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## Appeal Decisions

Inquiry Held on 20-23 & 27-30 September and 4, 5 & 7 October 2022

Sites visit made on 3 October 2022

**by G D Jones BSc(Hons) DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 28 November 2022**

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### **Appeal A - Ref: APP/Y3615/W/22/3298341**

#### **North Lodge Farm, Lower Road, Effingham, Leatherhead KT24 5JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant hybrid planning permission.
  - The appeal is made by Berkeley Homes (Southern) Ltd against the decision of Guildford Borough Council.
  - The application Ref 21/P/01306, dated 7 May 2021, was refused by notice dated 4 April 2022.
  - The development proposed is described as hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and full planning permission for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works on land at Effingham Lodge Farm, Lower Road, Effingham.
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### **Appeal B - Ref: APP/Y3615/W/22/3298390**

#### **Howard of Effingham School, Lower Road, Effingham KT24 5JR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
  - The appeal is made by Berkeley Homes (Southern) Ltd against the decision of Guildford Borough Council.
  - The application Ref 21/P/00428, dated 16 February 2021, sought approval of details pursuant to Condition Nos 2 & 3 of planning permission Ref 14/P/02109, granted on 21 March 2018.
  - The application was refused by notice dated 23 March 2022.
  - The development proposed is described as reserved matters application pursuant to outline permission 14/P/02109 approved on 21/03/2018, to consider appearance, landscaping, layout and scale in respect of the erection of 99 dwellings on Howard of Effingham School.
  - The details for which approval is sought are: appearance, landscaping, layout and scale.
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## **Decisions**

1. **Appeal A is allowed** and planning permission is granted in outline (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and in full for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works at North Lodge Farm, Lower Road, Effingham, in accordance with the terms of the application, Ref 21/P/01306, dated 7 May 2021, subject to the schedule of conditions appended.
2. **Appeal B is dismissed.**

### **Applications for Costs**

3. Applications for costs were made by Berkeley Homes (Southern) Ltd against Guildford Borough Council and by Guildford Borough Council against Berkeley Homes (Southern) Ltd. These applications shall be the subject of separate Decisions to follow.

### **Background and Preliminary Matters**

4. As set out above, there are two appeals relating to two separate planning applications concerning distinct parcels of land. In the case of Appeal A the land in question concerns three separate areas known as Sites A, B and C. The Council's remaining objections to Appeal A relate only to the development proposed at Site A involving, amongst other things, the erection of 110 dwellings. Consequently, the assessment of the Appeal A scheme set out below primarily relates to the development proposed at its Site A.
5. Appeal A is a hybrid planning application with full planning permission sought for all elements of the proposals, including the 110 dwellings at Site A, except for four self-build dwellings proposed at Site B for which outline permission is sought. This outline element seeks only the determination of access at this stage, with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the submitted details relating to these reserved matters as a guide as to how Site B might be developed.
6. An extant outline planning permission<sup>1</sup> establishes the principle of the proposed Appeal B development along with details of access. For ease of reference, I refer to that permission as 'the outline planning permission' henceforth. It was granted by the Secretary of State via his decision letter dated 21 March 2018, to which my colleague Inspector's report is appended (the previous Inspector's report), following a public inquiry held during May and June 2017.
7. The outline planning permission approved development at a number of sites in addition to the Appeal B site, including land to the north on the opposite side of Lower Road. In broad terms, the Appeal B site equates to the existing Howard of Effingham School site. The Appeal B scheme is principally for 99 new dwellings pursuant to the outline planning permission. It would entirely replace the existing school as envisaged by the outline planning permission scheme (the Outline Scheme).
8. In summary, the Outline Scheme aimed to replace the existing school with a new purpose built school north of Lower Road, and to support this through the delivery of residential development at land to the west of the new school site, at the current school site and at a site to the south at Brown's Lane. Pursuant reserved matters applications have been made, including two for the new school and associated development that have been approved. The appellant's case, amongst other things, is that the Outline Scheme is no longer viable such that the Appeal A development is required in order to deliver the new school.
9. On the appellant's evidence, therefore, the Outline Scheme cannot be considered to represent any kind of fallback given that without the Appeal A development it would not be developed for reasons of viability. On this basis,

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<sup>1</sup> Ref: 14/P/02109 – It should be noted that this permission is not only an outline planning permission but also includes an element of full planning permission for residential development at land at 'Brown's Field'

due to the terms under which the appellant seeks planning permission for the Appeal A scheme, it would only be delivered alongside the Outline Scheme, and not as a standalone development. Consequently, it is reasonable to assess the Appeal A scheme on that basis and bearing in mind that the Secretary of State has already found the Outline Scheme to be acceptable, albeit that it does not represent a fallback option.

10. It is common ground that the proposed development at Site A of Appeal A would be inappropriate development in the Green Belt in the terms of the National Planning Policy Framework (Framework) paras 147-150, such that it should not be approved except in very special circumstances. I have found no reason to disagree.
11. It is also common ground that the Appeal B development would cause *less than substantial harm*, in the terms of Framework paras 199 and 202, to the significance of both the Grade II\* listed Church of All Saints and the Little Bookham Conservation Area as designated heritage assets. I have determined Appeal B on that basis as explained in the relevant 'Reasons' section below.
12. There is a legal agreement, dated 11 October 2022, made under s106 of the Town and Country Planning Act 1990 (the s106 Agreement) concerning the Appeal A scheme only. The Council has confirmed that the s106 Agreement resolves its third and fourth reasons for refusal in respect to that Appeal scheme. I have had regard to it when making my decision.

### **Main Issues**

13. The main issues for **Appeal A** are:
  - The effect the proposed development would have on the openness of the Green Belt and whether it would conflict with the purposes of including land within the Green Belt by reason of encroachment into the countryside;
  - The effect that the proposed development would have on the character and appearance of the area; and
  - On the basis that the proposals at Site A would be inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
14. The main issue for **Appeal B** is the effect of the proposed development on the setting of the Grade II\* listed Church of All Saints and on that of the Little Bookham Conservation Area.
15. As part of these main issues both appeals require an assessment of wider considerations some of which are common to both appeals, such as housing land supply.

### **Reasons - Appeal A**

#### ***Green Belt – Openness and Purposes***

16. The proposed development at Site A would extend the built form of the village north of the housing and west of the school as permitted by the Outline Scheme. Consequently, it would affect the openness of the Green Belt. That effect would be tempered to an extent by the containing effect of nearby development, particularly that planned at the adjoining Outline Scheme site,

and of mature planting in the vicinity, particularly the trees that line Effingham Common Road to the west, those that would stand between Site A and the new school site and most significantly the dense woodland at Thornet Wood to the north, which includes Ancient Woodland. In this regard, it should also be noted that the proposed housing would occupy only the southern portion of Site A leaving the northern portion closest to Thornet Wood more open.

17. Nonetheless, the proposed development at Site A would have a very marked effect on the openness of the Green Belt, both visually and spatially. This is due largely to the scale and nature of the development proposed and the comparatively open nature of the Site as it stands and even in the context of the permitted Outline Scheme were that to be fully implemented. In short, it would result in a significant reduction in the openness of the Green Belt. For broadly these reasons, the proposed development at Site A would also conflict with the purposes of Green Belt, particularly in terms of safeguarding the countryside from encroachment and checking unrestricted sprawl.
18. These considerations, alongside the agreed position that the proposed scheme at Site A would represent inappropriate development in the Green Belt, weigh against the Appeal A proposals and are relevant to the assessment of whether the very special circumstances necessary to justify the development exist. In this regard, the Framework is clear that substantial weight should be given to any harm to the Green Belt.
19. There would, therefore, be conflict with Policies ENP-G1 (A Spatial Plan for Effingham) and ENP-G5 (Assessing suitability of sites for residential development) of the Effingham Neighbourhood Plan 2016-2030 (the ENP). These Policies, in terms of how they relate to development in the Green Belt, carry full weight bearing in mind that national Green Belt policy has not changed significantly since the ENP was made in 2018.
20. Compliance or conflict with Policy P2 (Green Belt) of the Guildford Borough Local Plan Strategy and Sites 2015-2034 (the GBLPSS) is dependent on the outcome of the assessment of whether very special circumstances exist to justify the development. Consequently, it is dealt with later in my decision.

