

COMMITTEE AGENDA REFERENCE: 5C

APPLICATION REF:	RU.22/0542
LOCATION	Pantiles Nurseries, Almnors Road Lyne
PROPOSAL	S73 application seeking a proposed variation to planning condition 2 (approved drawings) to seek revisions to the approved house types to include revisions to their siting, scale and appearance as originally approved under planning application RU.19/0843 for the demolition of 198 Almnors Road and former garden centre buildings and erection of 60 residential dwellings with parking, widening of existing access road from Almnors Road, creation of new pedestrian and cycle connections to Lyne Village Green and creation of habitat corridor through the site.
TYPE	Full Planning Permission (S73 application)
EXPIRY DATE	9.8.2022
WARD	Longcross, Lyne and Chertsey South
CASE OFFICER	Louise Waters
REASON FOR COMMITTEE DETERMINATION	Number of letters of representation
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the CHDMBC:	
A.	Subject to the referral to the Secretary of State and no call-in to Grant planning permission subject to conditions and a Deed of Variation to the original S106 Legal Agreement.
B	To refuse planning permission at the discretion of the CHDMBC should the S106 Agreement not progress to their satisfaction.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site comprises the former Pantiles Nursery. The site extends to some 3.9 hectares and is positioned to the rear of existing residential properties fronting Almnors Road. The site is accessed by an existing road positioned between two

existing houses. The site is occupied by vacant commercial buildings previously occupied in relation to the Pantiles Garden Centre (A1 retail use) and an existing building with an independent office use. A substantial part of the site is covered by hard surfacing including a large parking area towards the front (south) of the site. Lyne Recreation Ground is immediately adjacent to the site on the south western side, within which there is a wooded area of trees covered by a Tree Preservation Order (TPO 239) Within the site adjacent to the recreation ground is a large bund along the site boundary. There is open land to the north and north west of the site. Merrywood Farm lies to the north and east of the site. The site is located within the Green Belt and falls within 5km of the Thames Basin Heaths Special Protection Area. The site is within a 'Mineral Safeguarding Area'. The site has a localised drainage channel but is outside Flood Zones 2 and 3.

3. APPLICATION DETAILS

- 3.1 This site has Full Planning Permission under planning application RU.19/0843 for the demolition of 198 Almnors Road and the former garden centre buildings and the erection of 60 residential dwellings with parking, widening of existing access road from Almnors Road, creation of new pedestrian and cycle connections to Lyne Village Green and creation of habitat corridor through the site. This scheme provided for two storey development comprising a mix of 2, 3 and 4 bedroom houses. The dwellings comprised a mix of detached, semi-detached and terraced properties. The application secured the provision of 50% affordable housing units on the site, comprising 20 units for affordable rent, 2 units for social rent and 8 units for shared ownership This planning application is an extant permission but has not yet been implemented on site.
- 3.2 This application proposes to make changes under Section 73 (S73) of the Town and Country Planning Act to this planning permission (RU.19/0843). The proposed changes relate to planning condition 2 (approved drawings) of RU.19/0843 to seek amendments to the approved house types to include revisions to their siting, scale and design as originally approved under planning application RU.19/0843.

Following the approval of RU.19/0843 the site has been sold to Aster Homes a 'Registered Provider' of affordable housing. Aster intend to implement the planning permission but have submitted this S73 application in order to seek revisions to the scheme. This includes the following revisions:

- i) Reductions in the size of some of the dwellings to make them more efficient and to reduce overly large and deep footprints.
- ii) Replace plots 51-53 with bungalows (previously two storey houses)
- iii) Amend plots 1 -6 from wide fronted plan forms to narrow gabled units.
- iv) Improve open space and private garden space across the site.
- v) Revisions to the scale and architectural appearance of the dwellings.
- vi) Revisions to the siting of the development.
- vii) Removal of integral and attached garages.

- viii) Revisions to the affordable housing scheme to provide 50% on site affordable housing (30 houses) including 20 units for affordable rent (14 x 2 bed and 6 x 3 bed), 2 units for social rent (all 3 bed units) and 8 shared ownership units (7 x 2 bed and 1 x 4 bed).

3.3 The Planning Statement submitted under this S73 application confirms that the amended scheme retains the same amount of development as the original 2019 permission and follows all of the key principles previously approved. This includes the provision of 50% affordable housing provision on site, the provision of extensive new areas of green and blue infrastructure, significant drainage improvements, the provision of new open space, a children’s play area and the creation of new pedestrian and cycle connections through the site and the creation of a new habitat corridor.

4. RELEVANT PLANNING HISTORY

4.1 The following history is considered relevant to this application:

Reference	Details
RU.22/0945	Application seeking approval of details reserved by planning condition 7 (Biodiversity Mitigation and Enhancement Plan) and planning condition 20 (Surface Water Drainage) of planning application RU.19/0843. Split decision
RU.22/0706	Application seeking approval of details reserved by planning conditions 5 (Contamination) 6 (Tree Protection) 16 (Construction Transport Management Plan) 19 (Demolition and Construction Environmental Management Plan) 22 (Programme of archaeological work) 24 (bat survey) 25 (reptile survey) 29 (badger survey) and 28 (Protective tree fencing for deciduous woodland) of planning application RU.19/0843. Split decision.
RU.22/0621	Application for a proposed non material amendment to planning application RU.19/0843 to amend the description of the development to remove reference to amended plans received 04.10.2019. Granted.
RU.19/0843	Demolition of 198 Almnors Road and former garden centre buildings and erection of 60 residential dwellings with parking, widening of existing access road from Almnors Road , creation of new pedestrian and cycle connections to Lyne Village Green and creation of habitat corridor through the site. Granted subject to a S106 Legal Agreement.
RU.18/1296	Demolition of existing house at 198 Almnors Road and the existing buildings on the southern part of site, erection of replacement house, widening of existing access and erection of 24 new houses, gardens and construction of new access road. Withdrawn. This application only related to the smaller front section of the site.

RU.18/0564	Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - request for screening opinion under Regulation 6. Not EIA Development
RU.17/1619	Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) - request for screening opinion under Regulation 5 (1). Not EIA Development.
RU.16/1204	Retrospective change of use of offices ancillary to the existing nursery use to a separate B1 office use for a three year period. Granted.
RU.07/0803	Certificate of Existing Lawful Development for the use of the site for retail. Granted

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:
- Green and Blue Infrastructure
 - Design Guide
 - Parking Guidance SPD
 - Infrastructure Delivery and Prioritisation SPD
 - Thames Basin Heaths Supplementary Planning Document (SPD)
 - Affordable Housing Supplementary Planning Document (SPD)

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
Surrey County Highways	No objection subject to condition
RBC Tree Officer	No objection subject to conditions
Environment Agency	No comments.

Lead Local Flood Authority	No objection subject to conditions
RBC Drainage	No objection
RBC Housing	No objections
SCC Archaeology	No objection subject to condition.
SCC Education	No comments received.
Surrey Wildlife Trust	No objections subject to the amendments having no impact upon landscaping, biodiversity mitigation and/or enhancement proposed under RU.19/0843.
Mineral Planning Authority	No objection subject to conditions.
Surrey Police - Designing Out Crime Officer (north division)	No objections. Guidance given with respect to Secured by Design.
Fairoaks Airport	No objections
Heathrow Airport	No objections
Natural England	No objections
Surrey Bat Group	No comments received
RBC Environmental Health Manager	No comments received
RBC Contaminated Land Officer	No comments received
RBC Deputy Direct Services Manager	No comments received
Affinity Water	No comments received
RBC Safer Runnymede	No comments received
Civil Aviation Authority	No comments received
BAA Aerodrome Safeguarding	No comments received
Thames Water	No comments received
National Police Air Service (NAPS)	No comments received
Air Ambulance Unit	No comments received

Representations and comments from interested parties

6.2 Site notices have been displayed and a press notice published. 84 Neighbouring properties were consulted in addition to being advertised on the Council's website. In response to these consultations 14 letters of representation have been received which are summarised below:

- The application represents a significant change to the original development resulting in revisions to the positioning, design, scale and internal layout of properties. How can this be classed as a revision to a planning application and not subject to a new application.
- The revisions have the potential for larger properties adjacent to neighbours with further development potential. Would the dwellings have permitted development (*Officers comments: A planning condition was imposed under the 2019 permission restricting permitted development rights (Classes A to E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It is recommended that this condition be reimposed on this revised application.*)
- This is an application to reduce build costs and increase profits.
- I was advised by the previous developers that construction would be “quiet” as piling would not be required. Will the revisions now require piling foundations (*Officers comments: This is not considered to be a material planning consideration*)
- The previous developers engaged with the Lyne community, holding two public meetings, and offering to meet with residents as they went through the planning application process.
- Aster Group have made no effort to engage with local residents. All community engagement and trust built up with the previous developers has now been lost.
- Concerns relating to the proposed power substation and the impact upon neighbouring properties in terms of noise, mechanical failures, electrical failures (fires), vibrations, and electromagnetic fields, impact upon information technology, Wi-Fi, phone signals and harmful health impacts (*Officers comments: A planning condition was imposed under the 2019 permission to seek further details of the design and location of the electricity substation. It is recommended that this condition be reimposed on this revised application*)
- The previous developer made assurances to neighbouring properties regarding the design of the development, landscaping and the design of fencing so as to protect neighbours.
- Increased worry and stress levels to local residents.
- The development should be situated somewhere else on the site away from existing properties.
- The original plans should be adhered to.
- Concerns that the attenuation pond, habitat corridor, explorative play area and green landscape / ecological buffer have been removed from the plans. (*Officers comments: This revised application seeks to secure these elements of the 2019 scheme*)

- It is not clear from the submitted plans where the additional open space has been provided. (*Officers comments: This revised application seeks to secure the open space as approved under the 2019 scheme. Planning conditions are recommended to secure further details of the hard and soft landscaping of the new public areas and wildlife corridor, the circular walkway and the proposed cycle routes. A condition is also recommended with respect to the design of the new children's play area.*)
- Concerns raised regarding the accuracy of the street scenes and sections.
- Confusion regarding the building colour palette. (*Officers comments: A planning condition is recommended with respect to the proposed external materials to ensure a high-quality development*)
- The Walking Bus point has been removed from the plans. (*Officers comments: This could not be secured as part of a planning condition but there is sufficient space for a walking bus to be created by local residents*)
- The amendments will have a negative impact on the integrity of the entire site.
- Object to the creation of pedestrian and cycle connections to Lyne Village Green and impacts on security of neighbouring properties (*Officers comments: This aspect of the proposals was included in the description of the 2019 permission and formed part of the approved plans. A planning condition was also imposed on the 2019 permission*)
- The Village Green is not designed or intended for the use of cyclists and concerns are raised that the development will detrimentally impact upon local residents and clubs that use the Village Green.
- The addition of pedestrian and cycle connections would have a detrimental effect on the condition and appearance of the Village Green.
- The Village Green is privately owned by Lyne Village Hall and permission for additional access would have to be granted by the Management Committee.
- The developer has not been in contact with the Lyne Village Hall Management Committee regarding the pedestrian and cycle access points into the Village Green. No access rights will be granted without consultation. There has been no consultation to date (*Officers comments: Please see comments above. It is recognised that permission will need to be given by the Lyne Village Hall Management Committee as the Village Green is privately owned*)
- A pedestrian path into the Village Green was included in the original planning application in return for the developer replacing the old pavilion situated on the Village Green. As this is no longer part of the agreement it is not appropriate for a new entry to be created for pedestrian or bikes as this land is not Council property.
- Lyne has ongoing power problems with frequent power outages. What is being done to remedy this.
- Lyne has terrible broadband speeds. The development will further worsen this situation.
- Mobile phone signal is poor in Lyne. What is being done to remedy this.
- Impact upon noise levels and traffic along Almnors Road.

