

WA/2018/0797
Mr & Mrs Abrahams
19/04/2018

Erection of 2 dwellings and a detached garage
along with associated landscaping at Land At
Springfield, 30 Frensham Vale, Lower Bourne
GU10 3HT

Town: Farnham
Ward: Farnham Bourne
Case Officer: Mr Chris Turner

Neighbour Notification Expiry Date 15/06/2018
Expiry Date 13/06/2018
Extended expiry date 09/10/2018

RECOMMENDATION That permission be REFUSED

Site Description

The application site is located on the northern side of Frensham Vale. It comprises a two storey detached dwelling with associated residential curtilage to the front. There is woodland to the rear of the plot. The area is characterised as residential.

Proposal

The application seeks permission for:

- 2 x 5 bedroom dwellings with associated hardstanding.

Relevant Planning History

WA/2012/1376	Full Application	Erection of 3 dwellings together with formation of new vehicular access (as amplified by letter dated 08/10/2012 and email dated 18/01/2013).	Refused 04/03/2013	
WA/2015/1642	Certificate of Lawfulness section 192 - Proposed	Certificate of Lawfulness under Section 192 for erection of a	Certificate of Lawfulness Granted 07/10/2015	

		detached garage/outbuilding.		
WA/2015/2287	Householder application	Construction of new vehicular access and driveway and landscaping works (as amplified by letter dated 21/01/2016).	Refused 26/01/2016	Appeal Dismissed 13/09/2016
WA/2016/1177	Householder application	Erection of extensions and alterations to provide a two storey dwelling with rooms in the roof (as amplified by arboricultural report and tree protection plan received on 11 August 2016).	Full Permission 16/08/2016	
WA/2017/0106	Certificate of Lawfulness section 192 - Proposed	Certificate of Lawfulness under Section 192 for the construction of a driveway.	Withdrawn 08/03/2017	
WA/2017/0218	Certificate of Lawfulness section 192 - Proposed	Certificate of Lawfulness under Section 192 for the erection of entrance gates and boundary fencing.	Certificate of Lawfulness Granted 21/03/2017	
WA/2017/0675	Certificate of Lawfulness Section 191- Existing	Certificate of Lawfulness under Section 191 for the continued use of the area edged red on the site plan as residential garden (C3 use) in association with the residential use and occupation of 30 Frensham Vale Road.	Certificate of Lawfulness Granted 12/06/2017	
WA/2017/0814	Certificate of Lawfulness	Certificate of Lawfulness under	Certificate of Lawfulness	

	section 192 - Proposed	Section 192 for hard surface driveway (as amended by drawing received 21/06/2017)	Granted 21/06/2017	
WA/2017/1225	Certificate of Lawfulness section 192 - Proposed	Certificate of Lawfulness under Section 192 for hard surface driveway and new vehicular access.	Withdrawn 22/11/2017	
WA/2017/1825	Certificate of Lawfulness section 192 - Proposed	Certificate of Lawfulness under Section 192 for hard surface driveway and new vehicular access.	Certificate of Lawfulness Granted 21/11/2017	
WA/2018/0744	Certificate of Lawfulness section 192 - Proposed	Certificate of Lawfulness under Section 192 for the construction of swimming pool and erection of pool house.	Certificate of Lawfulness Refused 08/06/2018	Appeal Pending
WA/2018/1098	Certificate of Lawfulness section 192 - Proposed	Certificate of Lawfulness under Section 192 for erection of an outbuilding to house a swimming pool.	Certificate of Lawfulness Refused 20/08/2018	

Planning Policy Constraints

Thames Basin Heath 7km Buffer Zone
Wealden Heaths I SPA 5km Buffer Zone
Ancient Woodland 500m Buffer Zone
Land Outside Built-up Area Boundary – Farnham Neighbourhood Plan
Countryside beyond the Green Belt

Development Plan Policies and Proposals

The development plan comprises:

- Waverley Borough Local Plan, Part 1, Strategic policies and sites (adopted February 2018)
- Farnham Neighbourhood Plan (made May 2017)

- Waverley Borough Local Plan 2002 (retained policies February 2018)
- South East Plan (saved policy NRM6)

In accordance with the National Planning Policy Framework (NPPF) due weight has been given to the relevant policies in the above plans.