### ***Character & Appearance***

21. As outlined above, the Appeal A development would only proceed in the context of the permitted Outline Scheme. The Council has granted a reserved matters consent for housing pursuant to the outline planning permission on the adjoining land to the south of Site A, which is known as 'Phase 1'.
22. By extending the built form of the settlement, beyond that found to be acceptable by the Secretary of State under the Outline Scheme, northward into the countryside, the proposed development at Site A would harm the character and appearance of the area. This is particularly so given the gateway role performed by Effingham Common Road. Moreover, the relevant Landscape Character Area appraisal identifies the value of gaps in linear development, particularly where they allow rural views over fields or into woodland, and that the expansion of residential development along roads and the proliferation of suburban development are detracting features of the local area.
23. Nonetheless, that harm would be tempered due to the fairly contained nature of the site as outlined in the preceding section and by the context that would

be provided by the approved neighbouring school and Phase 1 housing developments to the east and south. It would, nonetheless, be readily perceived in the local landscape, particularly from Effingham Common Road, including from the new access point.

24. Notwithstanding the harm discussed above, the detail of the development proposed at Site A represents a reasonable response to the site's context, particularly bearing in mind the detail of the scheme approved for the neighbouring Phase 1 development. While the density of the proposed housing at Site A would be somewhat higher than that of the approved Phase 1 scheme, its general design would broadly reflect the principles and character of the Phase 1 scheme. The proposed density is also not untypical of that found in other parts of the village.
25. Furthermore, the proposed landscaping scheme, including extensive tree and hedge planting, would help give the impression of a lower density development, providing an attractive setting for the proposed buildings and structures, complementing the existing surrounding mature wooded landscape and assist with assimilating the scheme into its context.
26. Nonetheless, the Site A development at large would represent a harmfully urbanising addition to the extended form of the settlement resulting in the loss of open countryside around the village. This harm to the character and appearance of the area would be fairly moderate, though, given the reasonably contained nature of Site A. Accordingly, in that regard, the Appeal A scheme would be contrary to Policy D1 (Place Shaping) of the GBLPSS, and Policy ENP-G2 (Landscape, Heritage, Character, and Design) of the ENP.

### ***Other Considerers***

27. As the appeal scheme would be inappropriate development that is harmful to the Green Belt it should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In addition to the harm identified above there are a number of considerations within the evidence that have the potential to affect the outcome of the assessment of whether very special circumstances exist to justify the development (the VSC balance). While not the only other considerations, notable amongst these are matters associated with housing land supply and the existing and proposed school.

### ***Housing Supply***

28. There was much evidence before the Inquiry relating to whether or not the Council can demonstrate a five year housing land supply in the terms of the Framework (5YHLS). In this case the so-called tilted planning balance cannot be engaged due to the site's location within the Green Belt. Consequently, in that respect the 5YHLS position is somewhat academic, such that I have not found it necessary to come to a formal position on the matter. In broader terms though, the housing delivery position in the area needs to be adequately appreciated so that the significance of the contribution that the proposed development would make to housing delivery may be appropriately assessed. In that sense the 5YHLS evidence is of considerable assistance.

29. During the GBLPSS adoption process, the Council was allowed by the local plan examining Inspector to adopt an approach of spreading past unmet need over the plan period in recognition of the contribution that would be made by strategic allocations which typically have a longer lead-in time. This is known as the Liverpool approach. It contrasts to the Sedgefield approach whereby the level of deficit or shortfall is calculated from the base date of the adopted plan and then added to the plan requirement for the next 5 year period. Of course, I make no criticism of the GBLPSS examining Inspector for taking this approach, the sound justification for which is clearly set out in his report of 27 March 2019.
30. Nonetheless, unmet housing need existed at that time. The GBLPSS appears likely to have been adopted on the understanding that housing would be delivered along the lines of the trajectory set out in its Appendix 1. In practice, there has already been significant slippage against that trajectory. The base date employed by the Council and the appellant for their 5YHLS calculations is 1 April 2021, against which there is a substantial shortfall in housing delivery on either of these parties' evidence.
31. The Council considers that shortfall to be 828 homes whereas the appellant maintains that it is 1,011, compared to the adopted annualised requirement of 562 homes. Of course this annualised requirement figure is derived from the GBLPSS rather than the Government's current preferred standard method approach. The appellant's evidence indicates the annualised figure calculated using the standard method would be uncapped at 803 homes and capped at 787 dwellings, such that housing need appears likely to be greater than is planned for in the GBLPSS.
32. Again, I make no criticism of the approach taken at the time the GBLPSS was prepared and adopted. I make these points merely to help build a reasonable picture of likely housing need as it is understood now. To that end, based on the evidence before me, the appellant's figure of 1,011 homes appears to be the more accurate of the two 5YHLS shortfall figures put forward. The reasons for this are primarily associated with how student accommodation is accounted for. I favour the appellant's evidence on this matter as it appears to be more consistent with the approach taken in the GBLPSS from which the 5YHLS housing requirement is derived. An uplift was applied to the objectively assessed housing need of the GBLPSS to take account of an increased growth in the student population, which is explained in the examining Inspector's report.
33. Another area of dispute between the Council and the appellant concerns the yield of housing that would be delivered from 13 specific sites over the relevant 5 years period. The difference between the parties is some 696 homes. As stated above, I have not found it necessary to take a formal position on 5YHLS. I have, nonetheless, used the Council's 5 year housing delivery figure of 3,785 homes as a guide as to what might be delivered in the coming years. In reality, however, it seems more likely that delivery will be notably lower than that figure over the 5 years in question. This is because of some of the likely delivery issues identified by the appellant at the disputed sites, and because the Council's approach to windfall sites is based on past permissions rather than actual delivery such that it is likely to overstate future windfall yield.



34. Overall, the key points that come out of the housing supply evidence are that the current delivery backlog is substantial, there has been slippage in delivery, and that the backlog is very unlikely to be fully addressed for several years. Even applying the Council's supply figure of 3,785 homes, and using the appellant's shortfall figure of 1,011 homes and the GBLPSS requirement figure of 562 homes per annum, the backlog would not be cleared before March 2026 at the earliest.
35. It is worth pausing here to remember that behind these figures are real households that have experienced real housing need for a number of years, need which seems unlikely to be fully addressed for several more years. Consequently, regardless of the 5YHLS position, the contribution the Appeal A development would make to helping to address the evident need for market housing is significant.
36. An affordable housing need of 517 homes per annum was identified as part of the evidence base for the GBLPSS. Yet an average of only 39 affordable homes per annum have been delivered in the last 6 years. Unsurprisingly, therefore, the evidence indicates that waiting lists for affordable housing are lengthy in terms of the time it takes applicants to access an affordable home. Accordingly, the contribution that the Appeal A development would make to the delivery of affordable homes would also be significant.
37. I have made the foregoing assessment bearing in mind the appeal decision made in May this year concerning development at Land at Ash Manor, Ash, Guildford. Although there is reference to housing land supply in that decision, the Council's case then, that it could demonstrate a greater than 5YHLS, was not in dispute such that the housing land supply evidence at that appeal would not have been tested in the manner that it has been in the case before me. That site also formed part of an allocation in the development plan such that the principle of its development was not in question. Consequently, in regard to the 5YHLS position, I have given that decision very limited weight when making my assessment.

#### *The School – Need*

38. The Framework states, at para 95, that *it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*
39. The Policy Statement – Planning for Schools Development (the Schools Policy Statement), a joint statement by the then Secretaries of State for Communities and Local Government and for Education, sets out the *Government's commitment to support the development of state-funded schools and their delivery through the planning system.* While the Schools Policy Statement was published in August 2011 prior to any iteration of the Framework, it remains a statement of Government policy.

40. As stated in the previous Inspector's report, the Schools Policy Statement makes clear that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand and increasing choice and opportunity in state-funded education. Its purpose, to allow for more provision and greater diversity to meet both demographic need and drive increased choice and higher standards, remains unambiguous. Consequently, need in this context is not only comprised of demographic need, but also the need for greater choice as well as the need to raise educational standards.
41. In its statement of case for the current appeals, while referring to changed circumstances since the outline planning permission was granted, the Council accepted the need for the school and identified that the benefits of the development include the continuing need for the replacement of the existing school on grounds of the inadequacy of the existing facility and the need for its expansion. Reserved matters, pursuant to the outline planning permission, for the replacement school has been approved by the Council. The approved details include the sixth form centre, the Cullum Centre, office accommodation for the wider school Trust, and a caretaker's dwelling.
42. There is evidence before me that challenges a demographic need for the additional two forms of entry that the approved scheme would provide. Nonetheless, there is good reason to believe that there is in the region of 53 additional places per year, including a capacity buffer to allow for variability and choice, now needed compared to a standard 60 places for two forms per year. Additionally, there are housing proposals in the school's catchment, which are likely to lead to even greater local need and for which there is uncertainty regarding how such need would be met. Overall, therefore, while there may not be a statutory duty on any school to plan for or provide a specific number of places generally or at sixth form level, there is good reason to believe that there is numerical need for a 10 form entry school.
43. Specifically regarding the sixth form, Years 12 and 13, the school's plan to accommodate 500 students in total also appears reasonable given the evidence regarding stay-on rates from Year 11 and that in the region of 50 external students per school year may join the sixth form.
44. Surrey County Council (SCC) does have a statutory duty to secure sufficient schools for providing secondary education. Those schools shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In my view, need as expressed in policy, as discussed above, goes beyond sufficiency in the terms of SCC's statutory role. I note also that SCC supports the proposed expanded school.
45. There also appears to be no dispute that the school is a good school. This is supported by Ofsted, for instance the sixth form is currently rated as 'Outstanding'. The evidence, taken as a whole, also indicates that it is a popular school. It seems very likely that its appeal would increase, including the sixth form, were the approved school to be implemented given the enhanced facilities that would be on offer not only compared to the existing school but to other schools that might otherwise have attracted students away from it, including non-state schools. Accordingly, while I recognise that there are other high performing schools in the area that will continue to be attractive to students and their parents, the proposed school's capacity appears very



realistic in terms of responding to need and of proving sufficiently attractive to meet that planned capacity.

