

<b>LOCATION:</b>	Gordon Murray Hq, Chertsey Road, Windlesham, Surrey, GU20 6HL,
<b>PROPOSAL:</b>	Variation of Condition 22 (highway improvement works) and removal of condition 24 (bridleway details) pursuant to application 20/0747/FFU, permitted 09.02.2021.
<b>TYPE:</b>	Relaxation/Modification
<b>APPLICANT:</b>	Gordon Murray Group Limited
<b>OFFICER:</b>	Navil Rahman

This application seeks to alter a grant of permission relating to a major scheme application and is a departure from the Development Plan as it is a major development within the Green Belt, and therefore under the Council's Scheme of Delegation is to be reported to the Planning Applications Committee. The application was deferred from the September committee due to a requirement to advertise the application by site notice.

**RECOMMENDATION: GRANT, subject to conditions**

**1.0 SUMMARY**

- 1.1 The application relates to a variation of condition 22 (Highway improvement works) to allow the required improvements at the Highams Lane/Chertsey Road junction to be implemented as prior to the commencement of phase three of the development and removal of condition 24 (bridleway details) as the temporary bridleway diversion is not considered necessary with the existing bridleway route unaffected, pursuant to application 20/0747/FFU, permitted 09/02/2021. The submission follows discussions with the County Highway Authority who raise no objection to the application and it is not considered the proposal would result in any undue impact to the highway network or the safety of highway users.
- 1.2 The application is therefore recommended for approval subject to conditions.

**2.0 SITE DESCRIPTION**

- 2.1 The application site comprises approximately 22 hectares and lies within the Green Belt. The site has an established office use, with its former use as the headquarters for the British Oxygen Corporation (BOC). Since 2007 the premises have broadly remained vacant, however, the site was briefly owned by Kamcorp Ltd, but this company entered into administration in 2019 and the site has since been acquired by the current applicant.
- 2.2 The site is located within the parish of Chobham but sits adjacent to the Windlesham parish boundary. It is also outside of but in close proximity to the Chobham Common Site of Special Scientific Interest (SSSI); the Thurley, Ash, Pirbright and Chobham Special Area of Conservation (SAC); a National Nature Reserve; and, the Thames Basin Heath Special Protection Area (SPA). These areas of designation are located on the northern side of Chertsey Road opposite and beyond the site. The site also lies

outside the floodplain and is not identified as having a designated landscape of historical, cultural or archaeological importance.

- 2.3 All of the existing buildings (totalling approximately 12,630 sq metres) are located at the northern end of the site with the principal vehicular access off Chertsey Road used for visitors. There is also a secondary vehicular access to the site off Chertsey Road (known as Shepherd's Lane) used for deliveries. Highams Lane runs parallel with the site's eastern boundary and at the northern end of Highams Lane there is a further vehicular access which was used by staff, with access to the main building's basement car park.
- 2.4 The main building has an oxygen molecular shape footprint with a series of wings fanning out. The building is part single and part two-storey, with the rear of the building having an attractive landscape setting which includes two linked ponds and a lake. Beyond this and to the site's southern boundary, which is adjacent to the M3 motorway, the land levels drop and comprise open fields. The M3 motorway itself is on higher land up on an embankment.
- 2.5 There are a series of smaller ancillary buildings located closer to Chertsey Road than the main building. This includes the locally listed clock tower, plus single storey garage and plant building. These buildings are walled off from the main visitor entrance with a separate parking area. At the northwest corner of the site there is also a walled garden, and also a small graveyard which are both remnant of the original convent use of the site.
- 2.6 All site boundaries are well screened with mature trees and vegetation, although there are no statutory protected trees within the site or boundaries. Along the southern boundary rows of conifers have been planted to screen the motorway and the northern Chertsey Road boundary also includes walling. The immediate surrounding area is not densely populated with the most residential dwellings to the west of the site, on the edge of Windlesham.

