

PLANNING OFFICER REPORT

Application No. MO/2022/1150 Detailed
Valid Date: 30-Jun-2022
Applicant: Worldview Properties Ltd.
Case Officer: Donna Bulbeck
Ward(s): Leatherhead South
Proposal: Erection of 2 No. detached three-bedroom bungalows, each with single integral garage and two parking spaces.
Amendments /amplifications: Amended Location Plan received 7th September 2022
Site Location: Site at, Yarm Way, Leatherhead, Surrey

Committee: More than 2 objections

RECOMMENDATION: Approve subject to conditions

Site Plan:



1. Description of Site:

- 1.1. The application site is located at the end of the cul-de-sac in Yarm Way, within the built up of Leatherhead. The site currently comprises a parcel of overgrown land between two 'utility' compounds, one being an electrical sub-station and the other a pumping station.
- 1.2. At present Yarm Way comprises a mixture of detached houses and bungalows of varying ages, including some relatively recent infill developments. Buildings are set back from the road frontage behind mature landscaping and open parking. Yarm Way is an unregistered private road.

2. Description of Proposal:

- 2.1. Planning permission is sought for the erection of 2 No. detached three-bedroom bungalows, each with single integral garage and parking spaces.
- 2.2. Plot A would be located to the west of the application site and Plot B located to the east. Both properties would comprise three bedrooms, sitting room, kitchen/dining area, utility room with integral garage.

3. Relevant Planning History

No history for this parcel of land

4. Consultations

- 4.1. County Highways Authority – Yarm Way is a private road, however the CHA have considered the wider highway network and concluded that the application will not have a material impact.
- 4.2. Thames Water – Refers to guidance for developers relating to public sewers.
- 4.3. Surrey Wildlife Trust – Initially, insufficient information in relation to Reptiles and Dormouse. More information received which provides a more comprehensive assessment.
- 4.4. Joint Waste Solutions –No objections

5. Representations

| Residents Association Representation | Officer Comment | Relevant Condition |
|---|---|--------------------|
| <p>The LRA wish to object to this proposal to build two new dwellings at the end of this private road in a site at present partially in the present Green Belt, and after the new local plan is adopted, wholly in the Green Belt.</p> <p>The MVDC Local Plan 2020- 2037 has been submitted to the Inspectorate. Under the section of minor alterations to the Green Belt (Compendium of minor Green Belt updates and Alterations, 2022) there are many instances where the boundary has been adjusted to align the boundary with that of a</p> | <p>The site is within the Built Up Area of Leatherhead.</p> <p>Officers are aware that within the Emerging Plan (Future Mole Valley), there is a section of minor alterations to the Green Belt (Compendium of minor Green Belt updates and Alterations, 2022), which proposes to move the boundary of the Green Belt further north which would mean the application site subject to this application would be wholly within the Green Belt.</p> <p>Notwithstanding the above, whilst the emerging plan is a material consideration, it currently</p> | |

| | | |
|--|---|--|
| property to remove any ambiguity. This area at the end of Yarm Way is one such anomaly and after the plan is adopted the whole of these two new houses will be built in the Green Belt, so making a mockery of what the Green Belt is there to prevent. | does not carry any weight. This application is being considered on current adopted planning policies within the Development Plan. | |
| The existing houses are partially obscured from view by the woodland that has grown up on the land left over from creating the turning circle at the bottom of the road, but these new houses would be beyond this screen. Due to the topography of the land steeply sloping down to the A24 it will be very difficult to create screening that will prevent them from being highly visible from across the valley | Noted, these issues will be discussed below under Character | |

| Representation | Officer Comment | Relevant Condition |
|---|---|------------------------|
| Letters of Representations Summarised | | |
| <p><u>Character</u></p> <p>Out of character with all other properties in Yarm Way and does not make a positive contribution to the local area.</p> <p>Impact on the natural transition at the end of Yarm Way, by removing the natural hedge and replacing it with fencing.</p> <p>Light pollution - The site is within a dark sky area. Lower Yarm way has no street lighting, and the houses are concealed by the woodland and scrub at the hammerhead. The urban lighting from the 2 new houses would be visually intrusive.</p> | Noted, these issues will be discussed below under Character | Conditions 6, 7 and 12 |