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. S73 of the Town and Country Planning Act 1990 enables an applicant to apply to vary conditions attached to a previous planning permission. Under this section a Local Planning Authority may amend, add, or remove conditions but may not amend any other part of the permission which includes the original description of the development proposal. S73 also specifically excludes the reconsideration of issues other than those covered by the conditions that are subject of the application.
- 7.2 The principle of development and the planning merits have been considered under application RU.19/0843. The key planning matters therefore relate to the acceptability of the amendments proposed to the approved scheme and whether the amended proposal would comply with the relevant policies of the Runnymede 2030 Local Plan and the NPPF.
- 7.3 The application site is located within the Green Belt where there is a presumption against inappropriate development. The key planning matters are considered to be the principle of the development within the Green Belt and the impact of the development upon the Green Belt, the impact of the development upon the character of the area, the impact upon residential amenities, the impact upon archaeology, the impact upon highway safety and parking, noise and air quality impacts, flooding and sustainable drainage, affordable housing, the impact upon existing trees and Green & Blue Infrastructure, the impacts on protected species (including the Thames Basin Heaths SPA), land contamination, the impacts upon the 'Mineral Safeguarding Area', Sustainable Design and Health and Wellbeing.

Green Belt

- 7.4 The application site falls within the Green Belt. The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.5 The NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate development within the Green Belt unless the development falls within the exceptions outlined within Paragraph 145 of the NPPF. This includes paragraph 145 section (g) as outlined below;
- i) 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;
 - ii) or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.6 Under application RU.19/0843 it was agreed that the application site falls within the definition of 'previously developed land' for the purposes of the Green Belt assessment under paragraph 145 section (g) of the NPPF. It was also agreed that the provision of 50% on site affordable housing would clearly meet an identified housing need within the borough for affordable housing. This S73 application still seeks to provide 50% affordable housing on site. On this basis this application will need to be assessed under paragraph 145 (g) part (ii) and careful consideration will need to be given to the impacts of the development upon the

openness of the Green Belt and whether the development would cause less than 'substantial harm'.

7.7 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.8 Policy EE17 (Infilling or Redevelopment on Previously Developed Land in the Green Belt) of the Runnymede 2030 Local Plan confirms that the limited infilling or partial or complete redevelopment of previously developed land (excluding temporary buildings) is not inappropriate in the Green Belt providing there would be no greater impact on the openness of the Green Belt than the existing development. The policy lists a number of considerations that would be taken into account when considering this, including, general height and storeys of existing and proposed buildings and their location, existing and proposed floor space and hardstanding, existing and proposed development envelope and relationship with landscaping features.

RU.19/0843 and the consideration of 'very special circumstances'

7.9 Under RU.19/0843 the development was considered to represent an inappropriate and harmful development within the Green Belt by definition. In addition given the increased floor area, height and spread of built development across the site (when compared to the existing nursery development) the development was considered to have detrimental impacts upon the openness of the Green Belt and was considered to conflict with the purposes of the Green Belt.

7.10 The 2019 development was considered to result in a significant spread of buildings across the site when compared to the existing buildings. This was particularly evident towards the rear half of the application site. In respect of floor area, the 2019 proposals resulted in an increase in floor area from 6079 square metres (GIA) to 6232 square metres (GIA). The development also resulted in an increase in building heights across the site when compared with the existing building heights. The ridge height of the existing buildings within the site range from 4 to 5 metres for the lower display buildings to 6 metres for the taller entrance building and the two storey office building. The existing glasshouses (located towards the rear half of the site) extend to just over 7 metres. The proposed dwellings under the 2019 application had varying ridge heights ranging from some 7.2 metres to 8.58 metres.

7.11 The proposed increase in floor area, height and spread of built development across the site (when compared to the existing nursery development) was considered to result in 'substantial' harm to be Green Belt which was considered to substantially weigh against the proposal.

7.12 In addition to this 'substantial harm' there was also considered to be 'very limited' harm identified to the future occupiers of plots 1-6 (inclusive) given the layout and design of the development with two storey projections abutting the northern flank boundaries of the individual plots. This design and layout of development was considered to result in some harmful impacts upon the proposed neighbouring properties and their garden areas.

7.13 Under RU.19/0843 the applicant submitted a package of material considerations which in combination were considered to amount to the 'very special circumstances' which was considered to justify the development and outweigh the 'substantial harm' which had been

identified to the Green Belt and the 'very limited' harm which had been identified to the future occupiers of plots 1-6 (inclusive).

- 7.14 The package of 'very special circumstances' submitted under RU.19/0843 (and the weight given) are outlined below

Contribution the proposal would make to housing supply

It was acknowledged that the Council was unable to demonstrate a five year housing land supply and the contribution the proposal would make to housing supply was acknowledged. However, it was considered under RU.19/0843 that the Council would be in a position to demonstrate a five year housing land supply upon adoption of the new local plan. It was considered that 'some weight' could be given to this but once the local plan had been adopted, it was considered that this should be given '**very little weight**'.

- 7.15 Provision of 50% Affordable Housing

The 2019 application proposed 30 affordable housing units as part of the development proposals which was secured as part of a s106 legal Agreement. (50% on site affordable housing). The application provided for 20 units for affordable rent (14 x 2 bed and 6 x 3 bed), 2 units for social rent (all 3 bed units) and 8 shared ownership units (5 x 2 bed, 2 x 3 bed and 1 x 4 bed). Under RU.19/0843 it was acknowledged that the applicant was providing 25 extra affordable units in excess of the Council's policy on affordable housing. On this basis it was recognised that the development would clearly meet an identified housing need within the borough for affordable housing and this was given '**substantial weight**'.

- 7.16 Benefits to existing neighbouring residential dwellings through the removal of an authorised site for retail purposes (Use Class A1)

Under the 2019 application it was acknowledged that the existing site had planning permission for an unrestricted retail use. The existing site comprised some 6079 square metres of buildings with some 90 car parking spaces. On this basis it was considered that the existing use had the potential to have significant impacts upon existing neighbours. The Transport Statement submitted as part of the 2019 planning application concluded that overall there would be a reduction in traffic movements during the hours of 0700-1900 by around 600 vehicles as a result of the development proposals. The development was considered to result in significant benefits in traffic related noise and disturbance to existing neighbouring dwellings. The development proposals also proposed improvements to the existing vehicular access by providing significantly greater space to the flanks of neighbouring dwellings. These benefits were given '**significant weight**'.

- 7.17 Significant drainage improvements across the site and to neighbouring sites

It was acknowledged under the 2019 application that the application site was highly impermeable and the application secured significant drainage improvements across the site including the re-opening of a culverted watercourse across the site to provide on-site attenuation for surface water and a new wildlife corridor. The Lead Flood Authority confirmed that there was currently a high surface water flood risk downstream of the site in the local area and the proposed drainage mitigation scheme would achieve significant improvements by reducing the flows exiting the site and the risk of flooding downstream of the site. The Lead Flood Authority confirmed that the improvements to flooding off-site would not normally be required as part of their policy requirements and the drainage design for the site had gone 'over and above' what would normally be expected as part of the planning application. These drainage improvements were given '**significant weight**'.

7.18 Significant visual improvements across the site

The proposals were considered to result in significant visual improvements across the site by the removal of large areas of hard surfacing. The development also resulted in a 22% decrease in the footprint of existing buildings across the site and the introduction of large areas of new soft landscaping. The Design & Access Statement advised that the proposal would result in a 1064% increase in soft landscaping across the site and a 272% increase in trees across the site. The proposals were also designed to provide major ecological improvements across the site including the opening of an existing watercourse (which is currently culverted) to create a new wildlife corridor which will connect to existing off-site habitats and a new woodland buffer to the northern boundary of the application site. It was considered that these improvements should be given '**considerable weight**'.

7.19 Plans for the site to be made publicly accessible

It was acknowledged under the 2019 application that Lyne had no public footpaths within the vicinity of the application site. The application provided for large areas of the site to be made publicly accessible including new areas for cycling, a 'circular walk' and new play areas. The development also sought to provide pedestrian and cycle links to the existing 'Lyne Recreation Ground' to allow current users of the recreation ground to utilise the application site for wider recreational public use. These improvements were given '**considerable weight**'.

7.20 Community improvements including the creation of a new broadband supply for the development proposal and a new electricity substation which would help to prevent current problems with power outages.

The supporting information under the 2019 application advised that improvements to the electricity supply and broadband would bring benefits to the existing residents of Lyne. It was not considered that sufficient information had been submitted to support these arguments. '**Limited weight**' was given to these considerations.

Comparison of this S73 application with the 2019 permission

7.21 This revised application results in revisions to the gross external floor area (GEFA), footprint and volume of the development when compared to the 2019 planning application. These revisions are considered to result in reductions in GEFA, footprint and volume when compared to the original 2019 planning permission as summarised in the table below.

