

LOCATION:	Land Adj. , Guildford Road, (South Of The M3), Lightwater, GU19 5NT
PROPOSAL:	Proposed Gypsy/Traveller site (two pitches) comprising the siting of two mobile homes, two touring caravans, the erection of two day rooms, hard standing and landscaping (part-retrospective)
TYPE:	Full Planning Application
APPLICANT:	Mr Robb
OFFICER:	Mr Ross Cahalane

This application would normally be determined under the Council's Scheme of Delegation, however, it has been called-in by Cllr Jennings-Evans on the basis of concerns raised by local residents and potential environmental impact on an SPA.

RECOMMENDATION: GRANT, subject to conditions

1.0 SUMMARY

- 1.1 This application relates to a proposed Gypsy/Traveller site comprising two pitches, including the siting of two mobile homes, two touring caravans, the erection of two day rooms, hard standing and landscaping. The application is part-retrospective, with existing hard standing laid down within the site. Land to the west of the application site (but owned by the applicant) contains three existing caravans, currently unoccupied and subject to a separate lawful development certificate application (ref 19/2324/CEU).
- 1.2 Given the Borough-wide unmet need for traveller sites and the sustainability merits of the site within an urban fringe location and not within the Green Belt, the principle of the proposed development is considered acceptable having regard to Policy DM6 of the CSDMP, the PPTS and the NPPF. The impact on the countryside is not considered adverse, as the development would not be visible from surrounding public vantage points. Planning conditions are proposed to secure landscaping including appropriate replacement of trees. The proposal is also considered to be acceptable in terms of residential amenity, highway safety, ecology and the Thames Basin Heaths SPA. A pre-commencement planning condition is proposed to address the likelihood of existing contamination.
- 1.3 The officer recommendation is therefore to grant planning permission, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The 0.22 hectare application site falls to the northwest of the settlement of Lightwater, within the Countryside Beyond the Green Belt. The site lies near to but detached from the defined settlement of Lightwater village, on the west side of A322 Guildford Road, near to its junction with the M3 motorway. The site benefits from an existing gated vehicular access from Guildford Road, and includes an area of existing hard standing where the pitches are proposed. Mature trees have been retained around the site perimeter and there are also mature third party trees within and along the A322 highway verge, with closeboard perimeter fencing demarcating the site boundary. This means that the existing development within is not visible from roadside views.

- 2.2 The wider site, extending westwards and owned by the applicant, is 0.78 hectares , narrowing towards the front motorway junction and including a disused telephone mast, with Lightwater Country Park beyond to the west. The Thames Basin Heaths Special Protection Area (SPA) 400m buffer zone bisects the wider site, and forms the western boundary of the application site. This means that the development proposed under this application would be fully contained outside of this buffer zone - to the east towards the A322. The wider site parcel also contains the three existing caravans sited, currently unoccupied and subject to a separate lawful development certificate application ref 19/2324/CEU and separate Injunction action.
- 2.3 Although there is limited planning history, the site appears to have been historically used for the dumping and burying of waste, including several old cars as observed on site visit. There are detached residential properties along South Farm Lane on the opposite side of the A322, with another residence No. 269 Guildford Road to the southwest.

3.0 RELEVANT PLANNING HISTORY

The relevant planning history for the wider site is listed below.

- 3.1 04/0343 Erection of a 22.5m high telecommunications lattice tower with associated antennae systems of two operators and associated equipment cabinets and compound
Decision: Granted (implemented)
- 3.2 19/2324/CEU Application for a Lawful Development Certificate for the existing use of the site as a caravan site.
Currently under consideration.