| | | |
|--|---|------------------------------|
| <p>Will impinge on the urban fringe and effects views</p> <p>Contrary to ENV22, ENV23, and ENV24.</p> <p>Area in AONB</p> | <p>The site is not in the AONB or adjacent.</p> | |
| <p><u>Green Belt</u></p> <p>Part of the application site is in the GB and therefore inappropriate development.</p> <p>Emerging Local Plan proposes to move the entire site into the Green Belt.</p> <p>Inappropriate development in the green belt and no VSC.</p> | <p>The site is within the Built Up Area of Leatherhead.</p> <p>Officers are aware that within the Emerging Plan (Future Mole Valley), there is a section of minor alterations to the Green Belt (Compendium of minor Green Belt updates and Alterations, 2022), which proposes to move the boundary of the Green Belt further north which would mean the application site subject to this application would be wholly within the Green Belt.</p> <p>Notwithstanding the above, whilst the emerging plan is a material consideration, it currently does not carry any weight. This application is being considered on current adopted planning policies within the Development Plan.</p> | |
| <p><u>Amenity</u></p> <p>Any removal of landscaping, trees and shrubs would impact the local amenity in terms of noise.</p> <p>Traffic and Light caused by the new development from A24</p> | <p>Noted. This will be discussed below under amenity and wider area</p> | <p>Conditions 6, 7 ad 12</p> |

| | | |
|--|--|---------------------------------|
| <p>Proposed development would cause noise, intrusion, light pollution.</p> <p>Proposal would impinge on views of Beaverbrook and the Surrey Hills.</p> | | |
| <p><u>Landscaping/Ecology</u></p> <p>Proposal would have a harmful effect on local wildlife, contrary to ENV15</p> <p>Against removal of trees</p> <p>Consider the site to site of nature conservation importance or potential</p> | <p>Noted. This will be discussed below under ecology.</p> <p>The site is not designated a site of nature conservation or potential on the proposal maps. Although, Surrey Wildlife Trust have been consulted.</p> | <p>Conditions 3, 4, 5 and 6</p> |
| <p><u>Highway</u></p> <p>The hammer head at the bottom is an important turning point for utility, delivery and other large vehicles. The application would impinge on this.</p> <p>Dependent on cars and proposal will add to the increased parking problems in Leatherhead as well as the traffic capacity on the road network.</p> | <p>Officers consider that there would be sufficient room for vehicles to manoeuvre</p> <p>Yes, the new dwellings would be dependent on car which is consistent with all other properties in Yarm Way.</p> <p>The addition of two dwellings is not considered to cause a harmful impact in terms of noise to neighbours properties from vehicle movements</p> | |
| <p><u>Application issues</u></p> <p>The applicant's assertion that Yarm Way is unadopted is incorrect. Only the SE of Yarm is unadopted. Residents own the bollards and woodland in between properties and therefore the proposed dwellings could not be built.</p> <p>Cannot see how a right of way can be established</p> | <p>Noted</p> | |

| | | |
|---|--|------------------|
| Residents disagree that a requisite notice was displayed in the Local Paper in regards to the owner of the land in Yarm Way. No evidence in the paper | Officers confirm that the notice was displayed in the paper for the specified period. It was displayed in the Advertiser on 07-07-2022. | |
| <u>Policies</u> Contrary to policy ENV55 and ENV7 Failed to provide evidence on sustainable construction | ENV7 and ENV55 are not saved policies. Sustainable construction information would be secured by way of condition. | Condition 9 & 10 |
| <u>Other matters</u> Building works close to utility compound may cause health and safety Proposal would impact property values | This is covered by other legislation. This is not a material planning consideration. | |

6. Constraints

Built-up Area

Adjacent to Metropolitan Green Belt (CS1)

LandscapeCharArea - MoleGap

7. Development Plan Policies

Core Strategy (CS)

CS1 – Where Development will be Directed

CS2 – Housing Provision and Location

CS3 – Balancing Housing Provision

CS14 - Townscape, Urban Design and the Historic Environment

CS15 – Biodiversity

CS19 – Sustainable Construction

CS20 – Flood Risk

Local Plan (LP)

ENV15 – Species Protection

ENV22 – General Development Control Criteria

ENV23 – Respect for Setting

ENV24 - Density of Development and Space about Buildings

MOV2 – The Movement implications of Development

MOV5 – Parking Standards

8. Material Considerations

Government Guidance – National Planning Policy Framework (NPPF)

Section 2 – Achieving Sustainable Development

Section 5 – Delivering a sufficient supply of homes
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment

Supplementary Documents

Nationally Described Space standards
Built Up Areas Character Appraisal
Vehicular and Cycle Parking Guidance

Emerging Planning Policy

The Council is currently in the process of preparing a new Local Plan (NLP) which, when adopted, will replace the above documents and form the ‘development plan’ for the District.

