



## Appeal Decision

Inquiry opened on 28 May 2025

Site visit made on 30 May 2025

by **David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> June 2025

**Appeal Ref: APP/M3645/W/24/3355743**

**Land West of Chapel Road, Smallfield, Surrey RH6 9JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by B Yond Homes Ltd against the decision of Tandridge District Council.
- The application reference is TA/2023/1464.
- The development proposed is described as: *residential development (Use Class C3) comprising up to 270 dwellings; private parking; landscaping and public open space; SuDS; and flood alleviation measures. (Outline application with all matters reserved save for access).*

### Decision

1. The appeal is allowed and planning permission is granted for residential development (Use Class C3) comprising up to 270 dwellings; private parking; landscaping and public open space; SuDS; and flood alleviation measures (Outline application with all matters reserved saved for access) at Land West of Chapel Road, Surrey RH6 9JH in accordance with the terms of the application, reference TA/2023/1464, subject to the conditions in the attached schedule.

### Application for costs

2. An application for a partial award of costs was made by B Yond Homes Ltd against the Council. This application will be the subject of a separate decision.

### Preliminary matters

3. The Inquiry sat for three days on 28 and 29 May and 3 June 2025. By agreement with the parties, I carried out an unaccompanied site visit on 30 May 2025.
4. The application was submitted in outline with all matters, other than access, to be reserved for subsequent approval. The application was accompanied by a series of parameter plans, with the intention that any reserved matters applications would be in accordance with those parameters. This could be secured by a condition. The application was also accompanied by an illustrative landscape masterplan, which I have taken into account having regard to its illustrative status.
5. In response to a question raised by me at the case management conference, the Council and the appellant agreed that the words "*and land reserved for education use*" should be deleted from the description of development that had been determined by the Council. This was on the basis that reserving land is not in itself an act of development. Nevertheless, the appellant's intention to reserve land for the potential relocation of Burstow Primary School was clear from the application documents.

6. Discussions on a draft section 106 agreement (the Agreement) continued during the course of the Inquiry. I therefore allowed a short period after the close of the Inquiry for the document to be signed. The substance of the signed version, dated 13 June 2025, is the same as the final draft that was discussed on Day 3 of the Inquiry<sup>1</sup>.
7. The Agreement would make provision for financial contributions to improving an adjoining public right of way, travel plan monitoring, and a traffic regulation order intended to reduce the speed limit on Chapel Road. In addition, it would provide for:
  - a) off-site highways works;
  - b) affordable housing;
  - c) public open space;
  - d) flood relief works;
  - e) establishment of a management company; and
  - f) making land available for the relocation of Burstow Primary School.
8. The Council submitted a note explaining how the various planning obligations would accord with Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010. Surrey County Council (SCC) also submitted notes relating to the school land provisions. The obligations were not controversial and, at the Inquiry, no party suggested that any of them would fail to meet the tests set out in the CIL Regulations. I comment further below on the obligations relating to school land and affordable housing. In relation to the rest of the obligations, I see no reason to take a different view to the parties and I have taken them into account accordingly.
9. The application was accompanied by an Environmental Statement (ES). I have had regard to the environmental information in reaching my decision.
10. Burstow Parish Council submitted a written representation on Day 3<sup>2</sup>. As it was too late for this to be considered in evidence, I allowed a short period after the close of the Inquiry for the parties to make written comments in response.
11. The development plan includes the Tandridge Core Strategy (2008) (CS) and the Local Plan Part 2 Detailed Policies (2014) (LP2). The Surrey Minerals and Waste Development Framework also forms part of the development plan but the Council and the appellant agreed that it contains no policies that are relevant to this appeal.

## **Main issues**

12. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;

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<sup>1</sup> ID12

<sup>2</sup> ID20

- the effect of the proposal on the character and appearance of the area; and
- the nature and extent of any economic, social and environmental benefits.