Other guidance:

The National Planning Policy Framework 2018 (NPPF)

The National Planning Practice Guidance 2014 (NPPG)

Residential Extensions Supplementary Planning Document 2010 (SPD)

Council's Parking Guidelines (2013)

Surrey Vehicular and Cycle Parking Guidance (2012)

Farnham Design Statement (2010)

The relevant policies to this application are:

Local Plan, Part 1, Strategic policies and sites (adopted February 2018): SP1, SP2, ALH1, ST1, RE1, RE3, TD1, NE1, NE3, CC1 and CC4.

Farnham Neighbourhood Plan (made May 2017): FNP1, FNP10, FNP11, FNP12, FNP13 and FNP30.

Local Plan 2002 (retained policies February 2018): D1, D4, D8, and D9.

South East Plan (saved policy NMR6).

Consultations and Town Council Comments

Farnham Town Council	Objects to inappropriate development of this site not being in line with the Farnham Design Statement and Farnham Neighbourhood Plan Policy FNP1. The green boundary has been replaced with fencing impacting the semi-rural character of the area.
Surrey Wildlife Trust	No objection subject to conditions
Waverley Environmental Health – Waste Office	For each of these two houses, the following containers are specified, which must be presented for collection at the kerbside on the appropriate day: 1 x 240 litre black refuse bin. 1 x 240 litre blue recycling bins. 1 x 240 litre brown garden waste bin

	<p>(Optional subscription service) 1 x 23 litre food waste green kerbside caddy. The Developer / Management must inform Waverley Borough Council Environmental Services Dep't at least four weeks prior to the proposed date of initial occupation, in order that final arrangements for refuse and recycling collections can be made.</p>
Natural England	<p>Natural England do not consider that an Appropriate Assessment is required for this application or that it will result in an adverse effect on site integrity.</p>

Representations

Neighbour notification letters were sent on: 15/05/2018.

48 letters of objection have been received objecting on the grounds of:

- The site is located within Flood Zone 3 and therefore has a high probability of flooding.
- The proposal will increase flood risk elsewhere.
- The site is located within the South Farnham Area of Special Environmental Quality.
- No sequential flood test or exception test has been submitted with the application.
- The proposal would set a precedent for development in gardens.
- The site is a wildlife corridor which will be damaged by the proposal.
- There are inconsistencies with the submitted Flood Risk Assessment.
- The site is not allocated within the Farnham Neighbourhood Plan.
- Frensham Vale is a quiet lane which cannot accommodate further traffic.
- Impact on trees.
- There are inaccuracies in the LVIA.
- The proposal would erode the semi-rural character of the lane.
- The proposal would constitute garden grabbing.
- The proposal would present a poor standard of accommodation.
- The proposal site is outside the Built-up Area Boundary in the Farnham Neighbourhood Plan, whereby the principle of development is unacceptable.

- The site falls within the SPA Buffer Zone and in line with the People Over Wind and Sweetman Judgement the application should be refused.

In addition to these comments an additional objection was received which assessed the submitted Flood Risk Assessment. It objects on the grounds of:

- The flood maps of the FRA are not drawn on the same topographical layer from which the flood extents were derived.
- The FRA deviates the EA guidance on climate change levels.
- The accuracy of the HR Model.

In support of the application the applicant has submitted a Landscape Visual Impact Assessment which concludes:

- The site is not considered to be highly sensitive to development.
- Views of the site are limited.
- The proposal would only result in the loss of lawned garden within the wide garden setting.
- The proposal would be more in keeping with the development along Frensham Vale.
- The separation distance between the two dwellings would be representative of a transition zone between the built-up area boundary and the countryside.
- The proposal would maintain the wooded and secluded character of Frensham Vale.

Planning Considerations

Principle of Development

Policy SP1 of the Local Plan (Part 1) 2018 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants to find solutions so proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy SP2 of the Local Plan (Part 1) 2018 states *inter alia*, the Council should maximise opportunities for the redevelopment of suitable brownfield sites for housing.