In February 2022, the Council submitted the new local plan to Government (NLP), and thus it is now at a more advanced stage of preparation. Therefore its policies can begin to gather weight, with the amount of weight increasing depending on the extent of unresolved objections and their consistency with the NPPF (see NPPF para 48). This is, and will continue to be, a matter of judgement on individual policies and sites proposals.

Within the Emerging Plan, there is a section of minor alterations to the Green Belt (Compendium of minor Green Belt updates and Alterations, 2022), which proposes to move the boundary of the Green Belt further north which would mean the application site subject to this application would be wholly within the Green Belt.

Notwithstanding the above, whilst the emerging plan is a material consideration, since the Hearings the Inspector has requested further information in relation to the proposed Green Belt boundary changes such that the weighting given to the emerging Local Plan has not changed. This application is therefore to be considered against current adopted planning policies within the Development Plan.

9. Planning Analysis

9.1. Legislation dictates how all planning applications must be determined. Section 70 of the Town and Country Planning Act (as amended) states -

In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations

9.1.1. The main planning issues for consideration are discussed below.

9.2. Principle of Development

9.2.1. At the heart of the NPPF is a presumption in favour of sustainable development.

9.2.2. Paragraph 11 states that, in terms of the decision-making process, this means approving development proposals that accord with the development plan without delay, and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

i the application of policies in the Framework that protect areas or assets of particular importance (such areas include land designated as Green Belts, an Area of Outstanding Natural Beauty, and Conservation Areas) provides a clear reason for refusing the development, or,

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

9.2.3. The Council's latest Housing Delivery Test result is below 75% and is currently at 70%. In addition, The Council can currently only demonstrate 2.9 years of Housing Land Supply and as such, the policies in the Development Plan relating to housing land supply are to be regarded as out of date. The tilted balance is therefore engaged. This means granting planning for residential development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the NPPF as a whole, or there is clear reason for refusing development because of conflict with policies in the NPPF that protects an area or assets of particular importance.

9.2.4. In assessing the benefits in terms of Housing Land Supply, the proposal would contribute a net increase of 2no. new residential units to the housing market. The addition of two dwellings would be likely to result in increased footfall for local amenities which would be consistent with the social and economic role of sustainable development.

9.2.5. Paragraph 130 of the NPPF states that planning policies and decisions should ensure the developments, inter alia: (a) will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

9.2.6. At paragraph 134, it is states that permission be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9.2.7. Core Strategy policies CS1 and CS2 set out the hierarchy of locations where development should be directed. Priority is given to new development in the built up areas, as these are modest suitable locations, followed by larger rural villages and smaller rural village and finally the countryside.

9.2.8. CS3 seeks the provision of two- and three-bedroom dwellings suitable for occupation for all sectors of community including newly formed households, young couples and expanding families. Both proposed units would be three bedroomed, therefore the proposal accords with this policy.

9.2.9. The proposal is located within the Built-up Area of Leatherhead, which is an accepted area of development. Taking into account the tilted balance position, the principle of the development has been established subject to meeting the Local Plan and Core Strategy Policies.

9.3. **Impact on Character of Area**

9.3.1. Core Strategy policy CS14 seeks to ensure that new development respects and enhances the character of the area in which it is proposed whilst making the best use of the land available. Sub paragraph 2 of this policy states that the Council will resist development of poor quality and sub paragraph 3 advises that development should incorporate appropriate landscaping.

9.3.2. The application site is located within the Built Up Area & The Built-up Character Appraisal for South Leatherhead in which Yarm Way is located states the characteristics as:

- Attractive, well built and maintained suburban housing, including some impressive detached villas from the Edwardian era and 1930s.
- Seeability (former Royal Blind School) building is a key landmark - impressive Victorian building with landscaped grounds to front. Now converted to residential use, but maintains imposing presence in a gracious landscaped setting.
- Spacious street scenes - several roads with wide verges and/or street trees and houses set back from boundary, to create sense of openness. Often combined with generous lateral separation between houses, allowing views of back gardens and giving houses strong garden setting.
- On the fringes, many properties enjoy spectacular views south west to Norbury Park, giving this area a strong connection to the town's fine landscape setting.
- Widespread tree cover, with mature trees in back gardens visible because of space between buildings and contributing to Arcadian setting.
- Relatively poor access to services or sustainable modes of transport, therefore a less sustainable location for more intensive development.

