Special Protection Area
- Other Matters

### Principle and Quantum of Development

7.2 The Runnymede 2030 Local Plan was adopted on 16<sup>th</sup> July 2020 which contains policies for the redevelopment of this site. Policy SD1 considers the spatial distribution of growth over the period of the Local Plan (2015-2030) confirming that 24 traveller pitches are expected to be provided within Chertsey (including Chertsey South) within the plan period. Policy SL16 (Housing Allocation at Parcel C, Chertsey Bittams, Chertsey) confirms that this site will deliver 9 net additional C3 dwellings, 11 net additional serviced Gypsy/ Traveller pitches and the permanent retention of the existing temporary pitch. The principle of the development of this

site for gypsy and traveller pitches has therefore already been established through the adoption of the local plan.

- 7.3 This application is for 12 Gypsy/ Traveller pitches. This represents a net increase in 11 pitches and the retention of the existing pitch (in compliance with subsection B of Policy SL16), although this existing pitch is to be re-sited within the site. However, this application is not proposing to deliver any C3 residential dwellinghouses despite there being a minimum of 9 required by the Policy (subsection a of Policy SL16). The justification for this is provided within the Planning Statement (paras 6.5 and 6.6) is that the Local Plan was adopted in 2020 prior to the adoption of the Runnymede Design Guide SPD in July 2021. The Runnymede Design Guide sets out that all new Gypsy/ Traveller pitches should occupy an area of between 450 and 500 sqm to ensure sufficient space for a mobile home, touring caravan, equipment storage, play space and other amenities. This recommended pitch size has resulted in it being difficult to deliver the minimum number of dwellings required by the policy alongside the pitches. The applicant has also noted that the area to the north of the site is within an identified AQMA (Air Quality Management Area) which presents additional difficulties.
- 7.4 RBC Planning Policy Officer has commented that if a compromise is felt to be required to make the site deliverable, the loss of the C3 dwellinghouses required by the policy would be preferable (as opposed to the loss of the pitches) as there is an acute need for accommodation for Gypsies, Travellers and Travelling Showpeople within Runnymede with limited appropriate sites available. This level of need is set out in Policy SL22 and is shown below:

Type	2015-2022	2023-2027	2028-2030
Pitches	71	12	0
Plots	16	2	1

As it currently stands, only seven pitches have been delivered since 1<sup>st</sup> April 2015 with permissions granted for a further 13. This means that currently there is a significant deficit of approximately 66 pitches against the timetable set out in Policy SL22. This application would reduce this deficit. There is a difficulty in finding sites suitable for Gypsy and Traveller Pitches within the Borough whereas the shortfall of C3 dwellings can be addressed more readily through other sites. Therefore, the scheme helps to address a specific housing need so the loss of C3 dwellings on the site in favour of the provision of policy compliant Gypsy/ Traveller pitches is considered acceptable.

#### Suitability for Gypsy and Traveller Pitches

- 7.5 The proposed Gypsy and Traveller pitches have been designed to reflect the guidance within the Councils Design SPD. The application site is located within the Urban Area. Each pitch will be clearly demarcated with hedging that is sympathetic to the character of the surrounding area and there will be adequate space between caravans. There will be sufficient space to manoeuvre around the site and there are two communal amenity areas within the site. Each plot will meet the minimum over 450sqm and will have space for a mobile home, touring caravan, day room, two parking spaces and an amenity area.
- 7.6 The provision of 12 (net 11) Gypsy and Traveller pitches will be secured through a Section 106 legal agreement in line with the requirements contained within Policy SL22. These pitches will be required to be sold/rented on the basis of applicants meeting a range of criteria relating (amongst other things) to demonstrating a local connection to the Borough and meeting the

definition of a Gypsy or Traveller. The proposal is considered to comply with Policies SL16 and SL22.