46. The Cullum Centre would also respond to a recognised and important special educational need. Incorporating it into the new school, as is planned and as is provided for in the approved school scheme, would allow children to be taught within the mainstream of the school while providing them with the additional support and bespoke space needed to support their education. There is reference to there being potential to provide it at the existing school site and, in theory, it could be provided elsewhere. Moreover, the funding for the Cullum Centre was sought and awarded without reliance on a new school. Nonetheless, in practice there are no realistic firm plans to deliver such a facility other than as part of the new school.
47. Given that these special needs students may be either in the mainstream part of the school or within the Cullum Centre, provision should be made for them in both. Making such dual provision is integral to supporting these students' education. Consequently, the addition of the Cullum Centre cannot amount to double-counting in terms of quantifying need for school places.

#### *The School – Design & Costing*

48. The appellant's viability case is linked to the matter of whether or not the cost of delivering the proposed school would be excessive. If it were to be for any reason, including those that might be associated with its design, that excessive cost has the potential to effect the viability of the Outline Scheme.
49. Amongst the areas of disagreement between the main parties on this matter are the size of the planned school, the Cullum Centre, the sports facilities, and the school trust offices that are planned to be provided at the new school site. Before considering these and other matters, it is worth remembering that the planned new school is a self-funded project. It is not a Department for Education (DfE) / Education & Skills Funding Agency project and nor would it involve any financial contribution from either. Consequently, the DfE funding model is of limited assistance to my assessment.
50. Regarding the school size, Building Bulletin 103 - Area Guidelines for Mainstream Schools, June 2014, (BB103) sets out area guidelines for mainstream school buildings and sites for all age ranges from 3 to 19. On reasonable reading, BB103 provides a floorspace range, as is clearly shown in Figure 4 for ages 11 to 16 and Figure 5 for post 16 places. I see no good reason why these ranges should not be used to help assess the reasonableness of the approved school's area.
51. As set out in the preceding sub-section, the planned capacity of 1,500 students in Years 7 to 11, the age range 11 to 16, and 500 students in the sixth form, the plus 16 age group, appears reasonable based on need. Applying Figure 4 to 1,500 students gives an area range of some 10,500-12,000m<sup>2</sup>. Figure 5 only shows the ranges for up to 300 students. Nonetheless, the ranges for 200 and 300 students can be combined to give a reasonable range for a sixth form of 500 students. The result of doing so is a combined area range for a sixth form of some 4,150-4,800m<sup>2</sup>. When these figures are combined, they give a whole school, Years 7 to 13, area range of some 14,650-16,800m<sup>2</sup>.

52. The area of the approved school facility alone is some 14,964m<sup>2</sup>. This would be comfortably within the area range identified above based on BB103. The combined area of the school along with the Cullum Centre, Trust office space and nursery area of the approved reserved matters amounts to some 16,187m<sup>2</sup>, which is also below the upper end of the range for a 2,000 student school.
53. Nonetheless, as outlined above, the Cullum Centre would sit alongside the mainstream element of the school to allow students with particular special educational needs to move from one to the other according to their needs at any given time. Indeed, the Cullum Centre appears to align more closely to a designated unit for students with autistic-spectrum disorder, which attracts additional facilities over and above the standard BB103 area allowance rather than an integrated specialist resource provision. Consequently, there is good reason to omit its some 474m<sup>2</sup> from the area calculations based on BB103. This planned area for the Cullum Centre also appears reasonable in order to accommodate the 20 students it is designed to support.
54. As it would serve pre-school aged children who would be well outside the age range considered in BB103 Figures 4 and 5, there is also good reason to omit the some 155m<sup>2</sup> nursery from the area calculations based on BB103. Nor does this area appear excessive having regard to the evidence on early learning and childcare.
55. The Council's evidence is that the school should be planned for a capacity of 1,935 rather than 2,000 students. Applying BB103 Figures 4 and 5 to 1,935 students results in an area range of up to some 16,250m<sup>2</sup>, a little larger than the combined area of the approved school of some 16,187m<sup>2</sup>, including the Cullum Centre and nursery.
56. For all of the foregoing reasons, therefore, the approved school area would not be overlarge.
57. Regarding sports facilities, including the all-weather pitches, the sports hall and the sprint track, the approved details are large, extensive and of good quality. Nonetheless, given the planned size of the school they do not appear excessive in any way.
58. The school forms part of a multi-academy trust, the Howard Partnership Trust (the Trust), which is comprised of 13 schools with a 14<sup>th</sup> in the pipeline. The Trust's main offices are currently hosted at the existing school site. It is proposed that the new school site would also accommodate the main offices of the Trust. The approved school premises include 594m<sup>2</sup> of office space for this purpose. In theory this office space could be located elsewhere. Nonetheless, there appear to be sound operational reasons for including this facility at the school now and in the future, including if the school were to relocate to new premises, as is planned, particularly given that this is the lead school in the Trust.
59. While I recognise that they would have been purely for illustrative purposes, the details that were before the previous Inspector and the Secretary of State when the Outline Scheme was considered and approved, included clear reference to and provision for such cross-Trust accommodation. Consequently, it is reasonable to conclude that they both found this aspect of the proposals acceptable as a matter of principle even though it is not expressly referenced in

the description of development or controlled by way of planning conditions / planning obligation.

60. Bearing in mind the scale of the Trust, with some 1,417 employees, and that the proposed space would house a range of functions, including finance, human resources, information technology, estates and senior management, the planned provision for 56 members of Trust staff at the new school seems reasonable. The area of cross-Trust office space that has been approved at the reserved matters stage also appears proportionate to this amount of staff. Overall, therefore, the proposals to accommodate Trust office facilities at the new school appear reasonable.
61. A caretaker's dwelling forms part of the approved details which are planned to be implemented as part of the new school site. Like any other aspect of those approved details, it could in theory be omitted or altered via a new reserved matters application. Nonetheless, there is a caretaker's dwelling at the existing school site, which serves a functional purpose linked to the school use. As one of the key, if not the key, objectives of the overall project is to replace the existing school facility at a new site, it seems reasonable to have included the caretaker's dwelling as part of the new school development. As such its inclusion as planned and approved is not unacceptable for the purposes of assessing viability.
62. The Council maintains that a number of costs should be removed from the cost of the new school as forecast by the appellant. At least some of these appear to be as a consequence of using a BCIS rate that appears to be more appropriate for school extensions than for a new school. Extensions can be expected to be less costly than entirely new schools as they are unlikely to require the same infrastructure and may involve the use of existing structures, such as an external wall to build off. Consequently, the use of the BCIS rate employed by the appellant for whole new high schools appears more appropriate. I note that the appellant's detailed costings for the planned school are a little less than this whole school BCIS rate.
63. My attention has also been drawn to aspects of the contract between the appellant and the Trust, including in terms of 'Information Computer Technology' equipment and 'Fixtures Fittings and Equipment' for the new school. The general approach taken to these matters appears reasonable, particularly bearing in mind that such existing loose equipment would be largely transferred from the existing school to the new school thereby avoiding additional expense. Nonetheless, the appellant's costings appear to include at least some costs for loose equipment that would be transferred from the existing school to the new school as well as for some equipment that the Trust would fund under the terms of the contract.
64. For the foregoing reasons, therefore, I have found no good reason to conclude that the planned school premises would be inappropriate in size, content and quality. Subject to the preceding point, the same can be said in respect to costs.
65. I return to costing in the following subsection on viability. Before doing so and while not determinative, I also note that, aside from the planning process, the approval of the Government's Education & Skills Funding Agency is necessary for the school to proceed. I am advised that the Secretary of State has to

approve all disposals of publicly owned schools and be satisfied that value for money is being achieved.