	2019 permission	S73 application
Footprint	3682.65	3392.59
Gross External Floor Area	8340.52	6363.6
Volume	27696	21939.8

7.22 The siting of the proposed development is similar to the siting of the 2019 approval with revisions to the footprint, depth and positioning of some of the properties within their individual plots. This is considered to result in a reduction in the spread of buildings on the edge of the application site including plots 1 -6 (inclusive) 11, 20, 33, 34, 40, 41, 42, 57, 58, 59 and 60. This proposed reduction in footprint, floor area, volume and spread is considered to represent benefits to the Green Belt when compared to the original 2019 application.

- 7.23 It is acknowledged that plots 51-53 (inclusive) positioned in the western corner of the site have been designed with a greater footprint extending some 4.0 m closer to the north western site boundary. These properties however have been designed as bungalows resulting in a significant reduction in both eaves height (1.33m) and ridge height (1.67m) when compared to the original approval which comprised 2 storey properties. This is considered to represent benefits to the Green Belt when compared to the original 2019 application.
- 7.24 The applicant has provided a table which undertakes a comparison in the eaves and ridge height of the S73 development compared to the original 2019 approval. This table confirms that this application seeks a combination of both reductions and increases in height of the individual dwellings when compared to the original 2019 application. Under the 2019 planning permission a number of the individual plots were designed with low eaves. This application seeks to amend the design of these individual properties by introducing a higher eaves design. This includes plots 1, 7-10, 23-48 and 54-56. The proposed increase in eaves height varies from between 0.4 metres to 1.15 metres across these individual dwellings.
- 7.25 This application also seeks an increase in ridge height of plots 1, 7-10, 23-29, 33-48 and 54-56. The proposed increase in ridge height varies from between 0.38 metres and 0.9 metres across these individual dwellings. The dwellings under the 2019 application had varying ridge heights ranging from some 7.2 metres to 8.58 metres. This revised application results in varying ridge heights ranging from 5.53 metres to 8.13 metres which results in an overall reduction in the maximum height of the development as originally approved under the 2019 planning application.
- 7.26 It is acknowledged that under the 2019 permission the development towards the rear half of the application site was designed to reduce the scale of the development adjacent to site boundaries (reducing to 7.2 metres and 7.7 metres). The only exception to this included units 57-60 (backing onto the Lyne Recreation Ground) which were designed with a height to ridge of some 8.58 metres. It is considered that the proposed increase in eaves and ridge height of those dwellings towards the rear half of the site will have greater impacts upon the Green Belt when compared with the 2019 permission.

Consideration of the Green Belt impacts of the current S73 application and consideration of 'very special circumstances'

- 7.27 The Planning Statement submitted in support of this S73 application confirms that there are not considered to have been any material changes in planning policy or site circumstances since the approval of RU.19/0843. The Planning Statement confirms that the 2019 'extant' planning permission is a material planning consideration in the determination of this application and the previous 'very special circumstances' submitted and approved under the 2019 planning application still form part of the consideration of this revised application.
- 7.28 The revised proposal is still considered to result in a significant spread of buildings across the site when compared to the existing buildings. This is particularly evident towards the rear half of the application site. The proposed layout and spread of built development across the site (in closer proximity to existing site boundaries) is considered to have detrimental impacts upon the openness of the Green Belt. This is considered to weigh heavily against the proposals which are considered to have a substantial harmful impact upon the openness of the Green Belt which is attributed **substantial** weight.
- 7.29 As confirmed under RU.19/0843 the existing buildings on the site have a floor area of some 6079 square metres. This revised application results in a floor area of some 6363.6 square metres (GEFA). Building heights across the site have also increased when compared with the existing building heights. The ridge height of the existing buildings within the site range

from 4 to 5 metres for the lower display buildings to 6 metres for the taller entrance building and the two storey office building. The existing glasshouses (located towards the rear half of the site) extend to just over 7 metres. The proposed dwellings have varying ridge heights ranging from 5.53 metres to 8.13 metres. This proposed increase in floor area coupled with the increased height of the buildings is considered to have substantial harmful impacts upon the openness of the Green Belt. This is considered to weigh heavily against the proposals.

- 7.29 In conclusion there is considered to be 'substantial' harm which is considered to **substantially** weight against the proposal. The increased floor area, height and spread of built development across the site, when compared with the existing development would have a substantially greater detrimental impact upon the openness of the Green Belt than the existing development. On this basis the proposal would fail to comply with paragraph 145 (g) of the NPPF and the development would be an inappropriate and harmful development within the Green Belt by definition, and would by reason of the increased floor area, height and spread of built development across the site have substantial detrimental impacts upon the openness of the Green Belt and would conflict with the purposes of the Green Belt.
- 7.30 In conclusion there is clearly harm in these respects which substantially weights against the proposal, and which will need to be taken into account when considering whether any 'very special circumstances' exist which would clearly outweigh the substantial harm to the Green Belt arising from the inappropriate development and the additional harm to the openness of the Green Belt and the conflict with the purposes of the Green Belt. It is therefore necessary to consider whether any other harm would arise from the proposed development.

The impact of the development upon the character of the area

- 7.31 Paragraph 126 of the NPPF confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF states that new development should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to local character and history, including the surrounding built environment and landscape setting. New developments should establish and/or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live and visit.
- 7.32 Policy EE1 (Townscape and Landscape Quality) of the Runnymede 2030 Local Plan requires all development proposals to achieve a high quality and inclusive design which responds to the local context including the built, natural and historic character of the area while making efficient use of land. Developments should create attractive and resilient places which make a positive contribution to the Borough's townscape, public realm and/or landscape setting and which will endure into the long term, paying particular regard to layout, form, scale, materials, detailing and any guidance set out in adopted planning documents including the Council's Design SPD
- 7.33 The 2019 scheme was subject to a Design Review through Design South East back in 2019. The design of the 2019 application comprised a simple contemporary architecture which was based upon the Surrey vernacular comprising simple pitched roof dwellings with gabled forms. The 2019 development created a strong sense of place; that was sympathetic to local character and history and had a strong landscape setting. The 2019 development was

considered to be a high standard of design winning at the National Housing Design Awards back in 2020.

- 7.34 This S73 application is supported with a Design & Access Statement and Planning Statement which explains the background to the proposals and the revisions to the original 2019 planning approval. These supporting documents confirm that the scheme retains a clean, simple, contemporary aesthetic borrowing very heavily from the approved scheme and its architectural styling.
- 7.35 The scheme is considered to present opportunities to enhance the character of the area through the redevelopment of an existing commercial site with significantly enhanced landscape features (green and blue infrastructure) and the removal of large areas of hardsurfacing. The scheme follows the same contemporary design approach as the 2019 permission based upon the Surrey vernacular comprising simple pitched roof dwellings with gabled forms. The development has been designed to comprise a variety of terraced, semi-detached and detached dwellings with a variety of gabled and hipped roof designs ranging from single storey properties to two storey dwellings (ranging in height from 5.53 metres to 8.13 metres) to reflect the scale and character of existing development within the local area. Following discussions with the applicant it has been agreed that a number of the elevations of the units will be redesigned to provide more active elevations and these amended plans will be reported to the Planning Committee.
- 7.36 The development has been designed to provide variation in the design of the individual dwellings across the site to help to break up the development and create more visual interest across the site. External materials will be utilised to harmonise with existing local character and will be used to provide variation between the individual units across the site. It is considered that a condition be imposed to ensure that the development comprises a range of brick and tile colours so as to create variety and a high quality design across the development.
- 7.37 The layout of the development follows the 2019 scheme very closely creating a dispersal of units across the site to provide a less regimented and informal layout which better reflects the rural character of the area. The proposed reduction in footprint of some of the dwellings (when compared to the 2019 approval) has also resulted in the provision of greater space between the individual units which is considered to result in an improved layout to the 2019 permission.
- 7.38 It is noted that the 2019 permission comprised a number of units with rear garden depths less than 10.6 metres. The development has been amended from the 2019 permission where possible to ensure that all dwellings provide an 11.0 metre rear garden depth to comply with the councils recently adopted Design SPD. In many cases the individual plots have been designed to exceed this figure to better reflect the layout and plot sizes of existing surrounding properties. This development has therefore resulted in improvements to the layout of the scheme with the provision of greater private amenity space for many of the individual dwellings. It is acknowledged that plots 11 and 56 do not provide the 11 metre rear garden depth. These individual dwellings however have been designed with wider plot widths when compared with proposed neighbouring dwellings. This design approach coupled with the creation of large communal areas of open space across the site is considered to represent an acceptable form and layout of development and will provide sufficient amenity space for the future occupants of these dwellings.
- 7.39 The development is landscape lead creating a high quality development that has been designed to create a strong sense of place with a strong landscape setting. The development has been driven by the requirement to improve landscaping and ecology within the site and

to provide significant improvements for the local community by the creation of new communal areas across the site including a new circular walk, a childrens play area, cycle routes and a wildlife corridor. The layout of the development also provides for a landscaped green buffer around the boundaries of the site with particular attention to the SW, NW and NE boundaries of the site which abut open Green Belt land. This layout and attention to landscaping will ensure that the development integrates with the rural character of the surrounding area and retains a strong landscape setting.