4.0 THE PROPOSAL

- 4.1 The proposal relates to a proposed Gypsy/Traveller site comprising two pitches, including the siting of two mobile homes, two touring caravans, the erection of two day rooms, hard standing and landscaping. The application is part-retrospective, with existing hard standing laid down and three existing caravans sited (currently unoccupied and subject to a separate lawful development certificate application ref 19/2324/CEU).
- 4.2 The proposal would utilise the existing gated site access onto Guildford Road. The proposed site plan outlines the location of the mobile homes, touring caravans, day rooms, parking areas and hard standing areas. The application site for this proposal has been defined as excluding all parts of the wider site within the 400m buffer zone to the west.
- 4.3 The existing site containing three caravans is currently unoccupied. The supporting letter initially provided advises that one of the proposed pitches is intended to be occupied by the applicant, his wife and their newborn baby. The applicant undertakes landscaping work, travelling around London, Birmingham, the Midlands and Manchester. When travelling, he leads a roadside existence or stops at relative's sites where possible. The other proposed pitch would be occupied by a first cousin of the applicant and her three children. This family continues to travel when they can. The LPA is satisfied that the applicant and the intended occupiers fall under the definition of "gypsies and travellers", as set out in Annex 1 of the PPTS.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objection, subject to conditions [See Section 7.6]

5.2	Natural England	No objection, subject to mitigation measures being secured [See Para 7.3.11 and Section 7.8]
5.3	Council Environmental Health Officer:	No objection, subject to condition [See Section 7.5]
5.4	Surrey Wildlife Trust	No objection, subject to condition [See Section 7.7]
5.5	Council Arboricultural Officer:	Comments awaited [See Section 7.7]
5.6	Council Scientific Officer	No objection, subject to condition [See Section 7.9]
5.7	Windlesham Parish Council	Objection, as the area is in the Green Belt and no very special circumstances have been demonstrated.

6.0 REPRESENTATIONS

- 6.1 At the time of preparation of this report, no representations have been received in support and 23 representations have been received raising an objection for which the following issues are raised:
- 6.2
- Principle of proposal and impact on countryside and character [See paragraphs 7.3 and 7.4]
 - Another gypsy site not needed
 - Inappropriate change of use
 - Impact on infrastructure, community and other services
 - Conflict with local plan
 - Impact on rural character
 - Scale, appearance and design, including the amount of tarmac
 - Overdevelopment of the site
- 6.3
- Residential amenity [See paragraph 7.5]
 - Loss of privacy
 - Close to other properties
 - Noise, dust and fumes
- 6.4
- *Highway safety* [See paragraph 7.6]
 - Additional traffic from access - near congested M3 junction. Also a driving hazard
 - Inadequate access
 - Inadequate public transport provision
 - Will lead to two large sites off main roundabout
- 6.5
- *Impact on ecology and trees* [See paragraph 7.7]
 - Impact on the environment and nature conservation
 - Removal of trees – concerned about future clearance

- 6.6
 - *Impact on Thames Basin Heaths Special Protection Area [See paragraph 7.8]*
 - At boundary with Lighwater Country Park and protected area
- 6.7
 - *Other issues*
 - Potentially contaminated land [*See paragraph 7.9*]
 - Planning law has not been followed and retrospective nature of the proposal
 - Retrospective application is not trustworthy
 - Will set precedent [*Officer comment: Each application must be considered on its own planning merits, based on the relevant policies and site-specific circumstances.*]
 - Increase in crime and anti-social behaviour
 - Devaluation of property
 - Will the applicant pay Council Tax?
 - [*Officer comment: These are not material planning considerations*]

7.0 PLANNING CONSIDERATIONS

- 7.1 The proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP11, CP14, DM6, DM9, DM11 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved) (SEP); Planning Policy for Traveller Sites 2015 (PPTS); the Surrey Heath Gypsy and Traveller Accommodation Assessment 2018 (GTAA), and; the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPD).
- 7.2 The main issues in the consideration of this application are:
 - The principle of the proposed development;
 - Impact on the countryside;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on trees and ecology;
 - Impact on the Thames Basin Heaths Special Protection Area; and
 - Other matters.