### *Viability*

66. As outlined above, having regard to everything I saw and heard during the appeal process, I do not consider that the approved/planned school is excessive, including in terms of its function, size and quality. The anticipated costs associated with its delivery, with some limited exceptions, do not appear to be overstated.
67. At the planning application stage the scheme was independently assessed in terms of costs and viability by suitably qualified consultants on behalf of the Council. That assessment found the scheme to be unviable, broadly in line with the appellant's submissions at that stage. I have found no good reason to disagree with the findings of that independent assessment. Indeed the most up to date, bespoke evidence on viability before me indicates that the scheme would be unviable without the Appeal A development. The evidence also indicates that the appellant has generally gone to reasonable lengths to constrain building costs and that this appears to have been reasonably successful given that costs would be below the appropriate BCIS median figure. This also indicates that, notwithstanding the foregoing matters, the appellant's overall assessment of costs is reasonable.
68. Although it refers expressly to plan making, I also see no good reason why the profit range of 15-20% identified in the Government's planning practice guidance (PPG) should not reasonably be applied to a scheme of this type in order to assess viability, particularly when read in the context of para 58 of the Framework. Given the fairly difficult and comparatively uncertain economic circumstances for the construction sector at present and regardless of what profit margin the appellant has worked to in the past, it is reasonable to assume developer risk is greater now than at other more economically stable times. Consequently, notwithstanding the evidence regarding house prices and demand for housing in the area, and in respect to programming and sales revenue, a profit target to the higher end of the range, up to 20% of gross development value, is reasonable.
69. While I generally favour the appellant's assessment of costs and viability, once adjusted for the additional cost of the all-weather pitches, which I consider to be appropriate, the Council's witnesses' cost plan and viability assessment indicate that the blended return on gross development value would equate to a value, towards the higher end of the range identified in the PPG, but below 20%. On this basis, this aspect of the evidence lends support to the case that without the Appeal A development the wider development would not be viable, and that the appellant's overall assessment of costs is reasonable.
70. Given the foregoing, while having regard to all of the evidence on viability, overall it has been demonstrated that the Outline Scheme, including the new school, would not be viable without the Appeal A development.

### *Other Potential Alternatives*

71. Various further potential alternatives to delivering a replacement school, enhancing the existing school and the means of financing the delivery of such alternatives rather than via the Appeal A development have been put to me.

There is though an approved detailed scheme for the replacement school which has outline planning permission and reserved matters approval, which the Trust wishes to implement. I have also found the approved school scheme to be acceptable in the terms I have outlined above.

72. None of these suggested alternatives are as well developed as the approved school scheme and nor do they appear to have been subjected to anything approaching the degree and range of scrutiny, testing and assessment that the approved scheme has been the subject of. Whether such other schemes represent genuine alternatives, therefore, remains very doubtful. As they have not been thoroughly scrutinised, for instance through the planning application / reserved matters process, the extent and degree of harm that they might give rise to is also very hard to estimate.
73. The only planning permission for an enhanced school is that which is comprised within the Outline Scheme. There are, of course, two approved reserved matters schemes pursuant to that planning permission for new schools, one of which does not include elements of the other, including the caretaker's dwelling. Nonetheless, for the reasons outlined above, there are good reasons for including all of the elements of the Trust's preferred scheme.
74. Consequently, attempting to compare the approved school and / or the Appeal A development with such 'alternatives' is of very limited assistance. I have, therefore, primarily focussed on the Appeal A development in the context of the Outline Scheme, including the approved details of the replacement school that the Trust intends to implement. The VSC balance of the Framework is the appropriate mechanism for assessing the acceptability or otherwise of inappropriate development in the Green Belt.

#### *Other Matters*

75. In addition to the foregoing matters, concern has been expressed by interested parties, including those who spoke at the Inquiry, in respect to a number of other considerations relating to Appeal A. These matters include the effect of the proposed development on traffic and highway safety, on biodiversity, on the ENP, on the Ancient Woodland and other trees and hedges, on drainage / flooding risk, on open space including within the approved scheme, on separation between settlements, on playing fields and their provision, on mental health, on pollution, and on climate change; and the adequacy of local facilities, services and infrastructure and the measures proposed to supplement these, of parking, of affordable housing, of local employment opportunities, and of renewable energy measures within the development.
76. Additionally concerns have been raised in respect to the site not being allocated for housing in the development plan, the proposed housing mix and location of affordable housing, the masterplan for the appellant's wider proposals should be revisited and / or a new application made for the whole development, the increased local population resulting from the development, the approval of this development leading to further proposed housing, the loss of 408 and 410 Lower Road instead of being retained and refurbished, changed circumstances since the Outline Scheme was approved, loss of countryside, the relevance of the approved school scheme to the determination of Appeal A, the appellant's motives and conduct, the condition of the existing school, the consideration of the Appeal A in the wider context of other development plans and proposals in



the area, the strength and volume of local objection compared to support, and the displacement of students.

77. Other than as set out above, the Council did not conclude at the application determination stage or at the appeal stage that these matters would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions in that regard.

#### *Planning Obligations*

78. In the event that planning permission for the Appeal A scheme were to be granted and implemented the s106 Agreement would secure:

- Payments towards early years education, bus service improvements, including a Digital Demand Responsive Bus Service, the traffic calming scheme in Lower Road / Effingham Common Road, auditing of the travel plan, and police and health infrastructure;
- Provision of 22 affordable homes on site;
- Provision of the four proposed self-build dwellings at Site B and controls in the event that there is insufficient demand for the plots;
- Measures to mitigate the effects on the Thames Basin Heaths Special Protection Area (TBHSPA) as a European Site, as discussed below;
- The provision and equipping of the proposed on-site open space, including play equipment and allotments, and controls on delivery; and
- Timing restriction on development related to the delivery of the school permitted by the outline planning permission.

79. The Council has submitted a detailed statement for Appeal A (the CIL Statement), which addresses the application of statutory requirements to the planning obligations within the s106 Agreement and also sets out the relevant planning policy support / justification. I have considered the s106 Agreement in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and Government policy and guidance on the use of planning obligations. Having done so, I am satisfied that they would be required by and accord with the policies set out in the CIL Statement. Overall, I am also satisfied that all of those obligations are directly related to the Appeal A development, and in each case are fairly and reasonably related to it and necessary to make it acceptable in planning terms.

#### *Appropriate Assessment*

80. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority I am required to undertake an Appropriate Assessment of the Appeal A development on the basis of its Likely Significant Effects on the TBHSPA as a European Site. The mitigation proposed to address these effects are the provision of Suitable Alternative Natural Greenspace and Strategic Access Management and Monitoring.
81. Having regard to the submissions of Natural England and relevant planning policy, including the Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document, I consider that the proposed measures would adequately mitigate the effects of the Appeal A development, either alone or in combination with other plans and projects, so that there would be no adverse effect upon the integrity of the TBHSPA.

Moreover, in the event that Appeal A were to be allowed, the mitigation would be secured and managed via the s106 Agreement.

*Conditions*

82. The Council and appellant have put forward suggested planning conditions to be imposed in the event that Appeal A were to be allowed. I have considered these in the light of Government guidance on the use of conditions in planning permissions and made amendments accordingly. My conclusions are summarised below.
83. In order to provide certainty, conditions requiring that the development is carried out in accordance with the approved plans, so far as they relate to matters that are not reserved for future consideration, would be necessary. A condition would be necessary to ensure that features of archaeological interest are properly examined / recorded. In the interests of protecting highway safety, biodiversity, Ancient Woodland and residents' living conditions, and safeguarding against pollution, conditions would also be necessary to ensure that the construction works proceed in accordance with a Construction Environmental Management Plan, with a Construction Transport Management Plan and a Site Waste Management Plan, and to control hours of working.
84. To ensure that the Ancient Woodland is further protected, a condition to secure the implementation of a woodland management plan would be necessary. A condition to control drainage and its management would be necessary in the interests of flood prevention, to protect the environment and to secure acceptable living conditions for residents. To protect the character and appearance of the area, conditions to control the ground and floor levels and the detailed appearance of the development, including facing materials and boundary treatment, would also be necessary. For that reason and in the interests of biodiversity, conditions would be necessary to secure and maintain planting and landscaping as part of the development, to protect trees beyond the Ancient Woodland, reptiles and bats, and to secure the implementation of a landscape and ecological management plan.
85. To help the development harmonise with its context, in the interests of highway safety and to secure suitable access arrangements, conditions would also be necessary to control details of access, internal highways, visibility splays, parking, turning and service areas. To promote sustainable modes of transport, reduce the need for travel and in the interests of highway safety, conditions would be necessary to secure the implementation of a travel plan and to secure suitable on-site cycle storage, e-vehicle charging infrastructure and an e-car club. A condition to safeguard against contamination that might affect the site, along with any requisite remediation, would be necessary to protect the health and well-being of future occupiers and off-site receptors as well as in the interests of biodiversity.
86. To support the development of high quality communication infrastructure, a condition to assist the delivery of high-speed broadband to the development would be necessary. To ensure suitable servicing of the development and to protect the character and appearance of the area, a condition would be necessary to secure the implementation of a Refuse Strategy for the site. Conditions to secure off-site highway improvements to the junctions of Lower Road / Church Road / High Street and of The Street / Guildford Road / Beech Avenue, would be necessary in the interests of highway safety. To improve

water efficiency and respond to climate change, a condition to secure the implementation of a water efficiency statement would be necessary.