- 7.40 The demolition of 198 Almnors Road and the improvements to the existing vehicular access also provide opportunities for the 'greening' of the front section of the site and the provision of additional planting to improve the character of the area when viewed from Almnors Road. This design approach will ensure that the development integrates with the existing village character of Lyne and does not result in a form or scale of development which would be harmful or alien to the existing village character.
- 7.41 It is acknowledged that policy SL26 (New Open Space) of the Runnymede 2030 Local Plan requires residential developments of 20 dwellings (net) or more to provide for new or enhanced provision of open space. This includes 1.6 hectares per 1000 population for outdoor sports facilities and 0.8 hectares per 1000 population for the provision for children and teenagers. This policy also requires at least 20 standard size allotment plots (250sq metres per plot in size) per 1000 households or where this is not possible the provision of an alternative such as community gardens or similar.
- 7.42 This application is a S73 application seeking revisions to the design and layout of an extant 2019 permission. The 2019 permission was granted prior to the adoption of the new local plan and on this basis new open space in compliance with this policy was not required to be provided. On the basis that this application seeks revisions to the 2019 permission under a S73 application it is not considered that these requirements can be secured as part of this revised application. It is however noted that the scheme provides for extensive new areas of public open space across the site including a children's play area, a wildlife corridor and new pedestrian and cycle routes through the site.
- 7.43 On the basis of the above assessment, it is considered that the development would represent a high quality of design which would be of an appropriate layout and scale which would respond to the existing local context including the built, natural and historic character of the area. The Runnymede 2030 Local Plan promotes creating attractive places which make a positive contribution to the Borough's townscape, paying regard to layout and landscape character. It is considered that this development displays evidence of exploring place and context and has considered existing local character within its scale and design all leading to a high-quality design.
- 7.44 The design has incorporated the various guidelines and principles set out in the recently adopted Design Guide SPD. The applicant has confirmed that the development meets the internal space standards as required by policy SL19. The development has also been designed to meet the requirements of M4(2) under Building Regulations. All dwellings provide a means of level access in compliance with these standards. In addition, the applicant has confirmed that 5% of units meet the requirements of M4(3) of Building Regulations which complies with policy SD7 of the Runnymede 2030 Local Plan.
- 7.45 Considering the above, it is considered that the proposed development (as revised) would make a positive contribution and the layout and design would respect and enhance the established character and appearance of the surrounding area and would be appropriate for its setting. The development is therefore considered to comply with policy EE1 of the

Runnymede 2030 Local Plan, guidance within the councils Design SPD and policy within the NPPF.

The impact upon residential amenities

- 7.46 The development has been designed to ensure that the development seeks to protect the amenities of existing dwellings surrounding the application site. The development has been designed to comply with guidance within the Councils Design SPD which seeks to provide a minimum 'back to back' distance between both existing and proposed dwellings of 22 metres. The development has been designed with gardens facing existing neighbouring dwellings so as to provide sufficient spacing to these existing dwellings and their rear garden areas. This layout of development is not considered to result in any detrimental impacts, including overlooking or loss of privacy upon existing or proposed dwellings.
- 7.47 It is acknowledged that plots 1-6 (inclusive) have been designed with two storey projections abutting the northern flank boundaries of the individual plots. This design and layout of development reflects the layout as previously approved under the 2019 permission. It was acknowledged under the 2019 application that this layout would result in some impacts upon these proposed neighbouring properties and their garden areas. It was considered however that these impacts would be minimised given the positioning of first floor rear windows on the neighbouring properties and the proposed rear garden depth extending to some 25 metres. On this basis the harm was considered to be very limited and not enough to prejudice any future occupiers' enjoyment of their dwelling house. It is considered that the same considerations apply under this current application.
- 7.48 The proposed demolition of 198 Almnors Road will provide greater space within the site for improvements to the existing vehicular access. This will allow for a significantly improved buffer between the flanks of existing neighbouring dwellings and the proposed new vehicular access which will be a significant improvement when compared to the existing situation. It is noted that currently the carriageway of the existing vehicular access into the nursery site physically abuts the flank boundaries of the neighbouring dwellings. This revised layout is therefore considered to be a significant improvement over the current situation.
- 7.49 The existing site has planning permission for an unrestricted retail use. There are some 6079 square metres of buildings with some 90 car parking spaces. The current existing use has the potential to have significant impacts upon existing neighbouring properties. A Transport Statement submitted under the 2019 application advised that there would be a reduction in traffic movements during the hours of 0700-1900 by around 600 vehicles. It is therefore considered that the proposal will result in significant benefits in traffic related noise and disturbance to existing neighbouring dwellings.
- 7.50 It is considered that on the basis of the above assessment the proposed development will ensure that there will be no adverse impact on the amenities of neighbouring residential properties or to future occupiers of the proposed development and the development will comply with policy EE1 of the Runnymede 2030 Local Plan, the councils Design SPD and policy contained within the NPPF.

The impact upon archaeology

- 7.51 Special regard has to be given to the impact of new development upon heritage assets. An archaeological assessment was submitted as part of the 2019 application. This report concluded that the site would appear to have low archaeological potential but did acknowledge that there may be some potential for archaeological remains to be present. A planning condition was imposed under the 2019 application to secure the implementation of

a programme of archaeological work. Surrey County Archaeology have been consulted under this revised application and raise no objections subject conditions. It is acknowledged that a Written Scheme of Investigation has been approved under application RU.22/0706. On this basis it is considered that subject to a planning condition the development would comply with policy EE7 of the Runnymede 2030 Local Plan and heritage policy within the NPPF.

The impact upon highway safety and parking

- 7.52 In respect of highway safety and parking, the County Highway Authority (CHA) raise no objections to the development on highway safety or capacity grounds subject to planning conditions. A Transport Statement' was submitted under the 2019 application which confirmed that the new development would not have a severe impact on the local highway network. The submitted Transport Statement gave predictions of likely trip rates based on the industry standard TRICS database to determine existing trip rates at the site. The figures generated using this data indicated that there would be an overall reduction in trip rates associated with the proposed development. The Transport Assessment also provided assessment data for the modelling carried out for the three local junctions most likely to be impacted by the proposal, comprising Almers Road/Hardwick Lane, Almers Road/Lyne Lane and the site access itself. This modelling demonstrated that all of these would operate within capacity.
- 7.53 The CHA were satisfied with the contents of the Transport Assessment and recommended under the 2019 permission that an appropriate agreement be sought to secure £3000 towards signage improvements at the Hardwick Lane/Almers Road junction. This was required due to the anticipated additional impact at this junction and the current 'road traffic incident' record associated with it. It was considered that signage improvements at this junction would reduce the highway safety risks for future users of the site and this junction. This financial contribution towards signage improvements have been secured through a S106 legal agreement under the 2019 application.
- 7.54 The proposed development provides for two parking spaces for each of the individual dwelling, the majority of which will be provided within the curtilage of the dwellings. This reflects the level of parking provision as previously approved under the 2019 permission. In addition, a total of 12 visitor spaces will also be provided. A secure shed will be provided for all dwellings to provide secure storage for cycles. The council has recently adopted a Parking Guidance SPD. This development has been designed to comply with this updated parking SPD. The development also provides for the creation of a new circular walk and cycle routes through the site. The 2019 permission also imposed conditions relating to parking provision, cycle parking, the submission of a Construction Transport Management Plan, the submission of a Travel Plan and the provision of EV charging points. It is recommended that these conditions be reimposed under this revised application. On the basis of the above, the application is considered to comply with policies SD3 and SD4 of the Runnymede 2030 Local Plan and policies contained within the NPPF.

Noise and air quality impacts

- 7.55 In respect of air quality, a detailed 'Air Quality Report' in support of the proposals was submitted under the 2019 application which considered the dust effects during the construction phase and the air quality impacts during the operation of the development. The report concluded that the effects of the development upon air quality overall were considered to be 'not significant'. The report advised that there would be some dust effects during the construction phase, but this would be short term. The report recommended mitigation measures which were considered to reduce the level of residual dust so that the impacts

upon 'air quality' would be 'not significant'. In terms of the impacts on air quality during the operational phase of the development, the report concluded that the impact on existing residents would be 'negligible' and for the future occupants of the site, air quality would fall well within the relevant health-based air quality objectives. The Councils Principal Environmental Health Officer raised no objections to the impacts of the development on air quality subject to the proposed mitigation measures (as contained within section 7 of the Air Quality Report) being undertaken during the construction phase of the development.

7.56 A planning condition was imposed on the 2019 permission to ensure that the proposed mitigation measures were secured during the demolition and construction phase of the development through the submission of a Demolition and Construction Environmental Management Plan. Details of this have been approved under RU.22/0706. It is recommended that a condition be reimposed under this revised application to ensure that the development complies with this previous approval. On this basis the proposal is not considered to have any detrimental impacts on air quality and the development will comply with policy EE2 of the Runnymede 2030 Local Plan and relevant policy within the NPPF and NPPG.

7.57 In relation to noise impacts, following consultation with the Councils Principal Environmental Health Officer a planning condition was imposed under RU.19/0843 with respect to the submission of a Demolition and Construction Site Management Plan. This was secured to protect the amenities of neighbouring residential properties during the demolition and construction phases of the development. Details of this have been approved under RU.22/0706. It is recommended that a condition be reimposed under this revised application to ensure that the development complies with this previous approval. On this basis the proposal is not considered to have any detrimental impacts on noise and the development will comply with policy EE2 of the Runnymede 2030 Local Plan and relevant policy within the NPPF and NPPG.

Flooding and sustainable drainage

7.58 The 2019 permission was accompanied by a Flood Risk Assessment and a Surface Water Strategy. The application site falls within Flood Zone 1. On this basis the development of the site for new residential development was considered under the 2019 permission to be acceptable in flooding terms as it was introducing new residents to an area with the lowest risk of flooding within the borough. The council's Drainage Section and Lead Flood Authority fully support the current proposals. The application site is currently highly impermeable, and the application secures significant drainage improvements both on and off site. The proposed development is therefore considered to be acceptable in flooding and drainage terms subject to the imposition of a planning condition seeking further details of the design of the drainage scheme. The development is considered to comply with policy EE13 of the Runnymede 2030 Local Plan and policy within the NPPF.

Affordable housing and Housing Mix

7.59 Policy SL19 (Housing Mix and Size Requirements) of the Runnymede 2030 Local Plan requires development proposals of 10 or more (net) additional dwellings to contribute to meeting the Housing Market Area's identified housing needs by generally providing a housing mix as set out in the Strategic Housing Market Assessment or any similar evidence for market and affordable units. It is acknowledged that the proposal does not provide the full range of housing mix as required by policy SL19 and this was discussed in detail under the original 2019 permission.

7.60 Under RU.19/0843 following discussions with the Councils Housing Department, it was agreed that there was a need for 2 bedroom affordable units within the borough. The

applicant also advised that following discussions with registered providers it was also concluded that this location was not appropriate for one-bedroom units and two bedroom units would be the preferred option. On this basis, the scheme was designed with a higher concentration of two-bedroom units. For the market units the applicant advised that they had taken advice from local estate agents who advised that there was a greater need for three bedroom units to meet local demand.