9.3.3. ENV22 of the Mole Valley Local Plan sets out the seven criteria for sound development control practice. It requires that development should be appropriate to the site in terms of its scale, form and appearance. It requires that development should also respect the character and appearance of the locality.

9.3.4. Local Plan policy ENV23 sets out that new development will normally be permitted where it respects its setting, taking account of the scale, character, bulk, proportions and materials of the surrounding built environment and townscape features such as street patterns and space about buildings.

9.3.5. Mole Valley Local Plan policy ENV24 advises that development will not be permitted where it would result in a cramped appearance having regard to the general spacing around buildings in the locality.

- 9.3.6. The site lies in an area which is characterised by substantial dwellings in spacious plots. There are variations in the form of the buildings, including some sited fairly close to their side boundaries and some 2 storey dwellings but on the whole, the generous gaps, subservient designs and general spaciousness characterises this part of Yarm Way.
- 9.3.7. As above, Yarm Way comprises a mixture of detached houses and bungalows of varying ages, including some relatively infill developments. Buildings are set back from the road frontage behind mature and maintained landscaped gardens and parking to the front.
- 9.3.8. Within the letters of representation there is a concern that the proposal would be out of character for the area and would obstruct views.
- 9.3.9. The proposed development comprises two bungalows which would be situated either side of the utility compound and would extend the linear form of the existing development on the land. The two plots proposed are considered to be of similar size to the other plots in Yarm Way which would be set back from the road frontage behind landscaping. The bungalows would be of traditional construction with brick elevations and tiled roof. It is considered that the development would be appropriate to the site in terms of its scale, form and appearance.
- 9.3.10. The ground at Yarm Way slopes downwards from north to south and the views of the adjacent landscape from the top of Yarm Way are extremely notable. The introduction of two dwellings at the end of the cul-de-sac and its domestic occupation would create notable change but not to the detriment of Yarm Way this is because the position of these two dwellings would be at the very bottom of Yarm Way and angled at a way that it would complete the cul-de-sac. The roofs of the existing dwellings in Yarm Way step down as you move south and the proposed dwellings would be no different in that the top of the roofs of the proposed dwellings, would be slightly visible when viewed from the top, thus not obstructing views. The buildings would become more apparent further south you go but as the land starts to level the views which were possible at the top of Yarm Way, are no longer because of the adjacent treeline.
- 9.3.11. The proposal is considered to respect and reflect the prevailing character of the locally. As such, the proposal is considered compliant with Policies CS14 of the Core Strategy, Policies ENV22, ENV23 and ENV24 of the Local Plan and the advice of the NPPF.

9.4. Impact on Neighbouring Residential Amenity

- 9.4.1. Mole Valley Local Plan policy ENV22, General Development Control Criteria sets out seven general criteria for sound development control practice. Criterion 2 requires that the proposal does not significantly harm the amenities of neighbouring occupiers by reason of overlooking or its overshadowing or overpowering effect. The site is surrounded by various residential properties.
- 9.4.2. The nearest neighbouring properties to the site are Lauriston and Acorns which are located to the north of the site.

9.4.3. In terms of the other properties in Yarm Way and within the vicinity of the site that have not been named above, whilst these may have views of the development, they are considered sufficiently removed not to be adversely impacted by the proposal.

9.4.4. Lauriston

9.4.5. This neighbouring property is a bungalow and fronts Yarm Way. The boundary with this neighbour is characterised by mature vegetation. The proposed dwelling is located on lower ground level than this neighbouring property and there would be at least 14m between the flank elevation of the proposed dwelling on Plot A and neighbouring property Lauriston. Given the position of the proposed dwelling, the impact of the development on this neighbouring property would be limited. The intensification of the use of the site from shrub land to the curtilage of a residential property would create notable change. However, with the separation and in the context of the surroundings and Yarm Way that use is not considered to give rise to unacceptable impact, including noise and disturbance, to warrant a refusal on this basis. It is therefore considered that the proposed dwelling on Plot A would not have a detrimental impact to this neighbour in terms of outlook, overbearing of privacy.

9.4.6. In terms of Plot B, this dwelling is located in excess of 40m and whilst there would be oblique views this distance is considered acceptable to not cause a detrimental impact to this neighbouring property.