87. To help provide a flexible housing stock to meet a wide range of needs, a condition would be necessary to secure accessible and adaptable homes as part of the development. A condition would exceptionally be necessary to provide control over the enclosure of garages / parking barns to protect the character and appearance of the area and to retain parking in the interests of highway safety. To help ensure that the development has an acceptable effect in terms of crime and safety, a condition would be necessary to ensure that it accords with the Secured by Design standard. To respond to climate change and improve energy efficiency, conditions would be necessary to ensure compliance with the submitted Energy Statement, Supplementary Sustainability Statement and Sustainable Specification and Procurement Policy documents.

#### *Conclusion on Very Special Circumstances*

88. For the reasons outlined earlier in this section, the proposed Appeal A development would be necessary in order to render the Outline Scheme viable and the replacement school deliverable. Moreover, the approved / planned replacement school, including the associated facilities that would be provided within the school premises, would be appropriate, including in terms of size, quality and cost viability.
89. Consequently, the Appeal A development would allow the delivery of the approved school and with it the associated benefits of the Outline Scheme. By the same token it would also result in the associated harm. These include various forms of harm to the Green Belt, harm to the character and appearance of the area and less than substantial harm to Effingham Conservation Area. These benefits and harms were assessed by the previous Inspector and the Secretary of State when considering the Outline Scheme. Those benefits of that Scheme were found to clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm such that very special circumstances were found to exist at that time, thus leading to planning permission being granted.
90. Since the Outline Scheme was approved the housing land supply position in the area has improved. Nonetheless, for the reasons outlined above, the contribution that the Outline Scheme would make to housing delivery is still very weighty as a benefit and would be augmented by the additional homes that would be provided by the Appeal A development. The weight carried by the wider benefits of the Outline Scheme does not appear to be significantly altered now compared to how they were identified and characterised by the previous Inspector. The delivery of the new school and the Cullum Centre, in the context of need and of the condition of the existing school, were found to carry particularly substantial cumulative weight. In light of the foregoing, they still carry such weight in the Green Belt planning balance.
91. In addition to the harm associated with the Outline Scheme, the Appeal A development would cause further harm to the Green Belt and to the character and appearance of the area as outlined above. Taken together these components of harm weigh very heavily against the Appeal A development in the Green Belt planning balance, particularly bearing in mind the great importance the Government attaches to Green Belts. Indeed, the cumulative harm that would now arise would be even greater than the 'significant quantum

of planning harm' found by the previous Inspector associated with the Outline scheme, which of course would involve the demolition of the existing school buildings and construction of an entirely new school and with these the associated sustainability impacts.

92. Against this harm, if Appeal A were to be allowed it would release the delivery of an even more significant number of homes than permitted by the Outline Scheme, both affordable and market. Irrespective of whether or not the Council can currently demonstrate a 5YHLS, given the circumstances outlined above regarding housing delivery and the need for affordable housing, the effect of allowing Appeal A on housing supply would be very significant, carrying very considerable beneficial weight.
93. I have found no reason to disagree with the previous Inspector's assessment that *the provision of a new and expanded school on the basis of the significant shortcomings of its current infrastructure, its condition and current financial circumstances for its maintenance and repair, the demonstrated need for its expansion, and very strong Government policy support for such a proposal for which there are no credible or sustainable alternatives, all together merit, in the particular circumstances of this case, very substantial weight being given to them.*
94. While there are other lesser benefits at play, including biodiversity net gain associated with the Appeal A development, it is the benefits associated with the delivery of the much needed approved new school and the provision of new housing, as previously approved and as supplemented by the current proposal, that when taken together would clearly outweigh the totality of harm, including to the Green Belt, heritage, character and appearance, and the associated development plan conflict, so that very special circumstances exist. The Appeal A development therefore accords, in that regard, with Policy P2 of the GBLPSS.
95. In making this assessment I have taken into account that a colleague Inspector gave lesser weight than I have to some of these benefits in her appeal decision, which concerns housing development that was proposed at a site in Church Lane, Effingham, made in December 2021. Nonetheless, that proposal was for a significantly smaller quantum of development, such that the scale of benefits would have been likely to have been less weighty than in this case, thus accounting for our apparently differing approaches.
96. Additionally, that appeal decision was made via the written representations procedure. Consequently, the breadth and depth of evidence concerning such benefits, particularly that related to housing land supply, is likely to have been significantly less in that case compared to this one. Nor would that evidence have been tested in the manner that has been possible in this case via the inquiry process. These matters might, therefore, also account for why she and I have taken a different approach to the weight carried by the benefits of the respective schemes.
97. Given the outcome of the VSC balance, the Appeal A scheme would represent sustainable development in the terms of the Framework, which is a material consideration that, in the particular circumstances of the case, outweighs the conflict with the development plan as a whole sufficient to warrant the granting of planning permission.

## Reasons - Appeal B

98. All of the main parties' evidence at the appeal stage identifies at least some harm to the historic environment resulting from the Appeal B development, particularly in terms of the effect it would have on the Church of All Saints, as a grade II\* listed building, and on Little Bookham Conservation Area. I have applied the appellant's position that the resulting harm to the significance of each of these heritage assets would be at the lower end of the less than substantial spectrum rather than towards the mid-point as contended by the Council, and that this would be for the reasons identified by the appellant.
99. I do not necessarily agree with this position. I have simply employed it as a benchmark to assist in making my decision on the basis that it identifies the least amount of harm that the witnesses on this matter have identified. I have also found no good reason to conclude that the development would be any less harmful to the historic environment than the appellant has identified. It represents the minimum harm, therefore.
100. Consequently, in this regard, the Appeal B development would conflict with Policy D3 (Historic Environment) of the GBLPSS, Policies HE4 (Setting of a Listed Building) and HE10 (Setting of a Conservation Area) of the Guildford Borough Local Plan 2003 and Policy ENP-G3 (Archaeology and the Historic Environment) of the ENP. I note that Policies HE4, HE10 and ENP-G3 do not include the public benefits balance of Framework para 202.
101. Applying this minimum level of harm as a benchmark, there are two balancing exercises to be done. The first is that set out in para 202 of the Framework, in the context of the statutory requirements of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act). The second is the more common balancing exercise under s38(6) of the Planning and Compulsory Purchase Act 2004 having regard, amongst other material considerations, to the Framework, including its paras 200 and 202. The former is dealt with first as its outcome has the potential to effect the operation of the latter.
102. Para 199 of the Framework gives 'great weight' to the conservation of designated heritage assets irrespective of whether that harm would be substantial or less than substantial. This weight applies to all designated heritage assets and is then amplified in proportion to the importance of the asset. In this case there are two heritage assets that are effected.
103. The Appeal B site is not within Little Bookham Conservation Area, but does stand within its setting. While the LBCA Act provides no statutory protection for the setting of conservation areas, para 200 of the Framework establishes the need to consider the negative impact of development within the setting of all designated heritage assets. The Church of All Saints, as a grade II\* listed building, is a particularly important building and of more than special interest, with only around 5.8% of listed buildings being at grade II\*. Consequently, the weight to be attached to the identified 'benchmark' level of harm to the significance of these heritage assets is very great.
104. There are strong public benefits at play in this case. The Appeal B development would directly deliver 99 homes, including 19 affordable homes. In contrast to the Appeal A assessment, I have also taken the appellant's position on housing land supply as a further benchmark to establish relative



weight to assist in making my decision on Appeal B. On that basis, the delivery of the homes, both market and affordable, permitted at the Appeal B site would be very significant in terms of public benefits. Moreover, as a component of the Outline Scheme the delivery of the replacement school is dependent on the Appeal B development. For the reasons outlined above, the delivery of the planned new school would also be very significant in terms of public benefits.