- 7.61 Policy SL19 recognises that schemes may exceptionally depart from the required mix where it would not be feasible to achieve. The requirements of the Housing Department for affordable 2 bed units was recognised under RU.19/0843 and it was noted that the application was providing affordable housing units far in excess of what would be required for the site. On this basis it was considered that there was acceptable justification for the proposed mix of dwelling types under RU.19/0843. This 2019 planning application is an extant permission and it is considered that these earlier considerations still apply and are a material consideration to this S73 application.
- 7.62 Policy SL20 (Affordable Housing) of the Runnymede 2030 Local Plan confirms that over the period of the Local Plan the Council will seek to deliver 30% of all net additional dwellings as affordable units of which about 70% will be provided as Affordable/Social Rent and 30% provided as other forms of affordable housing. Development proposals of 10 or more (net) additional dwellings will be expected to provide 35% of dwellings as affordable units with a tenure split as above which includes 10% of homes for affordable home ownership (starter homes, discounted market sales housing and/or other products which provide affordable routes to home ownership in line with the definition contained in the 2019 NPPF)
- 7.63 Under RU.19/0843 (based upon the 35% emerging policy) the development required the provision of 21 units. It was acknowledged under the 2019 application that the Government was seeking to encourage the re-use of vacant buildings and on this basis the 'vacant building credit' (VBC) was applied when calculating the affordable housing requirement. On sites the amount of vacant floor space can be used as a 'credit'. Taking on board the VBC the applicant was only required to provide 5 units as part of the 2019 development proposals.
- 7.64 The 2019 application provided 50% on site affordable housing (30 houses) which included 20 units for affordable rent (14 x 2 bed and 6 x 3 bed), 2 units for social rent (all 3 bed units) and 8 shared ownership units (5 x 2 bed, 2 x 3 bed and 1 x 4 bed). The 2019 application was therefore providing 25 extra affordable units in excess of the Council's policy on affordable housing. On this basis it was recognised that the development would clearly meet an identified housing need within borough for affordable housing. This S73 application seeks a slight revision to the affordable housing scheme to provide 50% on site affordable housing (30 houses) including 20 units for affordable rent (14 x 2 bed and 6 x 3 bed), 2 units for social rent (all 3 bed units) and 8 shared ownership units (**7 x 2 bed and 1 x 4 bed**).
- 7.65 Under this revised application the councils Housing Section have recommended that the rented properties be delivered as Social Rent rather than Affordable Rent. It is however acknowledged that this application seeks a revision to an existing extant 2019 permission which is a material consideration under this current application. The proposed tenure of affordable housing units has not been amended from the original permission and under the remit of this S73 application the council cannot seek further amendments to the proposed tenure as previously approved.
- 7.66 The Councils Housing Section also highlight that Aster Homes (a Registered Provider for affordable housing) are not one of their preferred Registered Provider partners. It is acknowledged that Aster have purchased the site and are committed to delivering the affordable housing scheme. Aster currently provides a range of affordable housing units

across many parts of the country including Surrey. On this basis it is not considered that an objection can be raised on these grounds. The s106 legal agreement which was completed under the 2019 permission will need to be amended and the amended S106 will ensure that these affordable units are secured and provided as part of the development.

- 7.67 Since the adoption of the Local Plan the Government has introduced its First Homes policy and to take account of this, Runnymede has published a 'First Homes Interim Policy Statement' (Jan 2022). This changes the required affordable tenure mix to 25% First Homes, 53% Social/Affordable and 22% Other forms of affordable. However, it is acknowledged that the 2019 planning permission is extant and on this basis is a material planning consideration to the determination of this application. Following discussions with the councils local planning section it has been agreed that given the nature of this application this application will not be required to provide first homes as part of the affordable housing mix. On this basis the development is considered to comply with policy SL20 of the Runnymede 2030 Local Plan.

The impact upon existing trees and Green & Blue Infrastructure

- 7.68 An updated Arboricultural Report has been submitted under this revised application. This report demonstrates that the majority of existing trees will be retained and protected as part of the development. The report advises that the proposal will require the removal of two low quality (C Category) Japanese cherry trees (T33 & T35), and one moderate quality (B Category) early-mature oak tree (T34). Further tree removals have also been recommended for arboricultural reasons. These include the removal of trees T19 and T52, the part removal of trees T44 and T49 to 2.5m for habitat purposes, and the selective removal of any dead trees located within tree group G30.
- 7.69 The Councils Tree Officer fully supports this amended application confirming that the proposed tree loss will be minimal and will be mitigated by the proposed new areas of extensive tree planting. This revised application is therefore not considered to have a detrimental impact on the tree cover of the site and any permission will be subject to the condition that the development be undertaken in accordance with the submitted Arboricultural Report and the proposed tree protection measures. A planning condition is also recommended with respect to the submission of a detailed hard and soft landscaping scheme (including details of new tree planting and landscape proposals for the new public areas and the new wildlife corridor) A planning condition is also recommended to secure the submission of a Landscape Management Plan. The development is therefore considered to comply with policy EE1 and EE11 of the Runnymede 2030 Local Plan and guidance within the Councils Blue and Green Infrastructure SPD.
- 7.70 The development seeks to provide significant improvements to blue infrastructure within the site. The application site is currently highly impermeable, and the application secures the re-opening of a culverted watercourse across the site to provide on-site attenuation for surface water and a new wildlife corridor. The development is therefore considered to comply with policy EE12 of the Runnymede 2030 Local Plan and guidance within the Councils Blue and Green Infrastructure SPD.

The impacts on protected species (including the Thames Basin Heaths SPA)

- 7.71 Policy EE9 (Biodiversity, Geodiversity and Nature Conservation) of the Runnymede 2030 Local Plan confirms that the Council will seek net gains in biodiversity through the creation, expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species. The 2019 application was supported by extensive ecological surveys including a Phase 1 Habitat Survey, Ecological Mitigation and

enhancement plan, Bat Scoping Report and Bat Emergence and Re-entry Survey and Reptile Surveys.

- 7.72 The bat report found evidence of bat roosts within the site, which will need to be removed. It was acknowledged under the 2019 application that although the proposed development required the removal of bat roosts, the development would introduce a number of ecological enhancements within the site, many of which would benefit bats. This includes the reopening of an existing culverted waterway across the site as a new 'wildlife corridor' with proposals for 'low-level wildlife-friendly lighting' and planting of new vegetation such as reeds.
- 7.73 The opening of the waterway was considered to provide a major enhancement to commuting and foraging bats in the local area, including a diversity of invertebrates as food. The bat report recommended the provision of bat roost boxes within the site, including a design to provide 'in-built' roosting facilities within the proposed new bridges within the site crossing the new 'wildlife watercourse corridor'. There were also proposals to ensure that the demolition of existing buildings within the site were both time restricted and supervised in order to protect bats. The Surrey Wildlife Trust confirmed under the 2019 permission that a European Protected Species Licence would be required to be submitted to Natural England following the approval of the planning application.
- 7.74 The 2019 permission also imposed a condition to ensure that the development would be undertaken in accordance with the approved mitigation contained within the Ecological Report Bat Emergence/Re-entry Survey. It is therefore recommended that this planning condition be reimposed on this revised application to secure the implementation of this previously approved mitigation.
- 7.75 A planning condition was also imposed on the 2019 application requiring two emergence/re-entry surveys for bats to be undertaken with respect to Tree 84. Further details of this have been submitted and approved by the local planning authority under planning application RU.22/0706 and a planning condition is recommended to ensure that this revised development is undertaken in accordance with the protected species report approved under this application.
- 7.76 The submission of an Ecological Mitigation and Enhancement Plan under the 2019 application provided further recommendations with respect to protected species which was secured by condition under the 2019 permission. Given the proposed revisions to this application it is considered that the previously submitted Ecological Mitigation and Enhancement Plan will need to be amended to reflect the revised design and layout of the revised scheme. A planning condition is therefore recommended with respect to the submission of an amended Ecological Mitigation and Enhancement Plan prior to the commencement of the development.
- 7.77 Under the 2019 application slow worms were also identified in the site and the submitted reports and surveys recommended proposed mitigation methods prior to the commencement of development and the management of vegetation and spoil piles to prevent colonisation by reptiles prior to site clearance. The reports also confirm that Japanese knotweed had been found and eradicated from the south west edge of the site and was being monitored. The reports also provide recommendations for future landscaping and planting within the site to provide grassland, wild flowers and scattered scrub to provide links with an existing habitat corridor to the west. It is therefore considered necessary to impose a planning condition under this revised application to secure the recommendations as proposed in the Ecological Report -Extended Phase 1 Habitat Assessment and Bat Scoping Assessment and the Reptile Report submitted under the 2019 permission.

- 7.78 A planning condition was also imposed under the 2019 permission requiring an additional reptile survey to be undertaken prior to the commencement of the development. Further details of this have been submitted and approved by the local planning authority under planning application RU.22/0706 and a planning condition is recommended to ensure that this revised development is undertaken in accordance with the protected species report approved under this application. Planning conditions are also recommended (as previously imposed on the 2019 permission) with respect to vegetation clearance and the bird nesting season and further details of lighting to ensure that a sensitive lighting scheme is installed in order to protect protected species.
- 7.79 The Ecological Mitigation and Enhancement Plan submitted under the 2019 permission also recommended that prior to works commencing on site, a precautionary badger walkover survey be undertaken. This was imposed as a planning condition under the 2019 application. Further details of this have been submitted and approved by the local planning authority under planning application RU.22/0706 and a planning condition is recommended to ensure that this revised development is undertaken in accordance with the protected species report approved under this application.
- 7.80 The Surrey Wildlife Trust advised under the 2019 permission that Deciduous Woodland located immediately adjacent to the application site to the south is a Habitat of Principal Importance and that temporary fencing should be erected during construction works to ensure that damage does not occur during development. This was imposed as a planning condition on the 2019 permission. Further details of this have been submitted to and approved by the local planning authority under planning application RU.22/0706. Given the proposed revisions to this application it is however considered necessary to reimpose this condition so that the approved details reflect the amended layout.
- 7.81 The 2019 permission proposed significant biodiversity improvements across the site including new landscaping and areas of open space and the re-opening of a culverted watercourse across the site to provide a new wildlife corridor. A pre-commencement planning condition was imposed on the 2019 permission with respect to biodiversity enhancements requiring the submission of a biodiversity mitigation strategy and biodiversity enhancement plan (including the long term management of biodiversity) under condition 7.
- 7.82 Further details of this have been submitted to and approved by the local planning authority under planning application RU.22/0706. Given the proposed revisions to this application it is considered necessary to reimpose this condition so that the biodiversity mitigation strategy and biodiversity enhancement plan reflects the amended design and layout of this revised scheme. A condition was also imposed on the 2019 permission requiring further details of the hard and soft landscaping. This condition required details of the proposed soft landscaping for the new areas of public open space and the new wildlife corridor. It is recommended that this condition be reimposed in order to secure high quality landscaping and biodiversity enhancements across the site. On the basis of the above considerations the development is considered to comply with policy EE9 of the Runnymede 2030 Local Plan and relevant policy within the NPPF.
- 7.83 The site lies within 5 km of the Thames Basin Heaths Special Protection Area. 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.