#### Noise and Air Quality and Land Contamination

- 7.7 Part c) of Policy SL16 requires that the scheme does not give rise to adverse impacts to human health from noise/ air quality from the M25/ St Peter's Way by implementing design features and layouts that mitigate these impacts as demonstrated through an appropriate noise/ air quality assessment. A Noise Assessment and Air Quality Assessment has been submitted with the application.
- 7.8 The applicant has submitted a noise assessment with the application which shows that unmitigated, the development site is exposed to environmental noise of a sufficient magnitude to cause a medium risk of adverse impact. In addition, the external amenity areas would likely exceed the upper guideline level of 55db. The Councils Environmental Health Officer has commented that whilst this should not necessarily prohibit development, it has not been adequately demonstrated that the design has ensured that the development achieves the lowest practicable noise levels in these external amenity areas. Both the M25 and A320 are located several meters higher than the proposed gypsy and traveller pitches and there is an existing acoustic boundary fencing that reduces the prevailing traffic noise that would otherwise affect the site. The existing fencing is located at the top of a bank that is outside the site boundary. It is therefore considered unlikely that increasing the amount (height) of screening at the site boundary would be practicable. Additional noise contour maps have been submitted with the application which shows that the gypsy and traveller pitches are located in area with the lowest noise levels within the site.
- 7.9 The Councils Environmental Health Officer has also commented that given the external noise levels on site, the internal noise level guidelines should be achieved in full, and that air conditioning will be required in habitable rooms, in addition to trickle ventilation. The Councils Environmental Health Officer has recommended conditions should the application be granted, however recommended conditions 5 and 6 are covered by site licencing (although informatives will be included) and 1, 2, 3 and 4 are not considered to be enforceable due to the nature of mobile homes so do not meet the required tests for conditions.
- 7.10 Therefore, future users of the site may experience noise levels above recommended levels which is a negative of the scheme. However, the pitches have been located in areas with the lowest noise levels within the site and there is existing acoustic boundary fencing. It is noted that a biodiversity enhancement area is proposed within the AQMA (details of which will be subject to condition) between the proposed pitches and M25. Given the significant need for gypsy and traveller pitches within the Borough (as set out in section 7.4), it is considered that this need outweighs the potential harms caused by noise given the nature of the use of the site and the existing acoustic fencing and siting of proposed pitches within the site.
- 7.11 The north-eastern part of the site lies within the Air Quality Management Area (AQMA) being within close proximity to the M25. Due to the location of the proposed development, an Air Quality Assessment has been undertaken to assess the suitability of the site for residential development from an air quality perspective and identify any mitigation measures. It is noted that the area assessed within the Air Quality Assessment does not reflect the whole red line boundary of the application site, however it does assess the areas within and closest to the AQMA.

- 7.12 The report suggests that the use of the pitches closest to the motorway should be made temporary on the basis that future occupiers would experience air quality well above the WHO AQG set to protect human health. However, it is noted that the scheme has been amended since the air quality assessment was completed and no pitches are now to be located within the AQMA. The Air Quality Assessment shows that observed levels of particulates and NO<sub>2</sub> within the area proposed for development are not likely to be harmful and that the impacts of the development itself will be negligible. The report concludes that the site is suitable for the proposed use (i.e. gypsy and traveller pitches) and that all locations within the pitch area (bearing in mind report assessed pitches within AQMA which is no longer the case) are predicted to achieve the relevant targets.
- 7.13 The Councils Land Contamination and Air Quality Officer has raised no objection in regard to air quality. Therefore, the proposal would be compliant with subsection c) of Policy SL16 and Policy EE2.
- 7.14 The Councils Land Contamination Officer has reviewed the scheme and has commented that areas where soil has been imported onto previously were never certified as clean soil, it would be prudent to ensure this area will be hard standing to avoid any potential contaminants in this soil presenting a contamination pathway for residential receptors. If no hard standing is planned for these areas where soil was imported, contaminated land testing will be required prior to use as a garden area. The proposed residential caravans should be sited on hard standing. The garden areas should be investigated for suitability of use, or a covering layer of clean certified topsoil should be imported and validated in depth to prevent contact with any potential contamination within previously imported and untested material. The Councils Contamination Officer recommends a condition for site characterisation and remediation to comply with Policy EE2.