105. All of the public benefits that have been identified by the appellant, including those associated with the housing to be provided at the Appeal B site and those associated with the new school, would undoubtedly be very weighty as assessed above in respect to Appeal A. In this case, however, in contrast to the Appeal A assessment, the previous Inspector found that the approved development at the Appeal B site could be achieved without *material harm to the setting of the Little Bookham designated heritage assets* and that development of the site *would preserve the setting of the listed buildings, so according with the requirements of section 66*.
106. Having regard to all of the evidence, I have found no reason to disagree with the previous Inspector on this matter as set out in his report, including its para 388. Having regard to this and other parts of his report, the Secretary of State agreed *that there is no policy conflict in respect of the impact on the settings of other heritage assets*. It is clear, therefore, that both the previous Inspector and the Secretary of State did not envisage even the least level of harm that would result from the Appeal B scheme when they considered the parent outline application. Moreover, it is reasonable to conclude that a reserved matters scheme of some form for this part of the Outline Scheme could deliver all of the benefits of the Appeal B scheme without harm, or at the least less harm, to the significance of the two heritage assets in question that would occur as a result of the Appeal B development.
107. In this context, therefore, notwithstanding the great totality of public benefits, those benefits are not collectively sufficient to outweigh the 'benchmark' less than substantial harm to the significance of the Church of All Saints and to the significance of Little Bookham Conservation Area, bearing in mind the strong presumption against development that would cause such harm, and that such harm should be given considerable importance and weight, especially having regard to the particular national importance and more than special interest of the grade II\* listed building. Consequently, irrespective of the 5YHLS position, the tilted balance of Framework para 11 does not apply.
108. Given the outcome of the Framework para 202 balance, even if the appellant's best position on the weight currently carried by the relevant policies of the development plan were to be adopted, when undertaking the s38(6) planning balance there would be insufficient additional weight in favour of the Appeal B development to outweigh the harm to the two heritage assets in question and the associated development plan conflict. Accordingly, the Appeal B scheme does not represent sustainable development in the terms of the Framework and the relevant reserved matters details do not warrant approval.

## **Conclusions**

109. For the foregoing reasons, therefore, **Appeal A is allowed**, subject to the appended schedule of conditions, and **Appeal B is dismissed**.

*G D Jones*

INSPECTOR

## **APPEARANCES<sup>2</sup>**

### FOR THE APPELLANT:

Chris Young of Kings Counsel	Instructed by Matt Briant, Senior Planner, Quod Limited
He called	
Philip Grover BA(Hons) BTP DipArch(Cons) MRTPI IHBC	Heritage / Design – Grover Lewis Associates
Ben Pycroft BA(Hons) DipTP MRTPI	Housing Land Supply - Emery Planning
Barney Stringer BSc(Hons) PGCert MSc FRSA	School matters – Quod Limited
Rhona Barnfield BSc(Hons), MA PGCE CBE	School matters - The Howard Partnership Trust
Michael Olliff BA(Hons) DipArch RIBA BNA	School Design - Scott Brownrigg
John Turner BA(Hons) MRCIS	Viability - Turner Morum LLP
Simon Britton RCIS	School costs - Artelia UK
John Rhodes BA(Hons) MRCIS OBE	Planning – Quod Limited

### FOR THE LOCAL PLANNING AUTHORITY:

Charles Streeten, of Counsel	Instructed by Legal and Democratic Services, Guildford Borough Council
He called	
Julia Bennett Smith BA(Hons) MA AIfA	Heritage – Chris Blandford Associates
Ian Johnson BSc(Hons) MA DipUD MRTPI	Design - Luken Beck MDP
Martin Miller BA(Hons) MPHIL MRTPI	Housing Land Supply - Terence O’Rourke Ltd
Sean Fishlock MBA MCIOB MCICES MRICS	School Delivery/Costing - Berkeley Research Group
Andrew Jones BSc MRICS	Viability - BPS Chartered Surveyors
Nigel Jarvis BA(Hons) MSc MRTPI	Planning – Luken Beck MDP

### FOR EFFINGHAM PARISH COUNCIL: PTO

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<sup>2</sup> Additionally, Matt Briant of Quod Limited, and David Gilchrist and Heidi Perrin, both of Berkeley Homes, contributed to the conditions / planning obligations session

FOR EFFINGHAM PARISH COUNCIL:

Scott Stemp, of Counsel

Instructed by Effingham Parish Council

He called<sup>3</sup>

Julie Iles

School Places - former Surrey County Council  
Ward Councillor and Cabinet Member for All  
Age Learning

Pidwell BA(Hons) DipArch  
RIBA MAPM FRSA APS

Sustainability Issues – Shephard Epstein  
Hunter

Liz Hogger BSc(Hons) BA MSc  
DIC ARCS

Planning – Effingham Parish Council

INTERESTED PERSONS:

Rev Mandy MacVean

Rector of the Parish of Effingham with Little  
Bookham, responsible for St Lawrence Church,  
Effingham and All Saints Church, Little Bookham

Vivien White

Chairman of the Effingham Residents  
Association

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<sup>3</sup> Although he produced a proof of evidence on Financial Viability, Perry Stock was not called to give evidence. His written evidence and supporting documents have nonetheless been taken into account in my decisions

**APPEAL A - REF APP/Y3615/W/22/3298341 - SCHEDULE OF CONDITIONS:**

*Full Planning Permission*

1. The development hereby permitted in detail shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted in detail shall be carried out in accordance with the following approved plans:
  - 01023C\_S01 Site Location Plan
  - 01023C\_MP02 Illustrative Masterplan
  - 01023C\_S02 Site Sections - Sheet 2
  - 01023C\_S03 Site Sections - Sheet 3
  - 01023C\_S04 Site Sections - Sheet 4
  - 01023C\_S05 Site Sections - Sheet 5
  - 01023C\_001A Plot 1 - Elevations
  - 01023C\_001C Plot 1 - Plans
  - 01023C\_002A Plot 2 - Elevations
  - 01023C\_002B Plot 2 - Plans
  - 01023C\_003A Plot 3 - Elevations
  - 01023C\_003B Plot 3 - Plans
  - 01023C\_004A Plot 4 - Elevations
  - 01023C\_004B Plot 4 - Plans
  - 01023C\_005A Plot 5-6 - Elevations 1
  - 01023C\_005B Plot 5-6 - Elevations 2
  - 01023C\_006A Plot 5-6 - Plans 1
  - 01023C\_006B Plot 5-6 - Plans 2
  - 01023C\_007A Plot 7-8 - Elevations 1
  - 01023C\_007B Plot 7-8 - Elevations 2
  - 01023C\_008A Plot 7-8 - Plans 1
  - 01023C\_008B Plot 7-8 - Plans 2
  - 01023C\_009A Plot 9 - Elevations
  - 01023C\_009B Plot 9 - Plans
  - 01023C\_010A Plot 10 - Elevations
  - 01023C\_010B Plot 10 - Plans
  - 01023C\_011A Plot 11 - Elevations
  - 01023C\_011B Plot 11 - Plans
  - 01023C\_012A Plot 12 - Elevations
  - 01023C\_012B Plot 12 - Plans
  - 01023C\_013A Plot 13 - Elevations
  - 01023C\_013B Plot 13 - Plans
  - 01023C\_014A Plot 14 - Elevations
  - 01023C\_014B Plot 14 - Plans
  - 01023C\_015A Plot 15 - Elevations
  - 01023C\_015B Plot 15 - Plans
  - 01023C\_016A Plot 16 - Elevations
  - 01023C\_016B Plot 16 - Plans
  - 01023C\_017 Plot 17-18 - Elevations
  - 01023C\_018 Plot 17-18 - Plans
  - 01023C\_019A Plot 19-20 - Elevations 1
  - 01023C\_019B Plot 19-20 - Elevations 2
  - 01023C\_020A Plot 19-20 - Plans 1
  - 01023C\_020B Plot 19-20 - Plans 2