## Reasons

### ***Whether the proposal would be inappropriate development in the Green Belt***

13. The appeal site is designated as Green Belt in the CS. It adjoins the settlement of Smallfield, which is inset from the Green Belt. In May 2024, the Council refused planning permission for reasons which included that the proposal would represent inappropriate development in the Green Belt and that the very special circumstances needed to justify such development had not been shown. At that time, the appellant accepted that the proposal was inappropriate development and that it was therefore necessary to demonstrate very special circumstances.
14. The National Planning Policy Framework (the Framework) was revised in December 2024. The changes to Green Belt policy included the introduction of the concept of grey belt. Paragraph 155 of the Framework states that the development of homes in the Green Belt should not be regarded as inappropriate where:
  - a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b) there is a demonstrable unmet need for the type of development proposed;
  - c) the development would be in a sustainable location; and
  - d) the development meets the “*Golden Rules*.”
15. The Council did not suggest that the development would fundamentally undermine the purposes of the remaining Green Belt across the area of the CS. The Council and the appellant agreed that there is a demonstrable unmet need for housing, given that the most recent assessment of housing land supply indicates a supply of 1.92 years. Moreover, in the latest published housing delivery test (2023), the Council was found to be providing only 42% of the housing requirement. It was also agreed that the development would be in a sustainable location because the site abuts the built-up area of Smallfield and is accessible with respect to public transport and local services.
16. The Council and the appellant agreed that the proposal would meet the Golden Rules set out in paragraph 156 of the Framework because:
  - a) 49% of the housing would be delivered as affordable housing, which would be 15 percentage points above what the CS requirement would otherwise be;
  - b) the proposal would deliver improvements to local infrastructure, namely flood alleviation works and highways improvements; and
  - c) the proposal would create new green spaces that would be accessible to the public.

17. I share the conclusions of the Council and the appellant on the above points. It follows that, if the appeal site is found to be grey belt land, the appeal scheme would not amount to inappropriate development in the Green Belt. At the Inquiry, the appellant argued that the site should be regarded as grey belt, whilst the Council argued that it should not.
18. The definition of grey belt set out in the glossary to the Framework is land which does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. Land may also be excluded from grey belt by virtue of the policies referred to in footnote 7, but none of those provide a strong reason for restricting development here. The Council and the appellant agreed that the site does not contribute strongly to purpose (b) (preventing neighbouring towns from merging) or purpose (d) (preserving the setting and special character of historic towns). The Council's case was that the site does contribute strongly to purpose (a) which is "*to check the unrestricted sprawl of large built-up areas.*"

*Is Smallfield a large built-up area?*

19. Planning Practice Guidance (the Guidance) states that, when making planning judgements about whether land is grey belt in relation to purpose (a), villages should not be considered large built-up areas<sup>3</sup>. Neither the Framework nor the Guidance provides a definition of "*large built-up area*" or "*village*." The question of whether Smallfield is a village, and therefore not a large built-up area, is a matter of planning judgement. This approach is consistent with caselaw drawn to the attention of the Inquiry.<sup>4</sup>
20. To my mind it is relevant, when making that judgement, to have regard to the development plan. CS Policy CSP 1 addresses the location of development. Settlements are defined as Category 1 Settlements, which are described as "*the existing built-up areas of the District*," and Category 2 Settlements, which include Larger Rural Settlements (such as Smallfield) and Green Belt Settlements. The policy includes the following:

*"There will be no village expansion by amending the boundaries of either the Larger Rural Settlements or Green Belt Settlements."*

21. It follows that, in the terms of the CS, a village may be either a Larger Rural Settlement or a Green Belt Settlement. The supporting text refers directly to Smallfield, saying that "*There is likely to be some redevelopment proposed in the village...*"<sup>5</sup> LP2 Policy DP11 deals with development in Larger Rural Settlements but does not help with deciding whether Smallfield is a village. However, the supporting text does refer to "*The villages of Smallfield and Lingfield...*"<sup>6</sup>
22. In my view the development plan as a whole provides a clear indication that Smallfield is a village. However, it is not determinative because it predates the provisions of the Framework and Guidance that are pertinent here. Other factors need to be taken into account. The Council drew attention to a Green Belt Assessment (2015). This formed part of the evidence base for a local plan that ultimately was not taken forward. Nevertheless, it is a material consideration. The

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<sup>3</sup> The Guidance - Reference ID: 64-005-20250225

<sup>4</sup> R (on the application of David Tate) v Northumberland County Council [2017] EWHC 664 (Admin) – CD11.5.4

<sup>5</sup> CD5.1 – paragraph 6.16

<sup>6</sup> CD5.2 – paragraph 11.1

assessment for the Green Belt parcel that includes Smallfield and the appeal site notes that:

*"Smallfield is a built-up area that is inset from the Green Belt."*<sup>7</sup>

23. Although the text does not say that Smallfield is a large built-up area, it can be inferred that the authors believed that it was because they were carrying out an assessment of the parcel against Purpose 1, which was to check the unrestricted sprawl of large built-up areas. Although this is a factor which supports the Council's position, the weight to be attached to it is tempered by the fact that this document was never tested through examination because the plan did not proceed. Moreover, it pre-dated the recent changes to the Guidance which say that villages should not be considered to be large built-up areas.
24. A recent appeal decision at Daws Heath Road, Hadleigh<sup>8</sup> included a discussion of whether Daws Heath is a town or a village for the purposes of the updated Framework and Guidance. In approaching that question, the Inspector had regard (amongst other matters) to the scale of the settlement and the range of services and facilities that it offered. I agree that those are relevant factors to take into account. The Council drew attention to the Tandridge District Settlement Hierarchy (TDSH) (2015), which provides evidence on these matters. This document was also part of the evidence base for the local plan that was being prepared at that time.
25. The TDSH places Smallfield in the second tier of settlements, below the urban settlements that are in Tier 1. Smallfield is characterised as a Semi-Rural Service Centre. Table 5 of the TDSH says, in relation to services and facilities:

*"...these stand-alone areas cater comfortably for day to day needs of the community and provide access to a range of other facilities including community, recreational and health facilities."*<sup>9</sup>
26. From the evidence before the Inquiry, together with what I saw on my visit, that appears still to be a fair description of Smallfield. The TDSH goes on to say that:

*"These settlements are characterised as semi-rural in nature due to their size, character and population which is generally higher than the majority of settlements in the district but notably lower than the urban settlements."*
27. Table 4 of the TDSH sets out approximate populations by settlements. The individual figures may have changed over time, but there is no evidence that the overall pattern of population distribution has altered significantly. It can be seen from the Current Settlement Categories Map that some of the settlements listed individually in Table 4 are contiguous with other settlements, thereby forming Main Urban Areas such as Limpfield/Oxted/Hurst Green and Warlingham/Whyteleafe. When the population of Smallfield, which is given in Table 4 as 3,800, is compared with those of the Main Urban Areas, it can be seen that it is indeed notably lower.
28. Drawing all this together, I conclude that Smallfield is a village. Mindful of the Guidance, it cannot therefore be a large built-up area. I acknowledge that it is one of the larger villages in the District and I can understand why the TDSH identified it

<sup>7</sup> CD7.26 – paragraph D.39.6

<sup>8</sup> APP/M1520/W/24/3351658 - CD12.2

<sup>9</sup> CD6.9 – table 5

as a Semi-Rural Service Centre.<sup>10</sup> However, in my view, those characteristics do not elevate Smallfield from being a village to being a large built-up area.

29. I note that my conclusion on this point accords with recent appeal decisions relating to Land South of Plough Road, Smallfield<sup>11</sup> in which the Inspector found that Smallfield is not a large built-up area. Whilst it appears that the point was not contentious in that appeal, this is nevertheless a further factor indicating that Smallfield is a village.

#### *Conclusions on Green Belt*

30. The appeal site cannot contribute strongly to purpose (a) because Smallfield is not a large built-up area. It is agreed that the site does not contribute strongly to purposes (b) or (d), so it is grey belt land. For the reasons given above, the proposal would meet the criteria of paragraph 155 of the Framework. It follows that the proposal should not be regarded as inappropriate development.
31. Footnote 55 of the Framework states that the requirement (set out in paragraph 153) to give substantial weight to any harm to the Green Belt, including harm to its openness, does not apply in circumstances where the development is on grey belt land and is not inappropriate. The Guidance states that, where development is not inappropriate in the Green Belt, the test of impacts to openness or to Green Belt purposes are addressed and that a proposal does not have to be justified by very special circumstances.<sup>12</sup> Accordingly, it is not necessary for me to discuss openness or purposes further under this first main issue. The effect on the open character of the site is, separately, relevant to the second main issue.
32. The proposal would not conflict with National policy on the Green Belt, as set out in the Framework and Guidance. The proposal would conflict with LP2 Policies DP10 and DP13 which seek to protect the Green Belt from inappropriate development. However, those policies are out-of-date because they pre-date recent changes to National policy on Green Belt. I therefore attach limited weight to this conflict.