The site is previously developed land and could therefore be considered suitable for development subject to other Policies in the Development Plan.

Planning history and differences with previous proposal

The planning history is a material consideration.

Planning permission has been previously refused under application WA/2012/1376 for the construction of 3 detached dwellings and vehicular access. This proposal was refused on the following grounds:

- Erosion of the semi-rural character owing to the layout, scale and form of residential development proposed.
- The proposal would be out of keeping with the scale, pattern and density of surrounding development
- The proposal would detract from the well wooded appearance and would lead to the pressure for fragmentation of other development.
- The site is not previously developed land.
- Part of the site lied in Flood Zone 3 and no sequential test or exception test has been submitted.
- The proposal by reason of the site layout and the relationship to nearby trees would represent an unacceptably cramped form of development.
- The proposed dwellings would not have an acceptable level of amenity space and would have high levels of overshadowing.
- The proposals would be likely to lead to future pressure to disfigure or denude remaining trees and vegetation and the removal of such trees would result in the loss of the visual amenity in the area.

The differences between the current proposal and that application are:

- There is an existing vehicular access to the site which granted a Certificate of Lawfulness under WA/2017/1825.
- The proposal seeks permission for 2 x 5 bedroom dwellings.
- The proposed dwellings are two different designs.
- Additional planting is proposed.
- The proposal would remove an existing solid timber fence to the front.

Impact on Countryside beyond the Green Belt and Visual Amenity

The site is located within the 'Countryside beyond the Green Belt' outside any defined settlement area. Policy RE1 states that in this area the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.

Policy FNP10 of the Farnham Neighbourhood Plan 2017 states that outside the 'Built up Area Boundary', priority will be given to protecting the countryside from inappropriate development and is broken into parts 'a-e'. Parts 'b', 'c' and 'd', refer to designations not relevant to this application. The parts 'a' and 'e' of the policy states development would only be permitted whereby it would:

- a) be in accordance with Policies FNP16, 17 and 20 or other relevant Policies in the Neighbourhood Plan or other relevant planning policies applying to the area.
- b) would enhance the landscape value of the Countryside and, where new planting is involved, use appropriate native species.

Policy FNP11 of the Farnham Neighbourhood Plan states that proposals that fail to address impacts upon the visual setting, landscape features of the site and surroundings and biodiversity or which lead to increased coalescence will not be supported.

Policy TD1 of the Local Plan 2018 (Part 1) requires development to be of high quality design and to be well related in size, scale and character to its surroundings. Retained Policies D1 and D4 of the Local Plan 2002 are attributed substantial and full weight respectively due to their level of consistency with the NPPF 2018.

The Farnham Neighbourhood Plan advises that new development should be designed to be a high quality which responds to the heritage and distinctive character of the individual area of Farnham in which it is located.

The site is located within 'The Bourne' character area. The Farnham Design Statement (2010) outlines that new development within 'The Bourne' should respect and be sympathetic to the immediate architectural surroundings in terms of pattern, scale, material and form. Building heights should reflect those in the area and the effect on the street scene should be carefully considered. Trees and hedges are essential features of 'The Bourne'.

The proposed dwellings would be located to the front of the existing residential dwelling. Views into the existing site are partially obscured by the existing tree line adjacent to the highway; however, there is a large degree of intervisibility from the highway. In the wider context views into the site are limited.

The introduction of built form in this location would be noticeable in short term views which would be harmful to the overall landscape.

Overall the proposal would result in built form which would not maintain the visual interests of the surrounding area and would not enhance the Countryside in which it is located, as required by Policy FNP10 of the Farnham Neighbourhood Plan.

Whilst it is acknowledged that the site is located within proximity of the settlement boundary to the east and there are other dwellings along Frensham Vale. Officers note that the dwellings become more sporadic to the west of the settlement boundary. The scattered dwellings in the surrounding area characterise the sense of openness and lack of built form. As such, new dwellings in this location would erode this character.

The applicant has submitted plans which show the provision of new planting and hedgerows, with a view to enhancing the existing landscape. No details have been provided of specific species to be used. However, this is not considered sufficient to lead to an enhancement of the landscape value of the countryside as required by Policy FNP10 and would not outweigh the harm of new built form to the countryside.