- 01023C\_021A Plot 21 - Elevations
- 01023C\_021B Plot 21 - Plans
- 01023C\_022A Plot 22 - Elevations
- 01023C\_022B Plot 22 - Plans
- 01023C\_023A Plot 23 - Elevations
- 01023C\_023B Plot 23 - Plans
- 01023C\_024A Plot 24 - Elevations
- 01023C\_024B Plot 24 - Plans
- 01023C\_025A Plot 25-26 - Elevations 1
- 01023C\_025B Plot 25-26 - Elevations 2
- 01023C\_026A Plot 25-26 - Plans 1
- 01023C\_026B Plot 25-26 - Plans 2
- 01023C\_027A Plot 27 - Elevations
- 01023C\_027B Plot 27 - Plans
- 01023C\_028 Plot 29-30 - Elevations1
- 01023C\_029 Plot 29-30 - Elevations1
- 01023C\_030 Plot 29-30 - Plans
- 01023C\_031A Plot 31-32 - Elevations 1
- 01023C\_031B Plot 31-32 - Elevations 2
- 01023C\_032 Plot 31-32 - Plans
- 01023C\_033 Plot 33-34 - Elevations
- 01023C\_034 Plot 33-34 - Plans
- 01023C\_035A Plot 35 - Elevations
- 01023C\_035B Plot 35 - Plans
- 01023C\_036 Plot 36-39 - Elevations 1
- 01023C\_037 Plot 36-39 - Elevations 2
- 01023C\_038 Plot 36-39 - Plans
- 01023C\_040 Plot 40-41 - Elevations
- 01023C\_041 Plot 40-41 - Plans
- 01023C\_042 Plot 42-47 - Elevations 1
- 01023C\_043 Plot 42-47 - Elevations 2
- 01023C\_044 Plot 42-47 - Plans 1
- 01023C\_045 Plot 42-47 - Plans 2
- 01023C\_048 Plot 48-53 - Elevations 1
- 01023C\_049 Plot 48-53 - Elevations 2
- 01023C\_050 Plot 48-53 - Plans 1
- 01023C\_051 Plot 48-53 - Plans 2
- 01023C\_054A Plot 54 - Elevations
- 01023C\_054B Plot 54 - Plans
- 01023C\_055A Plot 55 - Elevations
- 01023C\_055B Plot 55 - Plans
- 01023C\_056A Plot 56 - Elevations
- 01023C\_056B Plot 56 - Plans
- 01023C\_057A Plot 57 - Elevations
- 01023C\_058B Plot 57 - Plans
- 01023C\_058A Plot 58-59 - Elevations 1
- 01023C\_058B Plot 58-59 - Elevations 2
- 01023C\_059A Plot 58-59 - Plans 1
- 01023C\_059B Plot 58-59 - Plans 2
- 01023C\_060A Plot 60 - Elevations
- 01023C\_060B Plot 60 - Plans
- 01023C\_061A Plot 61 - Elevations
- 01023C\_061B Plot 61 - Plans

- 01023C\_062A Plot 62 - Elevations 1
- 01023C\_062B Plot 62 - Elevations 2
- 01023C\_062C Plot 62 - Plans
- 01023C\_063A Plot 63 - Elevations 1
- 01023C\_063B Plot 63 - Elevations 2
- 01023C\_063C Plot 63 - Plans
- 01023C\_064A Plot 64 - Elevations
- 01023C\_064B Plot 64 - Plans
- 01023C\_065 Plot 65-67 - Elevations
- 01023C\_066 Plot 65-67 - Plans
- 01023C\_068 Plot 68-69 - Elevations
- 01023C\_069 Plot 68-69 - Plans
- 01023C\_070 Plot 70-71 - Elevations
- 01023C\_071 Plot 70-71 - Plans
- 01023C\_072 Plot 72-79 - Elevations 1
- 01023C\_073 Plot 72-79 - Elevations 2
- 01023C\_074 Plot 72-79 - Plans 1
- 01023C\_075 Plot 72-79 - Plans 2
- 01023C\_080A Plot 80 - Elevations
- 01023C\_080B Plot 80 - Plans
- 01023C\_081A Plot 81-82 - Elevations 1
- 01023C\_081B Plot 81-82 - Elevations 2
- 01023C\_082 Plot 81-82 - Plans
- 01023C\_083A Plot 83 - Elevations
- 01023C\_083B Plot 83 - Plans
- 01023C\_084 Plot 84-91 - Elevations 1
- 01023C\_085 Plot 84-91 - Elevations 2
- 01023C\_086 Plot 84-91 - Plans 1
- 01023C\_086 Plot 84-91 - Plans 2
- 01023C\_086 Plot 84-91 - Plans 3
- 01023C\_092 Plot 92-94 - Elevations
- 01023C\_093 Plot 92-94 - Plans
- 01023C\_095 Plot 95-106 - Elevations 1
- 01023C\_096 Plot 95-106 - Elevations 2
- 01023C\_097 Plot 95-106 - Plans 1
- 01023C\_098 Plot 95-106 - Plans 2
- 01023C\_099 Plot 95-106 - Plans 3
- 01023C\_107A Plot 107-108 - Elevations 1
- 01023C\_107B Plot 107-108 - Elevations 2
- 01023C\_108A Plot 107-108 - Plans 1
- 01023C\_108B Plot 107-108 - Plans 2
- 01023C\_109 Plot 109-110 - Elevations 1
- 01023C\_110 Plot 109-110 - Plans
- 1581-002E Thornet Wood Community Open Space
- 1581-003D Residential Landscape Masterplan
- 1581-004E Village Green Landscape Plan

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work on the site in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Written Scheme of Investigation.

4. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall:
- a) Include measures for noise and vibration mitigation during each phase of construction, together with plans to monitor noise and vibration during construction;
  - b) Include details of lighting requirements during construction;
  - c) Include a Dust Management Plan to minimise dust and emissions including an inventory and timetable of dust generating activities, emission control methods and where appropriate air quality monitoring;
  - d) Measures on avoiding impacts to nesting birds during clearance of the site;
  - e) A plan showing habitat areas to be specifically protected during the works and how they shall be protected (i.e. with fencing). This shall include the 15m buffer zone to the Ancient Woodland, the extent of the Ancient Woodland can be seen in drawing 1581-002E;
  - f) Any necessary pollution protection methods; and
  - g) Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The CEMP measures shall be implemented and maintained for the course of the development works.

5. No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority, 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) Programme of works (including measures for traffic management);
  - e) Provision of boundary hoarding behind any visibility zones;
  - f) HGV deliveries and hours of operation;
  - g) Vehicle routing such that HGVs access the site from the north along Effingham Common Road at all times, and avoid the use of The Street, Lower Road, Church Street, and Orestan Lane;
  - h) Measures to prevent the deposit of materials on the highway;
  - i) No HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm;
  - j) Details of how the lay-up and waiting of HGVs associated with the development in Lower Road, Orestan Lane, Effingham Common Road, Church Street, Manorhouse Lane or The Street during these times (set out in (i)) shall be discouraged; and
  - k) on-site turning for construction vehicles.

The CTMP measures shall be implemented and maintained for the course of the development works.

6. No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority that demonstrates how waste generated from construction and excavation activities would be dealt with in accordance with the waste hierarchy. The development

shall only be carried out in accordance with the approved Site Waste Management Plan which shall subsequently be kept up-to-date throughout the development process in accordance with established methodology.

7. No development shall commence (excluding works for the site access) until details of a woodland management plan have been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to details on exclusion zones, public access, root protection zones and details of interpretation boards which provide information on the Ancient Woodland and its management. The extent of the Ancient Woodland can be seen in drawing 1581-002E. The approved details shall be implemented and thereafter maintained as approved.
8. No development shall commence (excluding site preparation/ earthworks/ enabling works) 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 shall satisfy the Sustainable Drainage Systems Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework (2021) and Ministerial Statement on SuDS (December 2014). The required drainage details shall include:
  - a) Evidence that the proposed drainage solution shall effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The proposed drainage solution shall follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 7.6 l/s;
  - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (such as silt traps and inspection chambers);
  - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site shall be protected from increased flood risk;
  - d) Proposed point of discharge to public network, method of connection (pumped or gravity) etc;
  - e) Details of drainage management responsibilities and maintenance regimes for the drainage system; and
  - f) Details of how the drainage system shall be protected during construction and how runoff (including any pollutants) from the development site shall be managed before the drainage system is operational.The development shall be built in accordance with the approved details and thereafter maintained as approved.
9. No development shall commence until levels details including the existing and proposed ground, finished floor, ridge height and hard surfaced areas levels, a datum point and spot heights of the adjoining building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved levels.
10. No development shall take place until a finalised Arboricultural Method Statement detailing all aspects of construction and staging of works) and a

finalised Tree Protection Plan, in accordance with British Standard 5837:2012, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

11. No development (including demolition, site clearance and groundworks) shall commence until, a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be based on the recommendations within section 6 of Technical Annex 5 of the Environmental Statement, Report Ref. DFA21024 (Derek Finnie Associates, 2021). All approved details shall be implemented in full prior to the first occupation of the development (or in accordance with a timetable that has previously been approved in writing by the Local Planning Authority) and in accordance with the Reptile Mitigation Strategy.
12. Prior to the commencement of development above the damp proof course level, large scale plans to a scale of at least 1:20 shall be submitted to and approved in writing by the Local Planning Authority for:
  - a) Fenestration details including depths of reveal, sections, mouldings, glazing bars, trickle vents, materials, finishes and method of opening;
  - b) Pattern/header brickworks and pattern hanging tile work;
  - c) Headers and cills;
  - d) Balcony, access ramp and other balustrading, excluding the use of glass and sheet materials;
  - e) Garage doors, including panelisation, glazed window and door within a door (where practicable)
  - f) Porches;
  - g) Chimneys;
  - h) Roof verges and eaves including brick corbels;
  - i) Dormer windows;
  - j) Standing seams to metal roofs;
  - k) Fascias and soffits; and
  - l) Rainwater goods, vents and flues.