- 7.84 The guidance is that Natural England is 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. 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 any residual adverse effects that lead to a likely significant effect on habitats at the THBSPA.
- 7.85 The 2019 permission was subject to a s106 legal agreement which provided mitigation measures to comply with the Council's adopted guidance at that time comprising £2000 per net additional dwelling towards the Councils Suitable Alternative Natural Greenspace (SANG) and £630 per net additional dwelling in respect of the Strategic Access Management and Monitoring (SAMM). It is acknowledged that since the approval of the 2019 application the council has published an updated Thames Basin Heaths Supplementary Planning Document (SPD) which has introduced revisions to how the SANG & SAMM contributions are calculated. However as this application (S73) is seeking revisions to the extant 2019 permission it is considered that the mitigation previously agreed under this application and the S106 Legal Agreement provides the necessary mitigation for the development. On this basis the development is considered to comply with policy EE10 of the Runnymede 2030 Local Plan.

Land contamination

- 7.86 The 2019 permission was accompanied by a Phase I Preliminary Risk Assessment. Following consultation with the Councils Land Contamination Officer under the 2019 permission no objections were raised subject to a planning condition securing the submission of a further assessment to consider the nature and extent of contamination present on the site and if necessary details of remediation measures to bring the site to a condition suitable for the intended residential use by removing unacceptable risks to human health, buildings, property and the natural environment. A condition was imposed on the 2019 permission (planning condition 5).
- 7.87 Further details of land contamination have been submitted to and approved by the local planning authority under planning application RU.22/0706. This application (in consultation with the Councils Land Contamination Officer) approved a remedial strategy for the site. On this basis planning condition 7 is partially discharged. However further details of a remedial verification report will be required to be submitted in order to fully discharge the condition. On this basis a planning condition is recommended to secure the previously approved remedial strategy for the site and to secure its implementation. It is therefore considered that the development complies with policy EE2 of the Runnymede 2030 Local Plan and policy within the NPPF.

The impacts upon the 'Mineral Safeguarding Area'

- 7.88 The application site falls within a 'Mineral Safeguarding Area' where careful consideration has to be given to securing the long term mineral resource within the borough (concreting aggregate) for future generations. Mineral working makes an important contribution by supplying materials for the building and construction industry. A Mineral Resource Assessment was submitted under the 2019 permission in support of the proposals.

Following consultation with the Minerals Planning Authority (Surrey County Council) no objections were raised under the 2019 permission to the redevelopment of the application site on the basis that the prior working of the site would not be appropriate given its close positioning to sensitive land uses in the immediate vicinity of the site.

- 7.89 The Minerals Planning Authority raise no objections under this revised application subject to the council being satisfied that the development includes adequate facilities for household waste storage and recycling and that a condition is imposed securing the submission of a waste management plan. The requirement for the waste management plan would demonstrate that waste generated during the construction, demolition and excavation phase of the development is limited to the minimum quantity necessary; and opportunities for re-use and recycling of any waste generated are maximised.
- 7.90 The submitted plans provide details for the location of bin storage (for both recycling and household waste) and bin collection points. The development is therefore considered to provide suitable space across the site for bin storage to comply with policy SD7 of the Runnymede 2030 Local Plan. It is acknowledged that the 2019 permission did not impose any conditions regarding the submission of a waste management plan. Given the nature of this application (S73) and the extent of the revisions, it is not considered to be reasonable to impose this condition under this revised application. It is noted however that under the original application a Sustainability Statement was submitted which will also forms part of this revised application.

Sustainable Design

- 7.91 Policies SD7 and SD8 of the Runnymede 2030 Local Plan refer to sustainable development and Renewable and Low Carbon Energy. Policy SD7 of the Local Plan refers to sustainable development and this requires development proposals to incorporate sustainable design measures, such as secure storage of bicycles, waste, protection of existing biodiversity and inclusion of opportunities to achieve net gains in biodiversity as well as greening the urban environment. As outlined above the development is considered to comply with these requirements. In respect of policy SD9 'Renewable and Low Carbon Energy' an 'Energy Statement' was submitted under the 2019 permission which confirmed that photovoltaics (PV) would be utilised across the development which were anticipated to supply 21.3 % of the sites energy needs. A planning condition is recommended to secure further details of the design of the PV panels including their positioning and projection from the roof of the dwellings.

Health and Wellbeing

- 7.92 Policy SL1 (Health and Wellbeing) of the Runnymede 2030 Local Plan confirms that the Council is supportive of development that promotes opportunities to assist people of all ages and backgrounds to lead healthy lifestyles and improve quality of life. New major development should encourage people to take physical exercise by providing opportunities for walking, cycling, outdoor recreation and sport and promote opportunities for recreation and social interaction.
- 7.93 The development is considered to present opportunities to provide significantly enhanced areas of public open space across the site including the provision of a circular walk, cycle routes through the site and a children's play area. These newly created areas of public open space will provide opportunities for walking, cycling, outdoor recreation and promote opportunities for social cohesion and interaction. The development is therefore considered to comply with policy SL1 of the Runnymede 2030 Local Plan.

7.94 Under the 2019 application it was considered that contributions towards education would be required. Surrey County Council advised that an overall contribution of £449,601 (including £39,710 for early years education at White Lodge Nursery to expand its current provision, £198,507 for primary education at Meadowcroft Infant School to accommodate additional children from the development and £211,401 for secondary education at Jubilee High School to accommodate additional children from the development. These contributions have been secured through the S106 legal agreement under the 2019 permission and a Deed of Variation will link these contributions to this current s73 application.

7.95 It is therefore necessary to consider whether any very special circumstances exist which would outweigh the harm to the Green Belt and any other identified harm. As outlined earlier in the report, the development would be an inappropriate and harmful development within the Green Belt by definition, and would by reason of the increased floor area, height and spread of built development across the site have detrimental impacts upon the openness of the Green Belt and would conflict with the purposes of the Green Belt. In conclusion there is clearly '**substantial**' harm in these respects which substantially weights against the proposal. In addition to this '**substantial harm**' there is also the other 'very limited' harm which has been identified to the future occupiers of plots 1-6 (inclusive) as contained within paragraph 7.47 of this report.

7.96 As contained within Paragraph 147 of the NPPF, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The relevant material considerations have been carefully assessed by Officers to consider whether very special circumstances exist in this particular case. The 2019 permission is also considered to be a material consideration. The applicant has confirmed that the 'very special circumstances' submitted as part of the 2019 permission continue to provide the package of 'very special circumstances for this revised scheme which are outlined below:

Contribution the proposal would make to housing supply

7.97 It is acknowledged that currently the Council is able to demonstrate a five year housing land supply. On this basis it is considered that this consideration should be given '**very little weight**'.

Provision of 50% Affordable Housing

7.98 The applicant seeks to provide 50% affordable housing on site as part of the development proposals. In order to be policy compliant, the applicant is required to provide 5 affordable housing units on site. The applicant is therefore providing 25 extra affordable units in excess of the Council's policy on affordable housing. On this basis it is recognised that the development would clearly meet an identified housing need within the borough for affordable housing and it is considered that these benefits should be given '**substantial weight**'. It is recommended that the amended affordable housing provision will need to be secured through a s106 legal agreement (Deed of Variation). The should also ensure that the affordable housing is not subjected to on-going maintenance costs for the maintenance of the open 'communal' land and other similar costs as these additional costs will detrimentally impact upon the affordability of these homes. The S106 however should ensure that the affordable housing units have full access to the communal 'public' areas of the site.

Benefits to existing neighbouring residential dwellings through the removal of an authorised site for retail purposes (Use Class A1)

- 7.99 The proposed development is considered to result in benefits to existing neighbouring residential dwellings through the removal of an authorised site for retail purposes (Use Class A1). The existing site has planning permission for an unrestricted retail use. There are some 6079 square metres of buildings with some 90 car parking spaces. On this basis the current existing use has the potential to have significant impacts upon existing neighbours. The Transport Statement submitted under the 2019 application concluded that overall there would be a reduction in traffic movements during the hours of 0700-1900 by around 600 vehicles as a result of the development proposals. On the basis of the above, it is considered that the planning application will result in significant benefits in traffic related noise and disturbance to existing neighbouring dwellings. The development proposals also propose improvements to the existing vehicular access by providing significantly greater space to the flanks of neighbouring dwellings. It is considered that these benefits should be given '**significant weight**'.

Significant drainage improvements across the site and to neighbouring sites

- 7.100 The application site is currently highly impermeable and the application secures significant drainage improvements across the site including the re-opening of a culverted watercourse across the site to provide on-site attenuation for surface water and a new wildlife corridor. The Lead Flood Authority have confirmed under the 2019 permission that there is currently a high surface water flood risk downstream of the site in the local area and the proposed drainage mitigation scheme achieves significant improvements by reducing the flows exiting the site and the risk of flooding downstream of the site. The Lead Flood Authority have confirmed that the improvements to flooding off-site would not normally be required as part of their policy requirements and on this basis the drainage design for the site has gone 'over and above' what would normally be expected as part of this planning application. It is considered that these off site drainage improvements should be given '**significant weight**'.

Significant visual improvements across the site

- 7.101 The proposals are considered to result in significant visual improvements across the site by the removal of large areas of hard surfacing. This will also be coupled with a decrease in the footprint of existing buildings across the site by some 2,519 square metres. The development will also introduce large areas of new open space and soft landscaping across the site. The proposals have also been designed to provide major ecological improvements across the site including the opening of an existing watercourse (which is currently culverted) to create a new wildlife corridor which will connect to existing off-site habitats. It is considered that these improvements should be given '**considerable weight**'.