Officers therefore consider that the introduction of built form in this location and the overall impact of development would not enhance and would be harmful to the intrinsic character and beauty of the countryside, which would not be mitigated through the planting of native species in this location.

Given that the proposal would be harmful to the intrinsic character and beauty of the countryside, in the interest of sustainable development it would not be considered entirely consistent with the environmental dimension of sustainable development as set out within paragraph 8 of the NPPF.

Officers consider that that the conclusions of the submitted Landscape and Visual Impact assessment do not represent a fair assessment of the development and do not agree with the conclusions that the provision of two dwellings in this location would result only in the loss of residential lawn and that the removal of close board wooden fence and use of native planting would outweigh the harm to the intrinsic character and beauty of the countryside.

Notwithstanding these conclusions, the provision of two dwellings would not lead to increased coalescence between settlements.

The proposed dwellings would be two storeys in form and would be distinctive in their design. Plot 1 would feature two gable features and an integrated double garage. Plot 2 would feature a catslide roof with dormer windows on the front and rear. Notwithstanding the comments above in relation to

landscape, the proposed scale of the dwellings would be appropriate. The materials proposed would be considered acceptable and would not be harmful to the character of the surrounding area.

The proposal would therefore be considered to conform with Policy TD1 of the Local Plan (Part 1) 2018, FNP1 of the Farnham Neighbourhood Plan 2017 and retained Policies D1 and D4 of the Local Plan 2002. However, the proposal would therefore be considered contrary to Policy RE1 of the Local Plan 2018, Policy FNP10 'a' and 'e' and FNP11 of the Farnham Neighbourhood Plan 2017 and Paragraphs 8 and 170 of the NPPF.

Impact on Flooding

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The NPPF goes on to state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Paragraph 163 of the NPPF states that where appropriate applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where in light of this assessment it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Policy CC4 of the Local Plan (Part 1) 2018 states that development must be located, designed and laid out to ensure that it is safe and that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere.

Table 2 of the Flood Risk and Coastal Change PPG identifies that buildings for residential development are classified as 'more vulnerable' types of development and therefore a site-specific flood risk assessment is considered to be appropriate for this proposal.

In support of the application, the applicant submitted a Flood Risk Assessment by the Stilwell Partnership dated January 2018. Following an objection from the Environment Agency a revised FRA was submitted in June 2018. The Environment Agency subsequently removed their objection.

Officers have considered the amended Flood Risk Assessment and the comments from the Environment Agency.

Part of the site is within an area which has a high risk of flooding. In accordance with the NPPF, development within Flood Zones 2 and 3 should only be considered whereby there are no suitable sites located within Flood Zone 1. Only when it has been demonstrated that there are no other, more sequentially preferable sites available, should sites located within areas of medium to high risk of flooding be considered for development.

As there has been no sequential test submitted with the application it cannot be determined whether there would be other, more suitable sites located within Flood Zone 1 which could provide the extent of development proposed in this application. Therefore there is no evidence that this site is sequentially more suitable than other potentially available sites. It is noted that the Council's 5 Year Housing Land Supply Document contains a number of sites that are suitable for development.

The exception test should demonstrate that wider sustainability objectives outweigh the flood risk and the development would:

- a) provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

It is not considered that there are wider sustainability benefits to the proposal, particularly as the proposal would only deliver two dwellings and the Council have a 5 Year Housing Land Supply.

Notwithstanding the failure of the application to pass the sequential and exceptions test, an assessment has been made as to whether the site would be safe from flooding.

Parts 'a-e' of Paragraph 163 of the NPPF are assessed below:

Appendix G of the amended Flood Risk assessment demonstrates that the majority of the site lies outside of Flood Zone 3 and within Flood Zone 1. However, the private amenity area of Plot 1 remains inside the Flood Zone 3. The dwellings themselves and the site access are entirely located in Flood Zone 1. On this basis, Officers are therefore satisfied that in relation to this particular development, the most vulnerable development is located in the area of lowest flood risk on the site and the proposal would comply with part 'a' of paragraph 163 of the NPPF.