#### Impact on Highways

- 7.15 A modified access point (retrospective) onto Bittams Lane is proposed to the south west of the site (existing access point to be retained). Each plot will be provided with 2 parking spaces (in addition to space for stationing of touring caravan) and 12 visitor parking spaces are to be provided within the site. Surrey County Council Highways Authority have assessed the application on safety, capacity and policy grounds and has not raised any objections subject to conditions relating to visibility splays, space for parking within the site, pedestrian accessibility improvements, cycle parking and EV charging. Therefore, subject to conditions, there are no objection on highways safety or capacity grounds and the scheme is considered to comply with Policy SD4.
- 7.16 The County Highways Authority acknowledges the parking and increased traffic concerns raised by local residents. There is to be sufficient car parking for residents provided for the proposed pitches (2 car parking spaces per plot and 12 visitor spaces). Additionally, the number of proposed pitches will not lead to a significant increase in vehicular movements and therefore will not lead to a severe impact to the local transport network. The development is located within walking distance to local schools (Meadowcroft School and Salesians School) and St Peter's Hospital. The improvements to the pedestrian accessibility as part of the development will help future occupiers to access these local amenities.
- 7.17 The site is within the vicinity of the M25 Junction 11 that forms parts of the Strategic Road Network. National Highways was consulted and have raised no objections subject to conditions that the site shall only be accessed from Bittams Lane and for the submission of drainage details in relation to the Strategic Road Network.

### Ecology and Biodiversity

- 7.18 An Ecology Report and Biodiversity Net Gain (BNG) metric has been submitted with the application. It is noted that the ecology report has not assessed the whole red line area. Surrey Wildlife has requested that an ecological appraisal assessment of the whole site as per the red line boundary be carried out, however as the area not included is currently mostly hardstanding and as none of the proposed pitches are to be located in this area it was not considered necessary. Surrey Wildlife Trust has assessed the ecology report submitted and has recommended conditions requiring a landscape and ecological management plan (LEMP) and biodiversity enhancements in accordance with the Ecology Report. Therefore, subject to condition the proposal is not considered to result in harm to ecology or protected species and would comply with Policies SD7 and EE9.
- 7.19 The Ecology and BNG report states that the scheme will result in a -5.84% biodiversity net gain in habitat units and will not satisfy trading rules (i.e. a net loss in biodiversity). This is due to the loss of a medium oak tree (T10) and two small elm trees (T11 and T12) to make space for the modified access onto the site. Surrey Wildlife Trust has raised objections due to the scheme not achieving a biodiversity net gain. However, the scheme has been amended since its original submission to amend the access point which will result in the retention of T10 (English Oak Tree). These works to the access point with new entrance gates have been undertaken so are retrospective. The BNG report confirms that the result of the proposals without felling the medium oak tree would result in a +0.66% biodiversity net gain in habitat units and will satisfy trading rules. This assumes that the two small elm trees (T11 and T12) are still to be felled. With the elm trees also to be retained the biodiversity net gain would be slightly higher than this figure. Therefore, given the retention of T10 (oak tree) the proposal will achieve a biodiversity net gain in accordance with part e) of Policy SL16 and Policy EE9.
- 7.20 There are established trees along the boundaries of the site, particularly along Bittams Lane. An Arboricultural Impact Assessment has been submitted with the application. The Councils Tree Officer has reviewed the scheme and has noted that the proposal affects 9 trees. Trees T4 to T9 (to be retained) are English Oak which are currently located outside the fence of the site adjacent to the highway. T10 is an English Oak and T11 and T12 are Elms which are located within the site adjacent to the highway which were initially proposed to be removed due to the new access point. The scheme has been amended since its original submission to alter the location of the vehicle access point. Therefore, T10, T11 and T12 are now to be retained. The Councils Tree Officer has raised no objection subject to a condition requiring an amended Arboricultural method statement and Tree Protection Plan. Therefore, subject to condition the scheme is considered to comply with Policy EE9.