7.3 The principle of the proposed development

- 7.3.1 Policy H of the PPTS (Determining planning applications for traveller sites) states, at paragraph 22, that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 23 of the PPTS goes on to say that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and this PPTS.
- 7.3.2 Policy DM6 of the Surrey Heath CSDMP states that:
In assessing applications and site allocations for Gypsies and Travellers and Travelling Showpeople accommodation the Borough Council will have regard to the following criteria:-
 - (i) *Sites should promote the effective use of land within settlement areas in particular previously developed land; and*

(ii) Sites should be accessible to public transport, cycling or pedestrian networks and facilities capable of meeting day to day needs such as education, healthcare and shopping; The Borough Council will also consider applications or allocations in rural locations outside of the Green Belt giving priority to rural fringe locations that comprise previously developed land and meets criterion (ii) above.

- 7.3.3 The NPPF does not contain a specific policy for gypsy/traveller sites, with paragraph 4 of the NPPF stating that it should be read in conjunction with the Government's planning policy for traveller sites (PPTS). The NPPF does give relevant consideration to the intrinsic character and beauty of the countryside. This matter is assessed under paragraph 7.4 below (Impact on the countryside). But firstly, it is necessary to refer to Policy DM6 of the CSDMP above, along with the other relevant paragraphs of the PPTS below, to consider the principle of the proposal and whether it comprises sustainable development.
- 7.3.4 Although the application site lies within the countryside, as a potential development site it is considered to be in a more sustainable location than most countryside sites. This is because as required by Policy DM6 of the CSDMP, the site is close to local services (being approx. 140m-180m as the crow flies from Lightwater village settlement boundary) and is therefore accessible to public transport, cycling/pedestrian networks, and facilities capable of meeting day to day needs such as education, healthcare and shopping. The site can therefore be considered as a rural fringe location having regard to Policy DM6 above. The site also forms part-previously developed land, due to the existing vehicular access track leading to the disused telephone mast.
- 7.3.5 Therefore, whilst the site falls outside of the settlement area of Lightwater, it is considered to form a rural fringe location that meets the sustainability criteria under Policy DM6 (ii) of the CSDMP and the NPPF. In light of this, Officers attach significant weight to the sustainability of the application site.
- 7.3.6 Paragraph 24 of the PPTS states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- (a) the existing level of provision and need for sites;
 - (b) the availability (or lack) of alternative accommodation for the applicants;
 - (c) other personal circumstances of the applicant;
 - (d) that the locally specified criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
 - (e) that they should determine application for sites from any travellers and not just those with a local connection.
- 7.3.7 Paragraph 25 of the PPTS states that Local Planning Authorities should avoid placing an undue pressure on the local infrastructure. Paragraph 26 states that when considering applications, LPAs should attach weight to the effective use of previously developed land (or untidy or derelict land). It is not considered that the proposed provision of two pitches would place undue pressure on local infrastructure. As already discussed, the site only partly comprises previously developed land. However, it is nonetheless considered to form a sustainable location. Paragraph 26 of the PPTS also states that LPAs should attach weight to promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children. There are existing nearby play facilities for children and the site is near the settlement area to assist in promoting healthy lifestyles. Landscaping is considered under paragraph 4 of the report below.
- 7.3.8 Paragraph 27 of the PPTS goes on to say that if an LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. Exceptions to this are where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives. However, the

application site is not within the Green Belt, and the red line site covering the proposed area for the gypsy site is outside of the TBH SPA 400m buffer zone, where no new residential units are permitted. Natural England, the consulting body for such applications affecting the TBH SPA, have raised no objection to the proposal, subject to securing mitigation measures in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). Although the application does not propose a temporary planning permission, it is still considered that the LPA's lack of site provision (discussed further below) is a significant material consideration weighing in favour of a grant of planning permission.