9.4.7. Acorns

9.4.8. This neighbouring property is a bungalow and fronts Yarm Way. The boundary with this neighbour is characterised by mature vegetation. The proposed dwelling is located on lower ground level than this neighbouring property and there would be at least 10m between the flank elevation of the proposed dwelling on Plot B and neighbouring property Acorns. Given the position of the proposed dwelling, the impact of the development on this neighbouring property would be limited. The intensification of the use of the site from shrub land to the curtilage of a residential property would create notable change. However, with the separation and in the context of the surroundings and Yarm Way that use is not considered to give rise to unacceptable impact, including noise and disturbance, to warrant a refusal on this basis. It is therefore considered that the proposed dwelling on Plot B would not have a detrimental impact to this neighbour in terms of outlook, overbearing of privacy.

9.4.9. In terms of Plot A, this dwelling is located in excess of 50m and whilst there would be oblique views this distance is considered acceptable to not cause a detrimental impact to this neighbouring property.

9.4.10. Within the letters of representation there is a concern that the proposal would cause noise and light pollution to neighbouring amenity. The development would result in the removal of shrub land which neighbours state acts as a sound barrier from the nearby A24. The noise from vehicles using the A24 was clearly apparent when officers carried out the site visit and is an existing situation. Whilst, the proposal would result in the removal of shrub land, the proposal does include additional planting along the boundary of the site. A landscaping condition would be also be imposed to ensure that the planting is native and appropriate for the site. It is therefore

considered that the proposal would not give rise to unacceptable impact, in terms of noise and disturbance, to warrant a refusal on this basis.

9.4.11. In terms of the comments raised in regards to light pollution, the light emitting from the proposed dwellings would be no greater than the existing residential dwellings in Yarm Way. The proposal includes landscaping to all boundaries would also limit the light from habitable rooms further. No rooflights are proposed as part of the development.

9.4.12. In conclusion, the proposal would result in a change in relationship and setting with neighbouring properties to the site which would not result in significant harm compliant with Local Policy ENV22 of the Local Plan.

9.5. **Future Occupiers' Amenity**

9.6. One of the criteria of policy ENV22 (7) is that new development should provide a satisfactory environment for future occupiers.

9.6.1. The size of each dwelling would exceed the nationally described space standards. The habitable space would have adequate levels of sun lighting and outlook and would benefit from generous outside amenity space.

9.7. **Impact on Wider Area**

9.7.1. The application site does not fall within the nationally designated Area of Outstanding Natural Beauty (AONB) or Local Area of Great Landscape Value (AGLV). However, the boundary of the AGLV lies to the south of the A24.

9.7.2. Within the letters of representation there is a concern that introduction of two dwellings at the bottom of Yarm Way would spoil views of the AGLV and cause light pollution in an area of dark skies.

9.7.3. The proposed dwellings would follow the linear form of development of Yarm Way. In terms of the comments raised in regards to an area of dark skies, the light emitting from the proposed dwellings would be no greater than the existing residential dwellings in Yarm Way, no rooflights are proposed as part of the development. Although the introduction of two bungalows would result in change in the setting given the sloping ground, the dwellings would not be highly visible within the streetscene and therefore would not result in significant spoilt views of the AGLV.

9.8. **Impact on Highway Safety**

9.8.1. NPPF Paragraph 111 states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

9.8.2. Local Plan Policy MOV2 seeks to ensure that development makes adequate provision for off street parking, servicing, vehicular access and egress and movements within the site.

- 9.8.3. Policy MOV5 seeks to ensure that the level of parking provision in new developments has regard to developer requirements and also reflects the extent to which the site can be accessed by a range of transport modes.
- 9.8.4. The site is accessed from Fir Tree Road onto Yarm Way which slopes downwards from north to south. Most of the properties within Yarm Way have parking to the front along with open frontages.
- 9.8.5. Concerns have been raised that the site is not sustainable due to the fact that site lies in a semi-rural area on the edge of the existing built-up areas of the district and is not easily accessible by modes of transport other than the private car.
- 9.8.6. The National Planning Policy Framework states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It also states that local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport, and that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The NPPF does, however, recognise that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 9.8.7. In this case, the proposed dwellings would be sited adjacent to existing residential developments and within an existing built up area as defined on our proposal maps. Whilst, the area has a suburban feel to it officers consider that the site is in a sustainable location, close to Leatherhead and its key services.
- 9.8.8. The creation of two dwellings is not considered to create a lot of additional vehicular movements. It is acknowledged that the occupiers may prefer to use a private car for most journeys, which is no doubt similar to the existing residents in Yarm Way. The proposal would contribute to meeting the need for new homes which would be consistent with the social and economic role of sustainable development and carries significant weight in the planning balance.
- 9.8.9. The County Highway Authority (CHA) have commented on the application, who have confirmed that the Yarm Way is a private road and does not form part of the public highway, therefore it falls outside the CHA jurisdiction. However, they have considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway and recommends conditions to promote sustainable transport and reduce carbon emissions.
- 9.8.10. Parking, Cycle and Electric Charging Provision.
- 9.8.11. Surrey Council Councils Parking Standards require 2+ spaces per unit. The proposed dwellings would provide two off-street parking spaces and an integral garage, which would be sufficient to meet the Councils Standards. In addition to this, the dwelling would be required to provide an electric charging point and the provision of cycle storage, which will be conditioned accordingly.