### Flood Risk and Drainage

- 7.21 The application site lies within Flood Zone 1 but comprises 1.54Ha of land and therefore is classified as 'Major' Development. Any planning application classified as Major Development will need to include a detailed drainage strategy. A Foul and Surface Water Drainage Strategy has been submitted with the application and has been reviewed by the Lead Local Flood Authority (LLFA). The LLFA are not satisfied that the proposed drainage scheme meets the requirements as set out in the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage. However, the LLFA have provided suitably worded conditions should the application be granted to ensure that the SuDS scheme is properly implemented and maintained throughout the lifetime of the development. RBC Drainage Engineer has also objected to the application for failing to provide suitable level of information



in relation to SUDS. Whilst it is a regrettable that the SUDS information has not been provided up front, it is considered that this information can be conditioned as relevant conditions have been provided by the Lead Local Flood Authority.

#### Impact on the Visual and Residential Amenities

- 7.22 Boundary trees along Bittams Lane are to be retained and the proposed gypsy and traveller pitches are mostly set well within the site away from the road frontage. Given the nature of the use of the site, development will be low profile so would not be prominent within the street scene and would not result in any overlooking, loss of privacy or overbearing impacts to neighbouring properties. Vehicle entrance gates have been constructed in the proposed southwestern entrance. Whilst these entrance gates are large, they are constructed of brick and are set back from the road so are not considered to be harmful to the character of the area. It is considered necessary to restrict the size of vehicles that can be kept at the site and restrict any commercial use to ensure the site remains residential in nature to protect the character and appearance of the area in accordance with Policy EE1.
- 7.23 According to the proposed site plan, there will be a communal bin store within the site, details of which will be secured by way of condition. There is considered to be sufficient space within the site to accommodate appropriate refuse and recycling provision for the use of the site.

#### Thames Basin Heath Special Protection Area

- 7.24 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.
- 7.25 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 residual adverse effects that lead to a likely significant effect on habitats at the THBSPA. 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.
- 7.26 In accordance with the Councils adopted SPD for this area a financial contribution is required towards SANG and SAMP towards the avoidance/ mitigation strategy is necessary. This will be secured through the legal agreement.

#### Other Matters

- 7.27 Part f) of Policy SL16 requires a financial contribution towards the provision of a community hub building at Parcel A, Chertsey Bittams and the provision of open space for children and teenagers. The site proposes 12 (net 11) gypsy and traveller pitches and Policy SL26 only requires developments of 20 dwellings (net) or more to provide new or enhanced open space. Therefore, the open space requirements in Policy SL26 are not engaged and so no on-site equipped play space or off-site contributions would be required for the scheme.
- 7.28 Part h) of Policy SL16 requires financial contributions towards education. This is now captured through CIL, however as the proposed use is not CIL liable there is no mechanism to secure this contribution.
- 7.29 Part g) of Policy SL16 requires the applicant to make financial contributions to mitigate impacts arising from the site on the A320. The Councils Infrastructure Delivery and Prioritisation SPD assumed a contribution of £213,282 from this site, although this was based on the expected delivery of 9 dwellinghouses and not the gypsy and traveller pitches. Surrey Highways Authority have been reconsulted on what contribution is required/ necessary for the application.

## **8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposal for gypsy and traveller pitches (i.e. not C3 residential dwellinghouses) and is therefore not CIL liable.

## **9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS**

- 9.1 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.

## **10. CONCLUSIONS**

- 10.1 The development has been assessed against the following Development Plan policies – SD1, SD2, SD3, SD4, SD5, SD7, SL16, SL22, SL26, EE1, EE2, EE9, EE10 and EE13 of the Runnymede 2030 Local Plan, 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.