The development shall be carried out in accordance with the plans approved by the Local Planning Authority.

13. Prior to the commencement of development above the damp proof course level, details and samples of the proposed external facing and roofing materials and any hardstanding materials, including colour and finish, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.



14. Prior to the commencement of development other than the access and groundworks, details shall be submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to each dwelling/building hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of each dwelling where practicable or supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP.
15. Prior to the first occupation of the development hereby approved, a Refuse Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include refuse collection and storage points. The approved details shall be installed and made available for use before the first occupation of the dwellings that they serve. Thereafter, the approved details shall be retained for the lifetime of the development.
16. Prior to the commencement of development other than the access and groundworks, details shall be submitted to and approved in writing by the Local Planning Authority for the layout of internal roads, footways and cycle routes, including details of the following:
  - a) Visibility splays (including pedestrian inter-visibility splays) for all road users;
  - b) Pram crossing points;
  - c) Any required signage; and
  - d) Road markings.The approved details shall be implemented before the first occupation of the development and all internal roads, footways and cycle routes shall remain open and accessible to the public thereafter. There shall be no obstruction to visibility splays between 0.6m and 2m high above ground level.
17. No development shall commence until a contaminated land remediation scheme is submitted to and approved in writing by the Local Planning Authority, including details of the following:
  - a) Documentary proof together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy;
  - b) Post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste material has been removed from the site before the development hereby permitted is occupied by any person not directly involved in constructing the development.The development shall be implemented in accordance with the approved details and maintained thereafter.
18. Prior to first occupation a plan indicating the positions, height, species (if applicable), design, materials, and type of boundary treatment to be implemented within and around the site, and a timetable for carrying out the works shall be submitted to and approved in writing by the Local Planning

- Authority. The boundary treatment(s) shall then be implemented in accordance with the approved details and permanently maintained thereafter.
19. Prior to the first occupation of the development (or phased in accordance with a scheme which is first to be submitted to and approved in writing by the Local Planning Authority), a verification report carried out by a suitably qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed in accordance with the approved scheme (or detail any minor variations), provide the details of any management company engaged to manage the drainage system and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls) and confirm any defects have been rectified.
  20. The development hereby approved shall accord with the approved plans (drawing number 01023C\_MP02 Rev\_P01) for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, to be implemented before the first occupation of the dwellings that they serve. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
  21. Prior to first occupation, the secure, covered, lit cycle storage facilities shall be laid out within the site in accordance with the approved plans (drawing numbers 01023C\_G06 Rev\_P01, No. 01023C\_G07 Rev\_P01, 01023C\_G08 Rev\_P01 & No. 01023C\_097 Rev\_P01) for cycles to be parked to serve the blocks of flats within the site. Thereafter the cycle parking facilities shall be maintained for their designated purpose.
  22. Prior to first occupation of the dwellings or apartment blocks that they serve, each of the proposed cycle parking spaces within garages and at least 20% of cycle spaces within communal storage facilities shall be provided with an electrical plug socket for the charging of electric bicycles, and maintained as such thereafter.
  23. Prior to first occupation of each of the proposed dwellings (flat or house) details of fast charge sockets for electric cars (current minimum requirements – 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the dwellings that they serve and maintained thereafter.
  24. Prior to first occupation of the development, details of (i) where one electric car club vehicle shall be provided on the site; (ii) how the car club shall be promoted as part of sales and marketing of the development; and (iii) details of membership offers to be provided for residents; for example, one year's free membership and some free drive time shall be submitted to and approved in writing by the Local Planning Authority. The car club parking space shall be provided with a fast-charge electric vehicle charging point (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) and nearby to accessible cycle parking facilities. The car club space shall be provided in accordance with a timetable to be approved in writing by the Local Planning Authority and the car club space, vehicle and facilities shall remain in place and operational for at least a period of five years following the first provision of the car club. Thereafter, the demand for the car club shall be reviewed through the Travel Plan monitoring process.

25. Prior to the first occupation of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document. The approved Travel Plan shall be implemented in accordance with a timetable to be approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be maintained and developed in line with the approved timetable.
26. Prior to the first occupation of the development, the improvements to the junction of Lower Road, Church Road and High Street in Great Bookham shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
27. Prior to the first occupation of the development, the capacity improvements to the signalised junction of The Street, Guildford Road and Beech Avenue shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be in general accordance with drawing number 2012009-05 of the Transport Assessment (issue date 20 April 2021) and the junction controller shall be updated to incorporate Microprocessor Optimised Vehicle Actuation technology to the satisfaction of the Local Planning Authority.
28. Prior to first occupation of the development hereby permitted a landscape and ecological management plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. Depending on the time period between the completed ecological surveys and the commencement of development activities, updated survey works may be required prior to drafting this plan. The plan shall also include the additional elements listed below:
  - a) Aims and objectives of the management plan;
  - b) Description of the ecological features of the site to be managed and habitat condition to be achieved;
  - c) Ecological trends and constraints on site that might influence management;
  - d) Details of maintenance regimes for each habitat type supported by a detailed map
  - e) Timings of maintenance activities and ecological considerations;
  - f) Landscape maintenance for a minimum period of 10 years, including timings, work programmes, replacements etc;
  - g) Details of the ecological enhancements;
  - h) Monitoring for and control of non-native invasive species;
  - i) Details of on-going ecological survey work to further shape the Management Plan details of management responsibilities;
  - j) All native planting is to be of local provenance; and
  - k) Details of the legal and funding mechanism(s) by which long term implementation of the plan shall be secured by the developer with the management body responsible for its delivery.The LEMP shall be implemented in accordance with the approved details and thereafter maintained.

29. Prior to first occupation, a water efficiency statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of water management measures that achieve a maximum water usage of 110 litres per person per day and prioritises demand reduction measures over supply measures for each dwelling.
30. Before the development hereby approved is commenced, a plan showing the location of the 11 Building Regulations 'accessible and adaptable dwellings M4(2) and the six Building Regulations M4(3)(2) wheelchair accessible dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
31. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 and 1330 Saturdays and at no time on Sundays or Bank / National Holidays.
32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification) any garage or car barn which has been approved with open sides, fronts or backs shall remain as such in perpetuity and they shall not be further enclosed in full or in part at any time.
33. Before the first occupation of the development a certificate demonstrating that Secured by Design has been successfully achieved shall be submitted to and approved in writing by the Local Planning Authority.
34. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise approved in writing by the Local Planning Authority.
35. The development hereby permitted shall be built in accordance with the measures, processes and standards set out in the following documents:
  - Energy Statement Rev B (prepared by Southern Energy Consultants, dated 28/02/2022).
  - Supplementary Sustainability Statement (prepared by Berkeley Homes, dated February 2022)
  - Sustainable Specification and Procurement Policy (prepared by Berkeley Group PLC, dated June 2017)The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
36. Prior to the occupation of each completed building, a pressure test shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority. Where a pressure test does not meet the standards proposed in the Energy Statement Rev B (prepared by Southern Energy

Consultants, dated 28/02/2022) (a maximum air leakage rate of 4m<sup>3</sup>/h.m<sup>2</sup>@50Pa) the building shall be brought up to standard prior to the occupation of each completed building.

37. No above ground works shall take place (excluding ground works and construction up to damp proof course and the construction of the access) until a Sensitive Lighting Management Plan (to comply with 'Bats and Lighting in the UK - Bats and Built Environment Series) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the works. The development shall then be carried out in accordance with the approved details.

#### *Outline*

38. The self-build units hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latter.
39. Details of the appearance, landscaping, layout, and scale, hereinafter called "the reserved matters" shall be submitted to and approved in writing by the Local Planning Authority before any development begins on the site of the self-build plots and the development shall be carried out as approved.
40. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
41. The outline development hereby permitted shall be carried out in accordance with the design parameters set out in pages 74-86 of the Design and Access Statement as well as approved plans: 01023C\_S01 P01 and 01023C\_MP02 P01.