9.8.12. Refuse

9.8.13. One of the criteria of policy ENV22 (7) is that new development should provide a satisfactory environment for future occupiers.

9.8.14. The property would need to have sufficient space for refuse and recycling bins. The property would also need to have sufficient space in the kitchen to segregate recyclable and non-recyclable waste and store until collection day. The agent is advised to refer to the online guidance in terms of the requirements.

9.9. **Impact on Biodiversity**

9.9.1. Policy CS15 criterion 3 advises that: 'All water courses, mature hedging and trees within development sites should be, as far as practicable, retained. Only where no realistic alternatives are available or replacement of such features elsewhere in the site would result in biodiversity enhancements above what already exists, will removal of such features be justified. In these cases the replacement will be expected to result in biodiversity enhancements to what previously existed.'

9.9.2. The NPPF makes it clear at para 174 that: 'Planning Policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

9.9.3. NPPF specifies that Local Authorities should: "Aim to conserve and enhance "biodiversity", and Planning policies and decisions should recognise the intrinsic beauty of the countryside and protect biodiversity and ecologic networks".

9.9.4. Paragraph 179(b) requires the promotion of 'the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.' In the former version of the NPPF, it was advised, at paragraph 175 (d) that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. In the current version, the equivalent text (paragraph 180 (d)) seeks that opportunities to incorporate biodiversity should be integrated as part of their design.

9.9.5. The site predominantly consists of grassland and dense scattered scrub. A Preliminary Ecological Appraisal Report has been submitted in support of the application which surveyed a variety of species and habitats.

9.9.6. The site does not lie within or adjacent to any statutory or non-statutory designated sites, the closest statutory site being River Mole LNR. The Impact Risk Zones do not indicate any likely impact.

9.9.7. The grassland and the majority of the scrub within the site will be removed as part of the proposed development. The loss of this habitat will be offset via the enhancement of the wider study area habitat and the proposed planting. The scrub located to the north western side of the site (labelled Scrub S2) will be retained and incorporated into the planting.

- 9.9.8. The trees on site were considered to have 'negligible' potential for roosting bats. The site also has low potential to support foraging and commuting bats and sensitive lighting is recommended to retain these opportunities post development.
- 9.9.9. No evidence of badger activity, such as sett entrances, faeces or badger hairs, was recorded within the site. Birds may use the trees for nesting. Any works to these features should therefore be undertaken outside of nesting bird season (March – September inclusive) or after a nesting bird check by a qualified ecologist.
- 9.9.10. A single common lizard has been recorded within the site and the site is currently subject to reptile surveys. These surveys will determine the species composition and population, which will be required to determine the mitigation required. In any case, it is considered that the wider study area can be enhanced to provide opportunities for reptiles post-development.
- 9.9.11. Dormouse surveys are currently being undertaken within the site. Although, it is considered that the wider study area can be enhanced to provide opportunities for dormice post-development. If dormice are present within the site or adjacent wider study area, a licence from Natural England will be required to remove the scrub.
- 9.9.12. Recommendations for enhancements have also been made which are aimed at improving the ecological value of the site and the enhancements to the habitat within the wider study area will offset the biodiversity loss from the proposed development.
- 9.9.13. Concerns have been raised that the proposal would cause concern to wildlife and habitats. Surrey Wildlife Trust have been consulted on the above application and have advised that insufficient information has been submitted in relation to reptile and hazel dormouse. In addition, they advise that the preliminary survey lacks habitat suitability assessment for terrestrial invertebrates. Without such information, they are unable to provide a full response.
- 9.9.14. Following various discussions with the agent and Surrey Wildlife Trust, an updated ecology survey, completed Reptile Survey and an updated Hazel Dormouse Survey, all dated October 2022 were submitted. During the surveys a Roman Snail was located within the site, which will require a licence from Natural England.
- 9.9.15. Surrey Wildlife Trust were asked to review all the additional information which has been received. The updated Hazel Dormouse survey report provides a more comprehensive assessment, to include evaluation of the suitability of the survey effort to date, to inform presence/likely absence of Hazel Dormouse.
- 9.9.16. In this project and species specific situation, The Ecology Partnership has confirmed the presence of Hazel Dormouse, and confirmed that a European Protected Species Licence is required for the project. They state "*The current survey effort is deemed sufficient to determine the presence of dormice and the population of dormice within the site and parts of the wider study area*"..."*Further checks are scheduled for November 2022, April and May 2023*". This additional survey effort will be undertaken to support the dormouse licence application.