The proposed development would have finished floor levels 150mm above the existing ground floor level. The FRA identifies a number of construction techniques which would ensure the proposal, subject to the implementation of these methods, should be sufficiently flood resilient. Officers are satisfied the proposal would therefore be suitably flood resistant and resilient and would comply with part 'b' of paragraph 163 of the NPPF.

The proposal is not of a scale which would require sustainable drainage systems and as such, the proposal would comply with part 'c' of paragraph 163 of the NPPF.

Officers are satisfied that as the development would be safe from flooding, there would be no residual risk of flooding and the proposal would comply with part 'd' of paragraph 163 of the NPPF.

The access to the site and the driveway to each of the proposed dwellings, is entirely within Flood Zone 1. Officers are therefore satisfied that safe access and escape routes are available from the site and the proposal would comply with part 'e' of paragraph 163 of the NPPF.

Officers are therefore satisfied that whilst the proposal has failed the sequential and exception tests, the proposal meets the requirements of paragraph 163 of the NPPF.

The proposal would not therefore accord with Policy CC1 and CC4 of the Local Plan (Part 1) 2018 and the NPPF 2018.

Housing Land Supply

On 20th February 2018, the Waverley Borough Local Plan Part 1 2018 was adopted which set out a housing trajectory up to 2032. The examining Local Plan Part 1 Inspector concluded in his report dated 1st February 2018 that the

Council does have five years' worth of housing supply. Therefore, the Council can demonstrate the requirement of paragraph 73 of the NPPF 2016.

Notwithstanding this point, that the provision of 2 dwellings as proposed does not make a significant contribution to housing supply and this does not mean that what is otherwise sustainable development should be refused.

Impact on residential amenity

Policy TD1 of the Local Plan 2018 (Part1) seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Retained policies D1 and D4 of the Local Plan 2002 are given substantial and full weight respectively due to their consistency with the NPPF 2018.

The Residential Extensions SPD advises that there should be a minimum of 18m from proposed windows to the residential amenity areas of adjoining neighbours and a minimum of 21m from the rear elevation of existing dwellings to the rear elevation of proposed dwellings.

Residential dwellings surround the site. To the north is the host dwelling, the primary amenity area to this dwelling is located to the south of the house and therefore sits adjacent to the amenity areas of the proposed dwellings. The proposed dwellings are considered to be adequately separated not to have a materially harmful impact on the host dwelling or other surrounding neighbours by way of an overbearing impact, harmful loss of light or outlook.

Plot 1 would be adequately separated from the host dwelling and would meet the Residential Extension's guideline in relation to the separation distance to amenity areas and the elevations of this dwelling. Officers are therefore satisfied the proposal would not have a harmful impact on the privacy of the host dwelling. In relation to the adjoining neighbour at Springfield Lodge, Plot 1 would have one window serving a bathroom and one serving a bedroom at first floor level on the west elevation. Owing to the proposed separation distance, Officers are satisfied the proposal would not have a harmful impact on privacy of this dwelling.

Plot 2 would not meet the guideline in relation to the separation distance to the amenity area of the host dwelling, however, the proposed amenity area of the host dwelling is large and measures 44m in depth. Therefore, Officers are satisfied that despite the shortfall, the proposed dwelling would not have a materially harmful impact to the privacy of the amenity area. Furthermore, the proposed dwelling would be adequately separated from the rear elevation of this property. Officers are therefore satisfied that in relation to the host

dwelling the proposal would not have a harmful impact on privacy. To the east of the proposed dwelling is no. 28 Pinetrees. Plot 2 has roof lights which would have an outlook to the east. These would not result in a loss of privacy due to their high level. Officers are satisfied that the windows on the rear elevation would only have oblique views over the rear amenity area of this neighbour and as such, would not have a harmful impact on the privacy of this neighbour.

Officers are satisfied that the proposed dwelling would be adequately separated from the neighbours to the south that it would not have a materially harmful impact on the privacy of these neighbours.

The proposal would therefore be considered to conform with Policy TD1 of the Local Plan (Part 1) 2018, FNP1 of the Farnham Neighbourhood Plan 2017 and retained Policies D1 and D4 of the Local Plan 2002.