### 3.0 RELEVANT PLANNING HISTORY

- 3.1 20/0747 Hybrid planning application comprising: Full application for a new building for Sales, Manufacturing & Heritage (Building 2) together with test road, two new vehicular accesses onto Higham's Lane, associated parking, landscaping and ancillary outbuilding. Change of use of existing buildings (comprising former BOC Headquarters) for education, storage, business and ancillary uses. Outline application with all matters reserved for 2 new buildings for Headquarters and Engineering (Building 1) and Vehicle Research and Development (Building 3). **Granted 09/02/2021**
- 3.2 The application related to a phased development as detailed below;
- Phase 1: Building 2 is proposed to be erected with adjoining service building & cycle stores, adjacent landscaping, access road & adjoining parking spaces and the test road including immediate landscaping. As part of phase one it is also proposed to replant / refurbish the Walled Garden, an internal refurbishment of the listed clock tower including clock mechanisms. Internal refurbishment of the other existing ancillary buildings for reuse, repair & maintenance of the two existing lakes, clear existing overgrown vegetation & maintain the historic graveyards. It is also proposed to

clean and repair the underground sections of the molecule buildings for vehicle storage (works originally anticipated to start quarter one 2021 with estimated completion and occupation by quarter two 2023).

- Phase 2: Building 1 is to be erected with adjoining service building & cycle store, adjacent landscaping and adjoining parking (works originally anticipated to start quarter four 2021 with estimated completion and occupation by quarter three 2023).
- Phase 3: Building 3 is proposed to be erected with adjoining services building, adjacent landscaping and access & adjoining parking spaces (works originally anticipated to start quarter two 2023 with estimated completion and occupation by quarter four 2024).
- Phase 4: repair and maintain the Molecule Building for use for Higher Educational & Office functions / ancillary uses for the GMC group and wider community (works originally anticipated to start quarter one 2025 with estimated completion by quarter three 2026).

3.3 Building 2 (Gordon Murray Automotive) relates to the proposed two-storey development sited parallel to the M3 that would accommodate the following:

- Ground floor – Customer reception, heritage vehicle collection area, Production vehicle work area, production vehicle assembly area, stores & staff welfare areas.
- 1st floor – Sales & customer area, heritage presentation area, heritage office, meeting rooms, viewing galley (of assembly area). Building 2, is primarily for the low output build and assembly of vehicles.

3.4 Buildings 1 & 3 remain at outline stage however would serve the following:

- Building 1: Main HQ building. Ground floor includes a reception area, technical labs & machinist shops for supporting R&D and prototype builds with 3no. prototype garages. The 1st Floor activities include engineering & design offices, styling & graphic inc. virtual reality studios, purchasing & procurement, boardroom & Chairman's suite.
- Building 3: Flexible research and development function into automotive technologies and vehicles. This would include R&D test beds and labs, stores, vehicle repair & servicing, stores and offices.

3.5 The proposal represented a departure from the Development Plan as it is a major development within the Green Belt. It was therefore referred to the Secretary of State following members agreement with the recommendation to grant permission at Planning Committee. The Secretary of State made no comment on the development.

3.6 21/0655 Application for approval of conditions: 14 (Archaeology), 15 (Heritage), 18 (Land Contamination), 19 (Drainage), 23 (Highways), 25 (Construction Traffic Management Plan) of planning consent 20/0747 (Hybrid planning application comprising: Full application for a new building for Sales, Manufacturing & Heritage (Building 2) together with test road, two new vehicular accesses onto Highams Lane, associated parking, landscaping and ancillary outbuilding. Change of use of existing buildings (comprising former BOC Headquarters) for education, storage, business and ancillary uses. Outline application with all matters reserved for 2 new buildings for Headquarters and Engineering (Building 1) and Vehicle Research and Development (Building 3)) – **Pending decision**

- 3.7 22/0111 Application for the approval of details of external materials (for Building 2) pursuant to Condition 4 of hybrid permission 20/0747/FFU (relating to the full application for the sales, manufacturing and heritage (Building 2) together with road, two new vehicular accesses onto Highams Lane, associated parking, landscaping and ancillary outbuilding; change of use of existing buildings (comprising BOC headquarters) for education, storage, business and ancillary uses; outline application with all matters reserved for two new buildings for headquarters and engineering (Building 1) and vehicle research and development (Building 3)) – **Granted 22/06/2022**

#### **4.0 PROPOSAL**

- 4.1 Planning permission is sought vary condition 22 (Highway improvement works) and removal of condition 24 (bridleway details) pursuant to application 20/0747/FFU, permitted 09/02/2021.