- 9.9.17. In line with the guidance provided by British Standards BS42020:2013 and due to the results recorded to date for Hazel Dormouse, and would advise the LPA that securing the remaining surveys through a planning condition is a viable approach for the project but advise it should be a pre commencement condition (Condition 3). In addition to this, a Landscape Ecologist Management Plan (LEMP) should be submitted prior to commencement (Condition 4) as well as the recommendation, enhancements as set out within the surveys be carried out in full (Condition 5).
- 9.9.18. Nocturnal species including bats are known to be present at the development site. These species are sensitive to any increase in artificial lighting of their roosting and foraging places and commuting routes. No rooflights are proposed as part of the proposal but given the above officers consider it appropriate to remove permitted development rights for rooflights to safeguard the ecological interests of the site (Condition 12)
- 9.9.19. Whilst, the comments within the letters of representation are noted, Surrey Wildlife Trust are satisfied with the mitigation measures, recommendations and enhancements put forward within the ecology information, which would be conditioned accordingly compliant with the aims of Core Strategy Policy CS15, Local Plan Policy ENV15 and the advice within the NPPF.
- 9.9.20. **Trees**
- 9.9.21. The site predominantly consists of grassland and dense scattered scrub. The site is situated to the south of Leatherhead, with residential properties in the immediate vicinity to the north of the site and open fields to the south. Within the letters of representation there is a concern with the removal of the trees.
- 9.9.22. The Council's tree officer has reviewed the proposal and advised that the plot contains no trees of arboricultural merit, with most of the site being covered with relatively recent scrub. The taller vegetation is confined to an area housing a utility building and an electric substation between the proposed two plots, which are shown to be set aside. They are of the view that no significant trees would be lost to the detriment of the wider character of the locality, and there should be no reasons to object to the development on tree grounds.

9.10. **Sustainable Construction**

- 9.10.1. Policy CS19 of the Mole Valley Core Strategy seeks to achieve sustainable development through the use of sustainable construction techniques, renewable energy creation and energy conservation. To achieve these aims, new dwellings are required to include a 10% reduction in total carbon emissions through the onsite installation and implementation of decentralised and renewable or low-carbon energy sources.
- 9.10.2. Policy CS20 of the Mole Valley Core Strategy requires the consideration of Flood Risk Management and Sustainable Drainage Systems for all new development.
- 9.10.3. These requirements would be secured by way of condition (Conditions 9 and 10)

9.11. Local Financial Considerations

- 9.11.1. Policy CS17 of the Core Strategy states that development should make provision for new infrastructure where necessary. However, since the adoption of the Core Strategy the Community Infrastructure Levy (CIL) was introduced by Mole Valley District Council on 1st January 2017 and places a mandatory charge on new residential and retail developments. The Council will publish an annual infrastructure list detailing the infrastructure projects or types of infrastructure which the Council intends will be or may be, wholly or partly funded by CIL. For further information regarding CIL, please visit [CIL and Affordable Housing Contributions | Mole Valley District Council](#).
- 9.11.2. This development is CIL liable, but may be subject to an application for exemption.

10. Planning Balance

- 10.1. The local planning authority is unable to demonstrate a five-year supply of deliverable housing sites. The Framework, which is a significant material consideration, indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.2. The site lies in a sustainable location and would make a contribution, albeit limited, towards the stock of dwellings within the District. Turning to the economic dimension of sustainability, the scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. Moderate weight should be afforded to this benefit.
- 10.3. The proposal is not considered to have a harmful effect on the character of the area and that neighbouring occupier's amenities would not be adversely affected. Sufficient off street parking is being provided, there would not be a harmful impact on the condition or safety of the highway nor protected species or habitats.
- 10.4. Thus, to my mind the scheme would accord with the development plan as a whole and would represent sustainable development in line with the requirements of the Framework.