Standard of Accommodation

The Government Technical Housing standards – nationally described space standards (2015) requires dwellings to meet certain internal space standards in order to ensure that an appropriate internal standard of accommodation has been provided for future occupiers. Until the Council has a Local Plan Policy in respect of these standards, they should only be given limited weight and used as guidance to inform the decision on this proposal.

Policy TD1 seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through the provision of appropriate private amenity space and appropriate internal space standards for new dwellings.

The proposal would provide 2 x 5 bedroom dwellings and each dwelling would have bedspace for 10 people.

The proposed dwellings would meet all the required standards regarding floor area and bedroom sizes. Furthermore, the bedrooms each meet the required minimum widths and are served by an appropriate level of light and outlook. As such, the proposal is considered to provide an adequate standard of accommodation for future residents.

The proposal would therefore be considered to meet the required internal space standards and would provide suitable private amenity space in accordance with Policy TD1 of the Local Plan 2018 (Part 1).

Impact on Trees

Policy NE2 of the Local Plan (Part 1) 2018 states that the Council will seek, where appropriate, to maintain and enhance existing trees, woodland and hedgerows within the Borough. Retained Policies D6 and D7 of the Local Plan 2002 are attributed full and significant weight respectively due to their level of consistency with the NPPF 2018.

The Council's Tree Officer has been consulted on the application. They have not raised objection to the scheme as the proposed dwellings would be adequately separated from the existing trees and there would be no further excavation into the root protection areas as part of this proposal.

The proposal is therefore considered to accord with Policy NE2 of the Local Plan (Part 1) 2018 and retained Policies D6 and D7 of the Local Plan 2002.

Impact on Ancient Woodland

The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development clearly outweigh the loss. Policies D6 and D7 broadly support the aims of the NPPF stating that the Council will protect significant trees and groups of trees and hedgerows through planning control.

The application site is within 500m of ancient woodland. As the proposal is for two dwellings it is not considered to be materially harmful to the ancient woodland and would be in accordance with Policies D6 and D7. The proposal is considered acceptable in this regard.

Impact on the Highway and Parking Provision

Policy ST1 of the Local Plan 2018 (Part 1) states that the Council will work in partnership with Surrey County Council to ensure development schemes make appropriate provision for parking and maximise sustainable transport modes.

Policy CC2 of the Local Plan 2018 (Part 1) states that proposals will be designed to encourage walking and cycling.

The proposed dwelling would use an existing access and therefore Officers are satisfied that the provision of two dwellings in this location would not prejudice highway safety.

The Council's Parking Guidelines Document advises that for dwellings of this size outside of the Town Centre there should be a provision of three parking spaces per unit and there should be a minimum of three cycle spaces for dwellings of this size.

Plot 1 would be served by a double garage and a large driveway. Officers are satisfied that there would be adequate cycle and vehicular parking for this dwelling.

Plot 2 would be served by a detached garage which would provide two parking spaces and a large driveway. Officers are satisfied this would provide adequate cycle and vehicular parking.

The proposal would therefore be considered to accord with Policy ST1 and CC2 of the Local Plan (Part 1) 2018.

Effect on the SPA

The site is located within the Wealden Heaths I SPA 5km Buffer Zone and within the Thames Basin Heath 7km Buffer Zone.

The proposal would result in an increase in people (permanently) on the site. However, due to the availability of alternative recreational opportunities within the area, which could divert residents from use of the SPA, the proposal would not have a likely significant effect upon the integrity of the SPA. An appropriate assessment is not, therefore, required.

Natural England has been consulted on the application and have determined an appropriate assessment is not required.

Biodiversity and compliance with Habitat Regulations 2017

Policy NE1 of the Local Plan 2018 (Part 1) states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

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

Surrey Wildlife Trust have been consulted on the application and have assessed the submitted 'Ecology Appraisal' by David Arthur Associates. They

have not objected to the scheme, but would, should permission be granted recommend conditions.