- 4.2 The supporting statement states that it is not necessary to implement the required highway improvements (Condition 22) at the Higham's Lane/Chertsey Road junction during the first two construction phases, rather it would be more relevant to phase 3 of the development in relation to the repurposing of the "Molecule Building". The condition following the variation is proposed as follows:

- 4.3 "Prior to the first occupation of Phase Three of the development hereby approved, the proposed highway improvements at the junction of Higham's Lane with B386 Chertsey Road comprising the removal or cut-back of vegetation to improve visibility west of the junction and widening of the junction bell mouth shall be completed broadly in accordance with Arup's drawing no. GMDW-ARUP-ZZ-XX-DR-C-2160 P01 and subject to the full technical and road safety auditing requirements approved by Surrey County Council on 6th April 2022".

- 4.4 With regards to Condition 24, the temporary bridleway diversion is not considered necessary as the existing bridleway route is unaffected and therefore the removal of the condition is proposed.

#### **5.0 CONSULTATION RESPONSES**

- |     |                                 |   |
|-----|---------------------------------|---|
| 5.1 | Chobham Parish Council          | Recommend original conditions remain imposed.   |
| 5.2 | Surrey County Highway Authority | Raise no objection and confirm acceptability of the variation of condition 22 and removal of condition 24. <i>See Annex A for a copy of their comments.</i> |
| 5.3 | Windlesham Parish Council       | Representation received but no comments made.   |

#### **6.0 REPRESENTATION**

- 6.1 A total of 35 letters of notification were sent out on the 11<sup>th</sup> May 2022, advertised in the local press on the 20<sup>th</sup> May 2022 and 07<sup>th</sup> September 2022 and by site notice on the 26<sup>th</sup> August 2022. No letters of representation have been received as part of the consultation exercise.

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 In considering this proposal regard has been had to the National Planning Policy Framework (NPPF), the National Design Guide (NDG), Policies CP1, CP2, CP8, CP11, CP14A, DM1, DM7, DM9, DM10, DM11, DM13 and DM17 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP).
- 7.2 The main issues to be considered within this application are:
- (i) Impact to the highway network

### **7.3 Impact on the highway network**

- 7.3.1 Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.

#### Condition 22

- 7.3.2 Condition 22 was attached to the original planning permission as a mitigation measure to improve the ratio of flow to capacity and visibility at the junction in the longer term, once the development was fully operational. The condition would require modifications to the junction in response to the increased number of vehicles using the junction at peak times.
- 7.3.3 The objectives of the condition are therefore related to the post construction of the development in reference to future users of the site rather than a mitigation measure required during the construction of the development. Noting this, it is considered that the level of increased vehicle use will only arise following the occupation of Building 3 (Phase 3). It is therefore considered acceptable and appropriate that the condition be amended to ensure the mitigation measures are put in place prior to the occupation of Phase 3 where the relevant harm is anticipated to arise.
- 7.3.4 The variation has been assessed by Surrey County Highway officers who are satisfied with the that the variation of the condition would still ensure the objectives of the original condition would be met, ensuring no adverse harm to the highway network during the critical construction phase of the development nor following the occupation of Phases 1&2. The variation is therefore considered acceptable and would not result in any significant adverse harm to users of the highway network whilst ensuring the original objectives of the condition would be met.

#### Condition 24

- 7.3.5 Condition 24 was originally imposed to create a temporary bridleway diversion during the construction of the site access, to allow highway users a safe route available. Following the grant of approval, the applicant has completed a s278 agreement in relation to access construction.
- 7.3.6 The submitted Road Safety Audit has recommended that the existing bridleway be maintained and the temporary diversion not required. The Surrey County Highway officers have reviewed the report and concur with its conclusions, recommending to officers the deletion of Condition 24.

## Summary

- 7.3.5 On the basis of the above assessment, the proposed variation to the conditions would not prejudice the development in ensuring no significant adverse harm to the highway network during the construction phases, in line with Policy DM11 of the adopted Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012.