## 11. FORMAL OFFICER RECOMMENDATION

***The HoP be authorised to grant planning permission subject to the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) to secure the following obligations:***

### **2. Planning Obligations of:**

- (i) SANG and SAMM (Thames Basin Heath SPA- Financial contribution)***
- (ii) Possible Financial contributions towards mitigation for A320***
- (iii) Maintenance of open space***
- (iv) Appropriate Management agreement including measures to secure:***
  - The provision of 12 (net 11) Gypsy and Traveller***
  - Measured to ensure the site is secured in perpetuity for Gypsies, Travellers as appropriate.***
  - A policy for allocation (to preserve access for those with local connection)***

***And the subject to the following planning 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:

J004179-DD-03 Rev D (Proposed Site Plan) received 28/05/2024

J004179-DD-04 (Proposed Visibility Splays Plan) received 13/02/2024

J004179-DD-01 (Site Location Plan) received 03/03/2023

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF.

#### 3. Gypsy and Traveller Pitches

The 12 gypsy and traveller pitches shall not be occupied by any person other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites 2023 (or the equivalent in replacement national policy).

Reason: To protect the character and appearance of the area and future amenities of occupiers and neighbours. Relevant Policies - Local Plan EE1

#### 4. Number of Caravans

There shall be no more than 12 gypsy and traveller pitches on the site. On each of the 12 pitches there shall be no more than 2 caravans, (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended), stationed on the pitches at any time, of which no more than 1 shall be a static caravan.

Reason: To protect the character and appearance of the area and amenities of occupiers and neighbours. Relevant Policies - Local Plan EE1

5. Details of Day Rooms

Prior to the first use/ occupation of each pitch hereby approved, details including elevations and plans of day rooms shall be submitted to and approved in writing to the Local Planning Authority. The approved day room shall be built out prior to the first occupation of the pitch.

Reason: To protect the character and appearance of the area and future amenities of occupiers and neighbours and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

6. No commercial activity

No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the character and appearance of the area and future amenities of occupiers and neighbours and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

7. No vehicles over 3.5 tonnes

No vehicles over 3.5 tonnes in unladen weight shall be stationed, stored or otherwise parked on the site.

Reason: To protect the character and appearance of the area and future amenities of occupiers and neighbours and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

8. SUDS

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 final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off including multifunctional sustainable drainage systems.

- 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.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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.

#### 9. 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 surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.

#### 10. Tree Protection Plan

Prior to the commencement of any works hereby approved, including demolition, and before any equipment, machinery or materials are brought on to the site an updated Tree Protection Plan shall be submitted to the Local Planning Authority for approval and then subsequently approved tree protective measures shall be installed in accordance with the approved Tree Protection Plan.

The works shall be carried out in accordance with the approved protection plan and method statement. The protective measures shall remain in place until all works are complete and all machinery and materials have finally left site. Nothing shall be stored or placed in any area fenced 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 LPA.

There shall be no burning within six metres of the canopy of any retained tree(s). Where the approved protective measures and methods are not employed or are inadequately employed or any other requirements of this condition are not adhered to, remediation measures, to a specification agreed in writing by the LPA, shall take

place prior to first occupation of the development, unless the LPA gives written consent to any variation.

Reason: To protect the trees to be retained, enhance the appearance and biodiversity of the surrounding area and to comply with Policies EE1, EE9 and EE11 of the Runnymede 2030 Local Plan and guidance within the NPPF.

#### 11. Strategic Road Network Drainage

Prior to the commencement of development hereby permitted, full details of any new drainage and its location shall be submitted to and approved in writing the Local Planning Authority (in consultation with National Highways). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of development may be made to any Strategic Road Network drainage systems.

Reason: In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022

#### 12. Landscape and Ecological Management Plan (LEMP)

Prior to the commencement of above ground works, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment prepared by Ecology Partnership (received 11/12/2023) and should include, but not be limited to the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions, together with a plan of management compartments
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To protect the trees to be retained and enhance the appearance of the surrounding area, to ensure that replacement trees, shrubs and plants are provided and to protect the appearance of the surrounding area and to ensure the protection of wildlife, supporting habitat and secure the opportunities for the enhancement of the

nature conservation value of the site and to comply with Policies EE1, EE9, and EE11 of the Runnymede 2030 Local Plan and guidance in the NPPF.