Plans for the site to be made publicly accessible

- 7.102 Lyne currently has no public footpaths within the vicinity of the application site. The scheme provides for extensive areas across the site to be made publicly accessible and this includes new areas for cycling, a 'circular walk' and a new play area. The development also seeks to provide pedestrian and cycle links to the existing 'Lyne Recreation Ground' (subject to permission being given by the adjoining landowner) to allow current users of the recreation ground to utilise the application site for wider recreational public use. These areas of public open space were secured through the S106 legal agreement under the 2010 permission. It is considered that these improvements should also be given '**considerable weight**'.
- 7.103 It is acknowledged that the revised layout plan proposed under this S73 application proposes some minor revisions to the areas of public open space across the site and it is recommended that a Deed of Variation to the original S106 agreement be secured as part of this application to secure the retention of the revised areas of public open space. A planning condition is also recommended (as imposed on the 2019 application) to secure a written scheme setting out measures for public access to the site.

Community improvements including the creation of a new broadband supply for the development proposal and a new electricity substation which would help to prevent current problems with power outages.

- 7.104 The supporting information under the 2019 application advised that improvements to the electricity supply and broadband would bring benefits to the existing residents of Lyne. It is not considered that sufficient information had been submitted to support these arguments '**Limited weight**' is therefore given to these considerations.
- 7.105 Any very special circumstances are required to be assessed against the specific circumstances of the application site in question and the specific development proposals under consideration. These must be fully balanced against any harm identified. It is concluded that these material considerations in combination would amount to 'very special circumstances which would justify the development and outweigh the 'substantial harm' which has been identified to the Green Belt and the 'very limited' harm which has been identified to the future occupiers of plots 1-6 (inclusive).

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 Any addition floor area over and above the previously approved floor area would be liable for the Community Infrastructure Levy (CIL). However no additional floor area is proposed under this s73 application.

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 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.

10. CONCLUSIONS

- 10.1 It is considered that by reason of the proposed scale of the proposals (60 dwellings) and the proposed increase in floor area, height and resultant spread of built development within the site (when compared with the existing) the proposals would have a substantially greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development. On this basis the proposal would fail to comply with paragraph 145g of the NPPF and the proposed development would be an inappropriate and harmful development within the Green Belt by definition, would have a detrimental impact upon the openness of the Green Belt and would conflict with the purposes of the Green Belt. This harm is considered to be 'substantial'
- 10.2 It is considered however that material considerations exist in this particular case (as previously agreed under the 2019 application) which would cumulatively amount to 'very special circumstances' which would justify the development proposals and would clearly outweigh the 'substantial' harm identified to the Green Belt and the 'very limited' harm which has been identified to the future occupiers of plots 1-6 (inclusive).
- 10.3 The development would enhance the character and appearance of the surrounding area and residential amenities will be protected. There will be no harmful effects upon archaeology and the proposal is not considered to detrimentally impact upon highway safety and provides sufficient parking. There are not considered to be any detrimental impacts on air quality or noise. The proposal will result in significant landscape improvements within the application site and will both protect and enhance biodiversity and protected species (including the Thames Basin Heaths SPA). The development is acceptable in flooding terms and will provide substantial drainage improvements both within and surrounding the site. No objections are raised from the Minerals Planning Authority regarding the Minerals Safeguarding Area. A planning condition is recommended with respect to land Contamination. The scheme provides opportunities for improved health and wellbeing. Infrastructure contributions imposed under the 2019 permission have been secured through a S106 Legal Agreement regarding educational contributions and highway signage improvements.
- 10.4 Under 'The Town and Country Planning (Consultation) (England) Direction 2009 the local planning authority is required to consult the Secretary of State in respect of developments comprising new floor areas of 1,000 square metres or more of building within the Green Belt or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Therefore, subject to a resolution by the Committee to grant planning permission, the application will need to be referred to the Secretary of State to determine whether he wishes to call-in the application and make the decision himself. If he decides not to call in the application, the permission can be issued by the Council.
- 10.5 The development has been assessed against the following Development Plan policies –SD3, SD4, SD5, SD7, SD8, SL1, SL20, SL26, EE1, EE2, EE3, EE7, EE9, EE10, EE11, EE12, EE13 and EE17 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

Recommendation Part A:

The CHDMBC be authorised to grant planning permission subject to the referral to the Secretary of State and subject to the completion of a Deed of Variation to the original s106 Legal Agreement completed under RU.19/0843 and 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 the RU.19/0843 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:

PSL.01B, CSL.01C, RHL.01B, RSL.01B, BMC.01D, SE.01B, SL.01C, AHL.01BCSE.01B, HT.SPE.pe B, HT.COP.pe B, HT.COP-W (3Blk).pe B, HT.FLA.pe A, P.7-10.pe B, P.32.pe B, P.51-52.p, HT.ASH (2Blk).pe B, HT.ASH (3Blk).pe B, HT.ASH-A.pe B, HT.ASH-B.pe A, HT.COP (2Blk).pe A received 13.02.2023.

170326-P-42 B received 13.09.2022

SH.01 pe A received 10.05.2022

Sustainability Statement received 04.06.2019 (submitted under RU.19/0843)

Reason: To ensure an acceptable scheme and to comply with policies EE1, EE11, SD3 and SD7 of the Runnymede Borough 2030 Local Plan and policy within the NPPF.

3.External materials

Prior to the commencement of the above ground construction of the first dwelling, further details and samples of the external materials to be used in the external elevations of the buildings shall be submitted to and approved in writing 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 improves the character and quality of the area in the interests of visual amenity and to comply with policy EE1 of the Runnymede Borough 2030 Local Plan and guidance within the National Planning Policy Framework.

4. 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 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 neighbouring properties and to protect wildlife and the Green Belt to comply with Policies EE1, EE2 and EE9 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

5. Land Affected by Potential Contamination

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 condition (i) or otherwise agreed remedial measures have been complied with

i) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented in accordance with the approved Remediation Scheme and timetable of works. Upon completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

ii) 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 of the nature and extent of contamination on the site shall be 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:

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

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 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.

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.

If found to be required, the remediation scheme shall be implemented in accordance with the approved timetable of works. Upon completion of measures identified in the

approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and 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.

6. Tree Protection

Prior to the commencement of any works hereby approved, including demolition and before any equipment, machinery or materials are brought on to the site, tree protective measures shall be installed in accordance with the approved Arboricultural Report (170326-PD-41A) received 13.09.2022 and the approved Tree Protection Plan (170326-P-42 Rev B) received 13.09.2022.

The works shall be carried out in accordance with the approved Tree Protection Plan and Arboricultural Report and the tree protective measures shall remain in place until all works are complete and all machinery and materials have finally left the 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 Local Planning Authority.

Reason: To protect the existing trees to be retained in order to protect and enhance the character and appearance of the surrounding area to comply with policies EE1, EE9 and EE11 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

7. Biodiversity enhancements

Prior to the commencement of the development hereby permitted, a detailed biodiversity mitigation strategy and biodiversity enhancement plan (including the long term management of biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated into the development prior to the first occupation of any part of the development hereby granted, and permanently maintained thereafter.

Reason: In accordance with the terms of the application (as a very special circumstance that is required (in part) to outweigh the harm to the Green Belt) and to ensure the provision of suitable biodiversity enhancements in accordance with policy EE9 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

8. Hard and soft landscaping

Prior to above ground development, further details of the proposed design of the hard landscaping including surfacing materials and proposed soft landscaping (including tree planting) within the application site and times of planting shall be submitted to and approved in writing by the Local Planning authority. This shall include hard and soft landscaping proposals for the new public areas, the wildlife corridor (including the design of any new bridges) the circular walkway and the proposed cycle routes. When approved the development shall be undertaken in complete accordance with the approved plans unless a variation is

agreed in writing by the Local Planning Authority. The proposed soft landscaping details shall include species, size and height at time of planting and the proposed time of planting.

All tree planting shall be carried out in accordance with the approved details and by the approved times unless a variation is approved in writing by the local planning authority. Any new planting, 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 suitable size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: In accordance with the terms of the application (as a very special circumstance that is required (in part) to outweigh the harm to the Green Belt) and to ensure that the development proposals seek to provide a high quality landscaping scheme in order to enhance the appearance and biodiversity of the area to comply with policies EE1, EE9 and EE11 of the Runnymede 2030 Local Plan and guidance in the NPPF.

9. Tree felling works

Prior to the felling of any existing trees within the site (other than those proposed to be removed in the Arboricultural Report (170326-PD-41A) received 13.09.2022 and the approved Tree Protection Plan (170326-P-42 Rev B)) further details of the trees to be removed shall be submitted to and approved in writing by the Local Planning Authority. No additional trees shall be removed unless permission is given in writing by the Local Planning Authority.

Reason: To protect the existing trees to be retained in order to protect and enhance the character and appearance of the surrounding area and to protect biodiversity to comply with policies EE1, EE9 and EE11 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

10. Tree pruning works

Prior to any pruning and tree works to existing trees (including reductions and crown lifting) further details shall be submitted to and approved in writing by the local planning authority. When approved the development shall be undertaken in complete accordance with the approved details unless a variation is agreed in writing by the Local Planning Authority.

Reason: To protect the existing trees to be retained in order to protect and enhance the character and appearance of the surrounding area and to protect biodiversity to comply with policies EE1, EE9 and EE11 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

11. Written scheme setting out measures for public access to the site

Prior to the commencement of the above ground development hereby approved a written scheme shall be submitted to and approved in writing by the local planning authority setting out measures to facilitate public access to the site. Such a scheme shall include (inter alia) the following details:

1. Measures to facilitate and actively encourage general public access to the communal areas of the application site including the proposed circular walk, play areas and cycle routes, in particular enabling access through the site to the Lyne Village Green.

2. Details to confirm public access to the site in perpetuity.

Once the scheme is approved by the Local Planning Authority, it shall be implemented prior to the occupation of 75% of the residential units hereby permitted and thereafter retained.

Reason: To secure the provision of public access to the site which is put forward as a very special circumstance that is required (in part) to outweigh the harm to the Green Belt to comply with policy contained within the NPPF.

12. Existing and proposed finished levels

Prior to the commencement of the above ground development hereby approved, details of the existing and proposed levels of the application site (and finished floor levels of the new development) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details.