## Other Matters

- 7.3.6 Permission granted under section 73 takes effect as a new independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.
- 7.3.7 Aside from Condition 4 no conditions have been discharged as part of the original permission and therefore would remain as part of any new decision notice

## **8.0 POSITIVE/PROACTIVE WORKING AND PUBLIC SECTOR EQUALITY DUTY**

- 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.
  - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
- 8.2 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

## **9.0 CONCLUSION**

- 9.1 The proposed variation to the conditions originally imposed would not be considered to harm the overall quality of the development nor result in any adverse harm to the highway network. The proposal would therefore sufficiently accord with the local plan policies.

## 10.0 RECOMMENDATION

GRANT subject to the following conditions:

1. Approval of the details of the layout, scale, appearance, access and the landscaping of the site under the outline application (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, subject to the outline permission, is commenced.

(a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.

(b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and the Compulsory Purchase Act 2004.

2. The development hereby permitted for the full planning application 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.

3. The full planning application (hereinafter known as the detailed development) shall be built in accordance with the approved plans all as listed in the 'Planning Drawings Issue Sheet' reference 1714-P as received 15.09.2020 plus additional drawing nos. LD-DET-652 P01, LD-DET-653 P01 and GMDW-ARUP-ZZ-XX-SK-C-0001 P01, GMDW-ARUP-ZZ-XX-SK-C-0002 P01, GMDW-ARUP-ZZ-XX-DR2160 P01 and GMDW-ARUP-ZZ-XX-DR-C-2150 P01 unless the prior written approval has been obtained from the Local Planning Authority.

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

4. The development shall be carried out using the agreed external materials as set out in application ref. 22/0111/DTC granted 22/06/2022.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. For the avoidance of doubt, the development hereby permitted shall be used for Class E(g) use as defined by the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), and for no other use unless otherwise agreed in writing by the Planning Authority.

Reason: To retain control in the interests of the Green Belt, the character of the area and residential amenities and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies and the NPPF.

6. Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) the development (including existing buildings

subject to the change of use) hereby approved shall not be converted to a residential use or any other use without the express permission in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over inappropriate changes of use and to accord with the National Planning Policy Framework.

7. Immediately prior to commencement of development, a survey of the site by an appropriately qualified ecologist shall be undertaken, to check for any new signs of badger sett construction, if any badger activity is detected a suitable course of action shall be submitted to and approved in writing by the Local Planning Authority. All other details hereby permitted shall be undertaken in strict accordance with the mitigation and enhancement measures set out in Section 5 of the applicant's Ecological Appraisal, authored by Land Use Consultants Ltd, dated August 2020 and any deep excavations left overnight should be provided with a ramped means of escape and stockpiles of soft materials shall be covered overnight to prevent badgers excavating new setts.

Reason: To comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

8. Prior to occupation of development hereby permitted, a comprehensive lighting scheme shall be submitted to and approved in writing by the Planning Authority. This shall include details of all external lighting including appearance, manufacturer's specifications, automatic sensor controls and timers, hours of illumination and light spillage diagrams for the detailed application. A 'Sensitive Lighting Management Plan' should also be submitted and this should comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and The Built Environment Series". The approved details shall be fully implemented prior to first occupation of new buildings, or with a phasing plan agreed by the Planning Authority, and thereafter there shall be no changes unless otherwise agreed.

Reason: To limit light pollution in the interests of the rural character of the area, residential amenities and nature conservation and to comply with Policies DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

9. The detailed application hereby permitted shall be undertaken in strict accordance with the submitted Landscape Management and Maintenance Plan and associated native planting plan, version P01, prepared by Land Use Consultants and dated August 2020 unless otherwise agreed in writing by the Planning Authority.

Reason: To comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

10. Prior to commencement of works and in accordance with paragraph 5.9.1 of the submitted Arboricultural Impact Assessment, a detailed Arboricultural Method Statement, to include details of drainage services, contractors facilities and a cross section through the No-Dig areas showing existing and proposed levels shall be submitted to and approved by the Local Planning Authority, prior to construction or ground work starting on site. Once agreed the development shall be implemented in strict accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.