### 13. Biodiversity Enhancements

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 and for its management and maintenance 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.

This should be in accordance with Paragraphs 4.20 to 4.34 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment prepared by Ecology Partnership (received 11/12/2023) and incorporate (but not be limited to) the following:

- Bird and bat boxes erected on mature trees
- Log piles
- Native tree and shrub planting
- Wildflower grassland

Reason: To enhance the biodiversity of the site and to comply with Policies EE9, EE11 and EE12 of the Runnymede 2030 Local Plan and guidance within the NPPF.

### 14. Vehicle Access

No part of the development shall be first occupied unless and until the proposed vehicular access to the Land at Bittams Lane has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

### 15. Parking

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

### 16. Pedestrian Improvements

No part of the development shall be first occupied unless and until the proposed pedestrian accessibility improvements comprising of a new footway on the northern side of Bittams Lane and two informal crossing points to allow for safer crossing across Bittams Lane are installed.

The proposed footway is to join up to the existing footway network on the northern side of Bittams Lane to connect it with the proposed development through the proposed access. The two informal crossing points should be built with dropped kerbs and tactile paving. One is to be located as is shown on the proposed plan (Footpath Connections Plan received 12/01/2024), to link the proposed access with the proposed footway. A second informal crossing point should be created to allow for the safe crossing of pedestrians from the existing access to the footway on the western side of Bittams Lane. This will all be undertaken through an S278 Agreement. Details for the aforementioned provisions will be finalised at the S278 stage.

Reason: Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

#### 17. Cycle Parking

The development hereby approved shall not be first occupied unless and until each of the proposed pitches have been provided with bicycle parking for a minimum of one bicycle in a robust, secure enclosure 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. Within the proposed cycle storage, facilities for the charging of e-bikes are to be provided, consisting of a standard three-point plug socket.

Reason: To encourage active and sustainable travel and to comply with Policy SD3 of the Runnymede 2030 Local Plan and guidance within the NPPF.

#### 18. Electric Vehicle Charging

The development hereby approved shall not be first occupied unless and until each of the proposed pitches are provided with a fast charge Electric Vehicle Charging Point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with 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 ensure sustainable design and to comply with Policy SD7 of the Runnymede 2030 Local Plan and guidance in the NPPF.

#### 19. 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 including finishing materials, walls including retention of existing boundary wall, fences including acoustic fencing, 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 and biodiversity of the surrounding area and to protect future occupiers from noise impacts to comply with Policies EE1, EE2, EE9 and EE11 of the Runnymede 2030 Local Plan and guidance within the NPPF.

#### 20. Site Access

Access to the site hereby permitted will be from Bittams Lane only.

Reason: To ensure safe and suitable access in accordance with paragraph 110 of the National Planning Policy Framework (July 2021).

#### 21. Bin store details

Prior to the first use/ occupation of the use hereby approved, details of the siting, size and design of the refuse and recycling bin storage areas for each property shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling bin stores and facilities shall then be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter.

Reason: In the interests of amenity, to provide adequate refuse and recycling facilities and provide satisfactory form of development and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

#### **Informatives**

1. The land cannot be used as a caravan site until a licence under the Caravan Sites and Control of Development Act 1960 is granted.
2. A clear gap of 3m from the site perimeter boundaries and a 6m separation distance between each caravan, trailer and park home is required.
3. Details of Planning Obligation

The applicant is advised that this permission is subject to a Section 106 Agreement

4. The applicant is advised to take note of the general recommendations provided by Surrey Wildlife Trust in their response dated 31/01/2024
5. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway,

footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

6. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
7. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
8. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
9. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2023.
10. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.
11. 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.

12. 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.
13. Sub ground structures should be designed so they do not have an adverse effect on groundwater.