7.3.9 Having regard to the PPTS as quoted above, the following are key considerations:

- the existing level of provision and need for sites;
- the availability (or lack) of alternative accommodation for the applicants;
- other personal circumstances of the applicant, and;
- the sustainability of the site

The existing level of provision and need for sites

7.3.10 The GTAA sets out the unmet need for gypsy and traveller provision within the Borough. It confirms the need for 12 additional pitches within the borough over the GTAA period (up to 2032); with a need for the provision of 9 pitches required by 2022. There have been no gypsy pitches approved or due to be provided to meet this need. The fact that this need is not being met means that the current proposal would provide a benefit in reducing the evidenced unmet need within the Borough. Officers attach significant weight to this identified unmet need.

The availability (or lack) of alternative accommodation for the applicants

7.3.11 Given the historic unmet need as set out above, coupled with the identified need of 12 pitches to 2032, and that there are no known sites which can better meet the accommodation needs of the applicant, it is also accepted that there is a lack of suitable alternative sites available.

Other personal circumstances of the applicant

7.3.12 The supporting letter initially provided advises that one of the proposed pitches is intended to be occupied by the applicant, his wife and their newborn baby. The applicant undertakes landscaping work, travelling around London, Birmingham, the Midlands and Manchester. When travelling, he leads a roadside existence or stops at relative's sites where possible. The other proposed pitch would be occupied by a first cousin of the applicant and her three children. This family continues to travel when they can. One of the children is statemented and attends a nearby primary school. The above personal circumstances of the applicant are noted, and it is noted that Paragraph 24 of the PPTS states that LPAs should determine applications for sites from any travellers, and not just those with a local connection.

The sustainability of the site

7.3.13 As already outlined above, whilst the site falls outside of the settlement area of Lightwater, it is considered to form a rural fringe location that meets the sustainability criteria under Policy DM6 (ii) of the CSDMP and the NPPF, with significant weight attached to this.

Other in-principle considerations

7.3.14 Given the existing physical barrier of the M3 motorway to the north, along with the restriction of views from the A322 along the east achieved by the existing mature trees (discussed further in Section 7.4 below), it is not considered that the proposed gypsy site would result in coalescence between the settlements of Lightwater to the south and Bagshot to the north. The TBH SPA 400m buffer zone forms the western boundary of the application site red line. Subject to a condition to agree an appropriate delineation of this buzzer zone, it is considered that this would also restrict encroachment in to the countryside.

Conclusion

- 7.3.15 The application site is not within a settlement area and does not fully comprise previously developed land as set out in Policy DM6 of the CSDMP. However the site is considered to form a rural fringe location, being not in the Green Belt and close to the settlement area of Lightwater, affording it with accessibility to sustainable facilities as required by criterion (ii) of Policy DM6. Although the site is therefore not fully compliant with Policy DM6 of the CSDMP, having regard to the PPTS and the NPPF significant weight is given to the sustainability of the site and the historic unmet need for gypsy/traveller sites across the Borough, the principle of the proposal is considered acceptable, subject to the other material planning considerations as outlined below.

7.4 Impact on the countryside

- 7.4.1 Policy DM9 of the CSDMP requires development to respect and enhance the local and natural character be it in an urban or rural setting, paying particular regard to scale, materials, massing, bulk and density. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside. Policy C (Paragraph 14) of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Paragraph 25 of the PPTS further states that LPAs should very strictly limit new traveller site development in open countryside that is away from existing settlements. LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community.
- 7.4.2 Paragraph 26 of the PPTS states that when considering planning applications, LPAs should attach weight to sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness; promoting healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and not enclosing a site that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 7.4.3 The application site is located in the designated countryside, near to but detached from the defined settlement boundary of Lightwater village. The site contains a number of mature trees and prior to the unauthorised development subject of an Injunction, was only part-previously developed with a gated vehicular access with track leading to a disused telephone mast, which is to the west of the application site boundary. There are also mature third party trees within and along the A322 highway verge, with closeboard perimeter fencing demarcating the site boundary. This means that the existing development within is not visible from roadside views.
- 7.4.4 The limited height of the proposed two pitches, including two mobile homes, tourers and day rooms would mean that the existing boundary treatments within and outside of the site would restrict views from roadside. As such, although the existing hardstanding and the proposed provision of mobile homes, tourers and day rooms would have an urbanising impact, no visual harm outside of the site would arise.
- 7.4.5 There are a number of mature trees to the west of the proposed development site, which would also restrict views from Lightwater Country Park. Notwithstanding the rural character of the area, it is considered that the development proposed would not have an adverse visual impact when viewed from surrounding public vantage points. Conditions can be imposed to secure appropriate landscaping, including replacement of trees that have been imposed (See Section 7.7 below).
- 7.4.6 As stated in paragraph 7.3.4 above, the site is considered to form a rural fringe location and as set out in this section above, the development within would not be visible from public vantage points, and would therefore not dominate the settled community. The above landscaping considerations would mean that it would not be necessary to further physically