11. A minimum of 7 working days before any development, including any works of demolition or site clearance, a pre-commencement meeting must be arranged with the Arboricultural Officer. The purpose of this meeting is to agree the extent of any facilitation or management tree works, tree and ground protection, demolition, storage of materials and the extent and frequency of Arboricultural site supervision. In all other regards the development shall proceed in accordance with the supplied BS5837:2012 - Trees in Relation to Design, Demolition and Construction compliant report prepared by S J Stephens Associates and dated 9 July 2020.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

12. Prior to occupation of the detailed development hereby approved, a detailed 15-20 year woodland management plan shall be submitted to and approved in writing with the Local Planning Authority. Once agreed the development shall be implemented in strict accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. Prior to occupation of the detailed development hereby approved full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. Once agreed, all hard and soft landscaping works shall be carried out in accordance with the approved details and all plant material shall conform to BS3936:1992 Parts 1 - 5: Specification for Nursery Stock. Handling, planting and establishment of trees shall be in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interests of heritage and to accord with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

15. Prior to commencement of works hereby approved, details regarding what measures will be put in place to protect the recognised heritage assets which include the clock tower, orchard, walled garden and burial ground during the construction period. Once agreed the development shall be implemented in strict accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve heritage assets in accordance with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

16. Prior to occupation of the detailed development hereby approved, a Heritage Site Management Plan which includes details of the clock tower, orchard, walled garden and burial ground and their short to long term management, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the development

shall be implemented in strict accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve heritage assets in accordance with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

17. Prior to occupation of building 1 the following details are to be provided to and agreed in writing by the LPA

- i) Proof that any plant installed on site has a BS 4142:14 Laeq rating level (LarTr) that does not exceed the background level L90 at the nearest residential receptor.
- ii) An assessment of the noise impact of internal combustion engine vehicles using the test track ensuring compliance with internal noise levels as detailed within BS 8233:14 and BS 4142:14. Once agreed these details shall be retained as approved unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of residential amenities and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012

18. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - (a) human health,
  - (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - (c) adjoining land,
  - (d) ground waters and surface waters,
  - (e) ecological systems,
  - (f) archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and

remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme If required the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance If identified as being required, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that a satisfactory strategy is 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

19. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using maximum discharge rates as detailed in Table 3 'Proposed discharge rates for completed development' in the approved document: Drainage Statement - Issue 01, ARUP, 13th August 2020, reference: GMDW-ARUP-ZZ-XX-RP-0002

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

20. Prior to the first occupation of the detailed development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

21. The detailed development hereby permitted shall be undertaken in strict accordance with the mitigation measures outlined at section 8 of the submitted Air Quality Assessment, Issue 01, prepared by Ove Arup & Partners Ltd and dated August 2020 unless otherwise agreed in writing by the Planning Authority.

Reason: To comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

22. Prior to the first occupation of Phase Three of the development hereby approved, the proposed highway improvements at the junction of Higham's Lane with B386 Chertsey Road comprising the removal or cut-back of vegetation to improve visibility west of the junction and widening of the junction bell mouth shall be completed broadly in accordance with Arup's drawing no. GMDW-ARUP-ZZ-XX-DR-C-2160 P01 and subject to the full technical and road safety auditing requirements approved by Surrey County Council on 6th April 2022.

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

23. No part of the development shall be commenced unless and until the proposed highway accesses to Highams Lane have been constructed and provided with 2.4 x 120m visibility splays in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility splays shall be kept permanently clear of any obstruction over 1.05m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policies CP11 and DM11 of

24. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) vehicle routing taking account of any HGV restrictions and local schools
- (e) measures to prevent the deposit of materials on the highway
- (f) on-site turning for construction vehicles
- (g) hours of construction has been submitted to and approved in writing by the Local Planning Authority, after consultation with Highways England and the Surrey County Council Highway Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, the National Planning Policy Framework and in accordance with Section 10 of the Highways Act 1980.

25. Prior to the occupation of the final build out, a Travel Plan shall be submitted for the written approval of the Local Planning Authority after consultation with Highways England and the Surrey County Council Highway Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". and then the approved Travel Plan shall be implemented prior to first occupation and thereafter retained and maintained for the lifetime of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, the National Planning Policy Framework and in accordance with Section 10 of the Highways Act 1980.

26. The new building for Sales, Manufacturing & Heritage together with test road hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking, loading and unloading, 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 compliance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

27. Detailed development

The development hereby approved shall not be occupied unless and until 15 parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. A further 15 parking spaces will be provided with power supply to provide additional fast charge sockets (passive provision).