Reason: In order to obtain a satisfactory form and scale of development in the interests of the visual and residential amenities of the locality and to comply with policy EE1 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

13. Landscape Management Plan

Prior to the occupation of the development hereby approved, a landscape management plan, (including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including all communal areas and play areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall be managed and maintained thereafter in accordance with the agreed Landscape Management Plan unless a variation is approved in writing by the Local Planning Authority.

Reason: In order to secure high quality landscape and visual improvements within the site which are put forward as very special circumstances that are required (in part) to outweigh harm to the Green Belt and to ensure a high quality landscaping scheme across the site in accordance with policies EE1 and EE11 of the Runnymede Borough 2010 Local Plan and guidance in the NPPF.

14. Access to the site

No part of the development shall be first occupied unless and until the proposed vehicular access to Almnors Road has been constructed and provided with visibility zones in accordance with the approved Transport Statement received 04.06.2019 under application RU.19/0843 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: In order that the development should not prejudice highway safety and cause inconvenience to other highway users to comply with policy SD4 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

15. Parking provision

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 and cycles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable modes of transport to

comply with policies SD3 and SD4 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

16. Construction Transport Management Plan

The development hereby permitted shall be undertaken in complete accordance with the decision under RU.22/0706 and the approved Construction Traffic Plan and Construction Environmental Management Plan received 28.04.2022.

Only the approved details shall be implemented during the construction of the development.

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 Borough 2030 Local Plan and guidance within the NPPF.

17. Travel Plan

Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". The plan shall identify sustainable transport options for future occupiers and also establish how future occupiers will be made aware of these options.

Reason In order to promote sustainable modes of transport in compliance with Policy SD3 of the Runnymede Borough 2030 Plan and policy within the NPPF.

18. Electric Vehicle Charging Points

The development hereby approved shall not be occupied unless and until each of the proposed dwellings are 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 In order to promote sustainable modes of transport in compliance with Policy SD3 of the Runnymede Borough 2030 Plan and policy within the NPPF.

19. Demolition and Construction Environmental Management Plan.

The development hereby permitted shall be undertaken in complete accordance with the decision under RU.22/0706 and the approved Construction Traffic Plan and Construction Environmental Management Plan (30/08/2022) received 31.08.2022. The demolition works and construction shall take place fully in accordance with the approved details.

Reason: To protect the environment and neighbouring residential amenities in the vicinity of the site and to comply with Policy EE2 and EE9 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

20 Surface Water Drainage

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) Evidence that the proposed final 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 storage volumes shall be provided using a maximum discharge rate of 4.2 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc)
- c) Detailed design drawings for the proposed surface water flood route corridor and ordinary watercourse, including demonstration that the proposed access road is unaffected by flood waters at the crossing points. Details should be provided of the check dams and low flow channel, including the road crossing points and abandoning of the existing culvert.
- 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.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system, surface water flood corridor and ordinary watercourse.
- 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 secure the provision of drainage improvements which is put forward as a very special circumstance that is required (in part) to outweigh the harm to the Green Belt, to ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site and to comply with policy EE13 of the Runnymede Borough 2030 Plan and policy within the NPPF.

21 Verification Report

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 comply with policy EE13 of the Runnymede Borough 2030 Plan and policy within the NPPF.

22. Programme of archaeological work

No works below current ground levels shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with the Written Scheme of Investigation approved under RU.22/0706 which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To allow archaeological information to be recorded and to comply with Policy EE7 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

23. Ecological Report Bat Emergence /Re-entry Surveys

The development hereby permitted shall be undertaken in complete accordance with the approved mitigation contained within the Ecological Report Bat Emergence/Re-entry Survey submitted under RU.19/0843 unless a variation is agreed in writing by the Local Planning Authority.

Reason: In order to ensure the protection of legally protected species in accordance with Policy EE9 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

24. Protected Species

The development hereby permitted shall be undertaken in accordance with the 'Ecological Report Extended Phase 1 Habitat Assessment and Bat Screening Assessment' and 'Reptile Report' approved under RU.19/0843 and the 'Protected Species Report' approved under RU.22/0706.

Reason: In order to ensure the protection of legally protected species in accordance with Policy EE9 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

26 Vegetation and bird survey

No scrub, hedgerow and tree clearance shall be undertaken during the bird nesting season (March to August 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 in writing by the Local Planning Authority 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 Policy EE9 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

27. Ecological Mitigation and Enhancement.

The development hereby permitted shall be undertaken in accordance with the Ecological Mitigation and Enhancement Plan approved under RU.19/0843 and prior to the commencement of any above ground development an amended 'Master Plan' layout and 'Ecological Enhancement Plan' shall be submitted to and approved by the Local Planning Authority in writing to allow revisions to be made to reflect the revised layout and design of the development.

Reason: In order to ensure the protection of legally protected species in accordance with saved Policy EE9 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

28. Protective tree fencing for deciduous woodland

Prior to the commencement of the development hereby permitted further details of the design and positioning of protective fencing to protect existing deciduous woodland to the south of the application site shall be submitted to and approved in writing by the Local Planning Authority. When approved the development shall be undertaken in complete accordance with the approved plans and the protective fencing shall be erected prior to the commencement of any works hereby approved, including demolition and before any equipment, machinery or materials are brought on to the site. The tree protective measures shall remain in place until all works are complete and all machinery and materials have finally left the 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 be made without the written consent of the Local Planning Authority.

Reason: In order to ensure the protection of legally protected habitats in accordance with Policy EE9 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

30. Restricted Permitted Development Rights

Notwithstanding the provisions of Classes A to E 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 further extensions or enlargements to the dwelling houses and no further development within the curtilage shall be constructed or carried out in respect of the development without the prior written permission of the Local Planning Authority.

Reason: To preserve the openness of the Green Belt and to protect the character of the area and neighbouring amenities to comply with policy EE1 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

31. Boundary treatment

No above ground development shall take place until details of all screen and boundary walls, fences, hedges and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority (LPA); such approved means of enclosure to be erected, including hedges and new planting shall be undertaken in accordance with the approved details before the buildings hereby approved are occupied, unless the LPA otherwise first agrees to an amended timetable in writing. Any hedges and/or enclosure and boundary planting included in the scheme shall be maintained for a period of 5 years, from the time of planting, including the replacement of any plant which may die.

Reason: To ensure that the development enhances the appearance of the surrounding area and seeks to protect the Green Belt and the amenities of neighbouring residential dwellings in accordance with policy EE1 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

32. Design of PV panels

The development hereby permitted shall be undertaken in accordance with the Energy Statement received 04.06.2019 under RU.19/0843. No above ground development shall take place until details of the design of the PV panels (including the projection from the roof of the dwellings) have been submitted to and approved in writing by the Local Planning Authority. When approved the development shall be undertaken in complete accordance with the approved plans.

Reason: To provide a sustainable design and to ensure that the development enhances the appearance of the surrounding area in accordance with policy EE1 and SD8 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

33. Design of the children's play areas

No above ground development shall take place until further details of the design and location of the children's play areas have been submitted to and approved in writing by the Local Planning Authority. When approved the development shall be undertaken in complete accordance with the approved details and thereafter retained unless a variation is approved

in writing by the Local Planning Authority. No dwelling shall be occupied until the children's play area and the public walkways have been provided.

Reason: To accord with the terms of the application, to ensure that a satisfactory form of development takes place and to ensure that play areas are provided as part of the development proposals which is put forward as a very special circumstances that is required (in part) to outweigh harm to the Green Belt to comply with policy within the NPPF.

34. Design and location of the electricity substation

No above ground development shall take place until further details of the design and location of the electricity substation has been submitted to and approved in writing by the Local Planning Authority. When approved the development shall be undertaken in complete accordance with the approved details unless a variation is approved in writing by the Local Planning Authority.

Reason: To ensure that the development enhances the appearance of the surrounding area and protects the Green Belt in accordance with saved policies EE1 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

Informatives

1. The applicant is advised of the comments received from the Surrey Wildlife Trust under RU.19/0843 contained within their letter dated 14.08.2019 which confirms of the requirement to obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to the commencement of any works within the site.

2. The proposed development site is located within 100m of Ancient Woodland, as identified by Natural England. This is also a local wildlife site (Fangrove SSSI). The applicant is advised that as part of the planning condition requiring further details of 'surface water drainage', these details should ensure that the introduction of the proposed swale and changes to hydrology does not affect the hydrology of the Ancient Woodland to ensure no deterioration of irreplaceable habitats.

3. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

4. 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

5. 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-trafficmanagement-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-andcommunity/emergency-planning-and-community-safety/flooding-advice.

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. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

8. In respect of electric vehicle charging, 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. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electricvehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

9. As 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 their website.

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

11. If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via SUDS@surreycc.gov.uk. Please use their reference number in any future correspondence.

12. The applicant is advised that more native and non-native species of trees will be required to be included in the proposed new landscaping scheme to be submitted for the further consideration of the local planning authority. It is recommended that Swamp Cypress be planted within and around swales and Elm New Horizon, which are great for any type of soil as a street or open space tree. These species are also a fast grower and support the extremely rare native hairstreak butterfly, whose habitat was decimated by Dutch elm disease. Liquidambar would also be a great addition. It is also recommended to avoid planting Oak around heavily populated areas where the public may picnic or play, due to Oak processionary moth.

13. Where there are trees within hard standing, the applicant should consider root confinement systems to help support trees and their anticipated rooting environment. This will also help prevent damage to paved surfaces and can be used as a useful solution to storm water management. Examples can be found <https://www.deeproot.com/products/silva-cell.html> The applicant is advised that further details of this should be provided within the proposed landscaping scheme under planning condition 8.

14. The applicant is advised of the comments received from the Airspace Regulator in their e-mail dated 2.7.2019 under application RU.19/0943.

15. The applicant is advised of the comments received from the North Division Crime Prevention Design Advisor of the Surrey Police and their recommendation that following the approval of the application, the applicant should enter into discussions with their Crime Prevention Design Advisor to ensure that the development achieves a full Secured by Design (SbD) award.

16. The applicant is advised of the comments received from Thames Water in their e-mail dated 13.06.2019 under RU.19/0843.

17. The applicant is advised that this decision is subject to a S106 Legal Agreement.

Recommendation Part B:

The CHDMBC be authorised to refuse planning permission should the S106 not progress to his satisfaction or if any significant material considerations arise prior to the issuing of the decision notice that in the opinion of the CHDMBC would warrant refusal of the application. Reasons for refusal relating to any such matter are delegated to the CHDMBC.