11. Recommendation

- 11.1. Planning permission be granted subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers location plans, block plan P2019/43_01 Rev B and Plans & Elevations as Proposed P2019/43 contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. Prior to the commencement of the development hereby permitted, the applicant is required to;
 - 1) Provide the LPA with the full results of the Hazel Dormouse surveys to include November 2022, April and May 2023 within an updated technical report. The November 2022, April and May 2023 surveys must be carried out by a suitably qualified ecologist and carried out in line with the Hazel Dormouse Conservation Handbook.
 - 2) This Hazel Dormouse Report should include an update mitigation strategy, where required, based on the full survey results.
 - 3) The final Hazel Dormouse Report must be submitted to the LPA in writing, prior to the commencement of the development. No works should be permitted on-site until the LPA has approved the final Hazel Dormouse Report.

Reason: To safeguard the ecological interest of the site in accordance with policy CS15 of the Mole Valley Core Strategy, policy ENV15 of the Mole Valley Local Plan, and the National Planning Policy Framework.

4. The development hereby approved shall be implemented in accordance with an appropriately detailed landscape and ecological management plan (LEMP) based upon the detail in applicant's Preliminary Ecological Appraisal dated October 2022. The LEMP shall be submitted to and approved in writing by the LPA prior to the commencement of development. The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the above referenced report and should include, but not be limited to following:
 - a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management
 - c) Aims and objectives of management
 - d) Appropriate management options for achieving aims and objectives
 - e) Prescriptions for management actions, together with a plan of management compartments
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
 - g) Details of the body or organisation responsible for implementation of the plan
 - h) Ongoing monitoring and remedial measures
 - i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
 - j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved

scheme

Reason: To protect the ecological interest of the site and to satisfy policy ENV15 of the Mole Valley Local Plan, policy CS15 of the Core Strategy and the advice set out in the NPPF.

5. The recommendations and mitigation measures set out within the applicant's ecological survey Preliminary Ecological Appraisal, Reptile Survey and Dormouse Survey dated October 2022 and submitted in support of the application shall be carried out in full before the development is occupied.

Reason: To safeguard the ecological interest of the site in accordance with policy CS15 of the Mole Valley Core Strategy, policy ENV15 of the Mole Valley Local Plan, and the National Planning Policy Framework.

6. Before any above ground works take place details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority, detailing measures to deliver biodiversity net gains, such as bird or bat boxes and log piles, and incorporating the planting of native species of trees (within the site and the landscaping zone), shrubs, herbaceous plants and areas to be grassed. The landscaping shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.

Reason: To ensure the provision and maintenance of trees, hedges, other plants and grassed areas in the interests of visual amenity, to ensure that the proposed development will deliver biodiversity enhancements, to compensate for the loss of existing trees and soft landscaping and to ensure compliance with Mole Valley Local Plan policy ENV25, policies CS14 and CS15 of the Mole Valley Core Strategy and the NPPF.

7. No occupation of the development hereby permitted shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the first occupation of the development, shall be carried out in accordance with the approved details and thereafter permanently retained as such.

Reason To preserve the visual amenity of the area and protect neighbouring residential amenities in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

8. Any new or altered hard surfacing to be provided to the front of the property shall be constructed from either porous materials or shall make adequate provision for the direction run-off from the hard surface to a permeable or porous area.

Reason: To prevent the increased risk of flooding, in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS20 of the Mole Valley

Core Strategy.

9. Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

The approved drainage scheme shall be implemented prior to the first occupation of the development.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted and, in the interests of sustainable development, in accordance with the advice contained in the National Planning Policy Framework and policy CS20 of the Mole Valley Core Strategy.

10. Before any above ground works take place, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.

Reason: To optimise renewable energy and its conservation, in accordance with policy CS19 of the Mole Valley Core Strategy.

11. The development hereby approved shall not be occupied 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. The charging provision shall thereafter be permanently retained as such.

Reason: To accord with the sustainability objectives of the NPPF.

12. The development hereby approved shall not be first occupied unless and until the secure, covered facilities for the parking of bicycles have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking facilities shall be retained and maintained for their designated purpose

Reason: The above condition is required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021, in accordance with the National Planning Policy Framework, the Surrey Transport Plan, and saved policies MOV2 and MOV5 of the Mole Valley Local Plan.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, glazed openings, or roof lights other than those expressly authorised by this permission shall be constructed.

Reason: To safeguard nocturnal species which are sensitive to artificial lighting of their roosting and foraging places and commuting routes as well as the ecological interests of the site in accordance with policy CS15 of the Mole Valley Core Strategy, policy ENV15 of the Mole Valley Local Plan, and the National Planning Policy Framework.