enclose the site, which may isolate it from the rest of the community. There are also existing nearby play facilities for children and the site is near the settlement area to assist in promoting healthy lifestyles.

- 7.4.7 In light of all the above, it is considered that the proposed development is acceptable in terms of impact on the countryside and the character of the area, thus complying in this regard with Policy DM9 of the CSDMP, the PPTS and the NPPF.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP requires development to pay regard to residential amenity of neighbouring property and uses. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents.

- 7.5.2 The existing site entrance to be utilised by the proposed pitches is located approx. 80m across from the front boundaries of the South Farm Lane dwellings on the other side of the A322. The side boundary of the proposed site is located approx. 110m from the boundary of the next neighbour of No. 269 Guildford Road to the southeast. Given these separation distances, the low height of the development proposed and the boundary screening, no adverse impact on the amenity of the occupiers of these dwellings is envisaged.

- 7.5.3 The Council's Environmental Health Officer (EHO) has raised no objection, based on recent data from a noise survey very similar to this site adjacent to the motorway and a busy A road, to reasonably determine that noise levels on the current application site. To attain acceptable noise levels within the proposed site, attenuation of doors, windows and walls of habitable rooms would be needed, but is achievable by a modern mobile home construction. Planning conditions are therefore proposed to ensure that the external walls have an appropriate average sound reduction index, and requiring an acoustic noise report to be submitted to confirm the above prior to occupation, or by submission of mobile home construction data that demonstrates the above attenuation will be achieved. The EHO has also commented that as part of the site that could be used as external amenity to achieve the required noise standards, further conditions are not required.

- 7.5.4 In light of all the above, no objections are raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of CSDMP.

7.6 Impact on highway safety

- 7.6.1 The existing gated vehicular access onto Guildford Road will be utilised. The County Highway Authority (CHA) raises no objections to the proposal, commenting that there are adequate visibility splays available, and sufficient space within the site for vehicles to enter and leave in forward gear. The CHA has also commented that it is not thought that the proposed improvement works to the M3/A322 junction adjacent to this site will affect this application. The CHA concludes that the proposal is unlikely to have a material impact on highway safety issues.

- 7.6.2 As such, the proposed development is considered to be acceptable on highway safety grounds, complying with Policies CP11 and DM11 of CSDMP and the NPPF.

7.7 Impact on ecology and trees

- 7.7.1 A Preliminary Ecological Appraisal has been provided, and its recommendations include: clearance of earth bunds; installation of wildlife boxes, and; a sensitive lighting scheme. It is advised that the proposed removal of hardstanding to the west would naturally colonise with vegetation. Surrey Wildlife Trust has raised no objection, subject to a planning condition recommending a reasonable avoidance measures document, written by a suitably qualified ecologist, to be provided prior to commencement of development. This document should identify how the proposed ecology mitigation and enhancement measures are to be maintained and secured, including likely presence of reptiles.