Full build out

The development hereby approved shall not be occupied unless and until 29 parking spaces (10% of the total available parking spaces) are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. A further 29 parking spaces will be provided with power supply to provide additional fast charge sockets (passive provision).

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

## 28. Detailed development

The development hereby approved shall not be occupied unless and until 20 cycle parking spaces are provided in a secure, covered storage facility and a further 6 cycle parking spaces provided for visitors.

### Full Build out

The development hereby approved shall not be occupied unless and until 72 cycle parking spaces are provided in a secure, covered storage facility and a further 8 cycle parking spaces provided for visitors.

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

29. Buildings 1 and 3 hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles and cycles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking, loading and unloading, 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 compliance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

30. Buildings 1 and 3 hereby approved shall not be occupied unless and until at least 10% of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. A further 10% of the available parking spaces will be provided with power supply to provide additional fast charge sockets (passive provision).

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

31. Prior to the submission of the Reserved Matters application stage a detailed business, education and community plan for the Molecule building shall be submitted for approval by the LPA. The plan shall robustly include details of:

- (1) - The financial viability of delivering and maintaining a community and educational facility over the longer term.
- (2) - Demonstrate a longer term pipeline of demand for educational and community uses within this building.
- (3) - How all the primary office functions of the applicant's business on site cannot be incorporated into the Molecule Building and why a new building is required. Development cannot commence in respect to any outline matters until the business, education and community plan has been approved in writing by the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice the openness of the Green Belt or the finely balanced Very Special Circumstances arrived at in approving this application in accordance with the National Planning Policy Framework.

32. The redline application site hereby approved shall not be subdivided, split up or occupied by multiple business without first applying for planning permission to approve such changes.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to not prejudice the openness of the Green Belt or the finely balanced Very Special Circumstances arrived at in approving this application in accordance with policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and in accordance with the National Planning Policy Framework.

33. The test road hereby approved shall not be used before 9am or after 5pm on weekdays nor at any time at weekends or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt public holidays includes New Year's Day, Good Friday, Easter Monday, all Bank Holidays, May Day, Christmas Day and Boxing Day.

Reason: In the interest of the residential amenities of the area and to accord with the Policy DM9 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

**Informatives:**

- 1. This decision notice relates to a S73 application in relation to application ref. 20/0747/FFU, permitted 09/02/2021.
- 2. The applicant is advised that this permission is only pursuant to the Town and Country Planning Act 1990 and is advised to contact Building Control with regard to the necessary consents applicable under the Building Regulations and the effects of legislation under the Building Act 1984.
- 3. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.
- 4. In respect to the detailed Arboricultural Method Statement, this must also address the level differences between Higham's Lane and the interior of the site. This must utilise geotechnical solutions such as air spade soil removal and grading, cellular confinement systems and permeable wearing surfaces.

5. The applicant is advised that in respect of foundation design vegetation related clay shrinkage subsidence has been reported in the area. Accordingly, suitable foundations should be provided (pile / pier and beam etc.) that will allow for future differential movement from potential desiccation of subsoil or indeed heave from the removal of significant trees which predate any agreed construction.

6. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

7. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

8. The applicant is reminded of Natural England's standing advice in respect of species protection and if any protected species are found on the site that the appropriate licence be obtained.

9. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available at <https://www.surreycc.gov.uk>

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

11. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see

[www.surreycc.gov.uk/roads-and-transport/road-permits-andlicences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-andlicences/vehicle-crossovers-or-dropped-kerbs).

12. The permission hereby granted shall not be construed as authority to carry out any works that may affect a drainage channel/culvert or water course. The applicant is advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see

[www.surreycc.gov.uk/people-and-community/emergency-planningand-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planningand-community-safety/flooding-advice)

13. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).



14. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.

15. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

16. The developer is advised that Public Bridleway 74 crosses the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

17. The proposed new southern access to the site would involve the relocation of the 40mph speed limit sign which may require a change to the Traffic Regulation Order and be subject to any other approvals. This would need to be done at the applicant's expense.

18. The S278 junction improvement works may require the removal of trees on highway land for which the applicant would need to submit a tree report for approval. This may require the applicant to pay the County Highway Authority the agreed Capital Asset Valuation of Amenity Trees (CAVAT) value of the trees to be removed.