In relation to reptiles the development should only proceed in a precautionary manner to avoid the killing or injuring of any individual reptiles that may be identified during development. Precautionary working methods should follow best ecological practice. Should any common reptiles be discovered during construction, which are likely to be effected by the development, works will cease immediately. The developer will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.

The developer should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.

In relation to bats the mature tree belt and amenity shrubs offer suitable foraging and commuting habitat. There should be no net increase in external artificial lighting on site and any external lighting installed should comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series".

The proposed development site offers suitable foraging, commuting, and sett-creation opportunities for badgers. The applicant should therefore ensure that construction activities on site have regard to the potential presence of badgers to ensure that badgers do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any animals that may fall in.

The developer should follow the recommendations within paragraph 5.1.4 of the Ecology Appraisal and incorporate the following:

- Providing bird and bat boxes erected on or integral within the new buildings or on retained trees.
- Using native species for any tree and shrub planting, preferably of local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.

Subject to conditions to secure the above, the development would be acceptable in relation to biodiversity.

Parish Council / Third Party Representations

In response to third part representations and the Town Councils comments Officers provide the following response:

- Policy BE3 of the Local Plan 2002 is not a retained Policy and therefore the Policy is not afforded any weight in the assessment of the application.
- The driveway to the site was considered and approved under Lawful Development Certificate WA/2017/1825 and has been implemented.
- The site is identified as residential curtilage within the Countryside. The NPPF's definition of previously developed land includes residential gardens in the Countryside.
- Surrey Wildlife Trust have been consulted on the application and do not raise objection to the scheme, Officers are therefore satisfied the proposal would not have a harmful impact on protected habitat or species in the area.
- The Environment Agency have been consulted on the application and have not raised objection to the submitted Flood Risk Assessment or the methodology of the FRA.
- A Draft Appropriate Assessment has been submitted with the application and Natural England have not objected to the scheme.

Conclusion

The proposal is not in accordance with the Development Plan and the benefits of one new dwelling would not outweigh the adverse impacts in relation to impact on the countryside and failure to enhance the landscape character. As such, planning permission is recommended for refusal.

Recommendation

That permission be REFUSED for the following reasons:

1. The proposed development, by reason of its siting and scale, would materially detract from the intrinsic character and beauty of the countryside and would fail to enhance the landscape value of the countryside in conflict with Policy RE1 of the Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites 2018, Policies FNP10 and FNP11 of the Farnham Neighbourhood Plan 2017 and paragraphs 8 and 170 of the NPPF 2018.
2. The site is partially located within Flood Zone 3. It has not been demonstrated that the site is sequentially preferable over other

reasonably available sites appropriate for the proposed development at less risk of flooding. Furthermore, it has not been demonstrated that the proposal would meet the exception test. The proposal therefore fails to accord with paragraphs 155, 157, 158, 159 and 160 of the National Planning Policy Framework 2018 and Policies CC1 and CC4 of the Waverley Borough Local Plan (Part 1) 2018.

Informatives

1. The drawing numbers relevant to this decision are: PL99/D, PL107/F, PL106/*, PL105/A, PL104/A, PL103/D, PL102/B, PL101/B and PL100/L
2. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of Paragraph 38 of the National Planning Policy Framework 2018.

Case Officer Signed: Chris Turner Date: 08/10/2018

Agreed by Team or DC Manager.....Date:.....

Time extension agreement in writing seen by signing off officer:

Yes No N/A

For Certificate of Lawfulness applications: Use/Operations/Matter

Agreed by Legal services.....Date.....

Agreed by Development Manager or Head of Planning Services

.....

This report has been agreed under the delegated authority by the Head of Planning Services.

Decision falls within(number reference) of the Scheme of Delegation
..... (initialled by Authorising officer)

Copy to Policy for SPA or infrastructure contributions? No

Pass File to Enforcement No

Is there an extant Enforcement Notice in place for the same or No

similar development served no more than 2 years previously?

Does this application need to be referred to the Secretary of State in line with Town and Country Planning (Consultation) Direction 2009?

Notify Environmental Health Team of decision (send copy)

Is this subject to a legal agreement?

If yes, is there a signed copy on file?

Notify Legal Services of decision if approval and if subject to legal agreement (send copy)