7.7.2 A number of trees have been removed prior to submission of the application. Although no specific details of this have been provided under this application, comments are awaited from the Council's Arboricultural Officer, who has previously visited the site prior to this application submission. An addendum update will therefore be provided. However, the Preliminary Ecological Appraisal recommends replanting of trees that have been lost, and suggests specific native specimens of local provenance only. The report also recommends: protection of the woodland edge with Heras fencing during construction; retention and protection of the woodland edge and scattered broad-leaved trees, and; ensuring that the area of hard standing proposed for reduction should be allowed to vegetate naturally. The replacement trees as outlined can be secured by condition.

7.8 Impact on the Thames Basin Heaths Special Protection Area

7.8.1 As already outlined, the application site is bisected by the Thames Basin Heaths Special Protection Area (TBH SPA) 400m buffer zone. This TBH SPA 400m buffer zone forms the western boundary of the application site red line. Subject to agreement of an appropriate delineation of this buffer zone, as part of a landscaping scheme, it is considered that future encroachment in to the SPA buffer zone will be restricted.

7.8.2 Natural England have raised no objection, subject to mitigation measures being fully secured in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). This will need to be secured as financial contributions prior to determination of the application, based on the likely level of primary residential occupation. An addendum update will be provided.

7.9 Other matters

7.9.1 The Council's Scientific Officer has commented that the site appears to have been historically used for the dumping and burying of waste. Road plainings have been placed across the site. The adjacent site to the southeast also appears to have been used historically as a nursery. Given the likelihood of contaminants to be present due to all of the above, a planning condition is proposed to fully consider the human, ecological and surface/groundwater risks from the contamination and required remediation. This will include:

(a) a contaminated land desk study and suggested site assessment methodology;

(b) a site investigation report based upon (a);

(c) a remediation action plan based upon (a) and (b);

(d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;

(e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d), and;

(f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out

7.9.2 The proposal would fall within an area of low flood risk (Zone 1 as defined by the Environment Agency). As such, the proposal is considered to be acceptable on flood risk grounds.

7.9.3 As such, no objections are raised on land contamination or flood risk, with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

8.0 POSITIVE/PROACTIVE WORKING

8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included 1 or more of the following:-

a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

9.0 CONCLUSION

- 9.1 Given the Borough-wide unmet need for traveller sites and the sustainability merits of the site which is within an urban fringe location and not within the Green Belt, the principle of the proposed development is considered acceptable having regard to Policy DM6 of the CSDMP, the PPTS and the NPPF. The impact on the countryside is not considered adverse, as the development would not be visible from surrounding public vantage points. Planning conditions are proposed to secure landscaping including appropriate replacement of trees. The proposal is also considered to be acceptable in terms of residential amenity, highway safety, ecology and the Thames Basin Heaths SPA. A pre-commencement planning condition is proposed to address the likelihood of existing contamination. As such the application is recommended for approval.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

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

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The Use hereby approved relates to the following plans:

Proposed site plan (Drawing No. J003396 - CD03 Rev A);
Proposed day room floor plans, elevations and roof plan (Dwg No: J003365-DD04) - both received on 21 November 2019;
Location plan (Dwg No: J003365-CD01 Rev B) - received on 28 November 2019.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. The site shall only be occupied by no more than two gypsy pitches, each comprising no more than one mobile home, one tourer caravan and one day room.

Reason: In order not to prejudice the openness of the countryside or visual amenities and to accord with Policies CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. Notwithstanding the submitted proposed site plan (Drawing No. J003396 - CD03 Rev A), no development or soft or hard landscaping works shall take place until a further proposed site plan is submitted to and approved in writing by the Local Planning Authority. This plan shall include the following:

- a) Proposed location and specification of a physical barrier between the application site and the Thames Basin Heaths Special Protection Area 400m buffer zone;
- b) Proposed location of any other walls, fences or access features;
- c) Precise areas of hard standing to be removed and retained - ensuring that no hard standing is within the above buffer zone;

- d) Location and species of all retained and proposed planting. Replacement planting species shall be of native provenance, and;
- e) Details of the measures to be taken to protect existing features during the construction of the development.

The above details shall be carried out as approved and implemented prior to first occupation. Any landscaping which, within 5 years of the completion of the landscaping scheme, dies, becomes diseased, is removed, damaged or becomes defective in anyway shall be replaced in kind.

Reason: To preserve and enhance the visual amenities of the locality and to avoid adverse impacts on the Thames Basin Heaths Special Protection Area, in accordance with Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 5. No development shall commence until a Reasonable Avoidance Measures Document, written by a suitably qualified ecologist, is submitted to and approved in writing by the Local Planning Authority. This Document shall identify how the proposed ecology mitigation and enhancement measures are to be maintained and secured, including likely presence of reptiles.

Reason: To conserve and enhance biodiversity and legally protected species and landscapes, in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 6. (i) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.
(ii) The above scheme shall include :-

- (a) a contaminated land desk study and suggested site assessment methodology;
- (b) a site investigation report based upon (a);
- (c) a remediation action plan based upon (a) and (b);
- (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;
- (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d), and;
- (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out

(iii) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 7. The external walls (including doors and windows) of all mobile homes, tourers and day rooms authorised under this permission shall have an average sound reduction index (Rw) of 35dB.

Reason: In order to minimize the transmission of airborne noise in the interests of the residential amenities of the occupiers and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

8. The development hereby approved shall not be occupied until an acoustic noise report is submitted to and approved in writing by the Local Planning Authority, confirming that the attenuation measures as stated in Condition 7 above have been achieved.

Alternatively, the development hereby approved shall not be occupied until verified construction data has been submitted to and approved in writing by the Local Planning Authority, that demonstrates the above attenuation will be achieved.

Reason: In order to minimize the transmission of airborne noise in the interests of the residential amenities of the occupiers and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

9. Visibility zones shall be provided in accordance with the approved plans, Drawing No. J003396-CD-05 A, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Space shall be laid out within the site in accordance with the submitted Drawing No. J003396 - CD03 Rev A (received on 21 November 2019) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning 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, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. 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 that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. Contaminated land survey informative
For the avoidance of doubt, the following definitions apply to the Condition No. 6 relating to contaminated land:

Desk study- This will include: -

- (i) a detailed assessment of the history of the site and its uses based upon all available information including the historic Ordnance Survey and any ownership records associated with the deeds.

(ii) a detailed methodology for assessing and investigating the site for the existence of any form of contamination which is considered likely to be present on or under the land based upon the desk study.

Site Investigation Report: This will include: -

- (i) a relevant site investigation including the results of all sub-surface soil, gas and groundwater sampling taken at such points and to such depth as the Local Planning Authority may stipulate.
- (ii) a risk assessment based upon any contamination discovered and any receptors.

Remediation action plan: This plan shall include details of: -

- (i) all contamination on the site which might impact upon construction workers, future occupiers and the surrounding environment;
- (ii) appropriate works to neutralise and make harmless any risk from contamination identified in (i)

Discovery strategy: Care should be taken during excavation or working of the site to investigate any soils which appear by eye or odour to be contaminated or of different character to those analysed. The strategy shall include details of: -

- (i) supervision and documentation of the remediation and construction works to ensure that they are carried out in accordance with the agreed details;
- (ii) a procedure for identifying, assessing and neutralising any unforeseen contamination discovered during the course of construction
- (iii) a procedure for reporting to the Local Planning Authority any unforeseen contamination

Verification of Remediation Report: This shall include:-

- (i) Design, implementation and verification of remediation
- (ii) Validation testing
- (iii) Substantiating evidence
- (iv) Agreement with the Local Planning Authority on verification requirements

2. It is the responsibility of the applicant 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-electric-vehicle-infrast ructure.html> for guidance and further information on charging modes and connector types.