#### ***The effect of the proposal on the character and appearance of the area***

33. The appeal site comprises a large open field of around 15ha which is currently used for grassland farming. It lies immediately to the north of the built-up area of Smallfield, with the rear gardens of houses at Carey's Wood backing on to the site boundary. To the west, the site is bounded by a bridleway which forms part of the Tandridge Border Path (TBP). To the north west there are some industrial units at the end of Rookery Lane, and to the north east there are some detached houses in large plots in the vicinity of the Chapel Road/Rookery Lane junction. Most of the northern site boundary adjoins further agricultural land. To the east, the site is bounded by Chapel Road. On the eastern side of Chapel Road there is a ribbon of residential development, in the main comprised of bungalows set back from the road.

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<sup>10</sup> Inspector's note – the TDSH has not been tested through examination and my conclusions on these matters are made solely for the purpose of this appeal decision.

<sup>11</sup> CD12.3 - APP/M3645/C/24/3357967

<sup>12</sup> The Guidance - Reference ID: 64-014-20250225. ID10 – *R (on the Application of Lee Valley Regional Park Authority) v Epping Forest District Council* [2016] EWCA Civ 404 is also relevant to this point.

34. Land further to the west, north and east is predominantly in open agricultural uses. The M23 motorway is a few hundred metres to the west of the site. Whilst it cannot be seen, due to intervening vegetation, traffic noise is audible within the site.
35. The site itself is largely free of built development, although there are some power lines crossing the northern part and there is a World War Two pillbox in the north west corner. The boundaries are generally contained by mature hedges. These hedgerows, together with individual trees within the hedgerows and rows of mature trees in the back gardens of Carey's Wood and the verge of Chapel Road, make an important positive contribution to the character and appearance of the area.

#### *Assessment of the baseline*

36. The ES included a Landscape and Visual Impact Assessment (LVIA) which notes that the Surrey Landscape Character Assessment placed the site within landscape type *WF: Low Weald Farmland*. This landscape type is divided into a number of landscape character areas (LCA), in which the appeal site is within *WF3: Horley to Swaynesland Low Weald Farmland*. The key characteristics of the LCA are noted as including a low-lying, broadly undulating landform, medium-large arable fields with areas of smaller pastoral fields, a consistent network of well-maintained hedges, dispersed blocks of woodland, and a comprehensive network of public rights of way including the TBP. The appeal site reflects these characteristics.
37. The Council drew attention to the Tandridge Landscape Capacity and Sensitivity Study (2016)<sup>13</sup> which identifies the appeal site as SMA013. This study stressed the role of the site in providing an open rural setting along the approach to Smallfield. The appeal site was found to have a high level of sensitivity, a moderate landscape value and, overall, a low level of capacity for housing development. The study concluded that development would have a significant detrimental effect on visual amenity and the character of the area.
38. The site is not subject to any landscape designations and it is common ground that it does not constitute a valued landscape, in the terms of paragraph 187 of the Framework.
39. Notwithstanding the lack of any formal designation, I consider that the appeal site is an attractive tract of countryside which is consistent with, and contributes to, the key characteristics of the LCA of which it forms a part. It is largely free from built development. However, it is not free of all urban influences, with housing areas to the south and south west and ribbon development to the east being visible. The power lines also represent an urban influence and motorway noise reduces the sense of tranquillity. The open character of the site allows for views from Chapel Road and the TBP. These are not long distance views, because they are contained by a framework of mature hedgerows and trees around the edges of the site and to the east of Chapel Road. Nevertheless, they are attractive views which contribute positively to the character and appearance of the area and the setting of Smallfield.

#### *The appeal scheme*

40. The appeal scheme was submitted in outline, with only access to be determined at this stage. However, it was supported by a Design and Access Statement (DAS)

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<sup>13</sup> CD7.1

which described the evolution of the proposal. It was also accompanied by parameter plans which define development zones, areas for green infrastructure, primary access routes, pedestrian and cycle access points, building heights and densities. It is intended that the reserved matters submissions would conform to the parameter plans. A condition to this effect has been agreed by the Council and the appellant. I have therefore taken this information into account in my assessment. There is also an illustrative masterplan, which I have had regard to, mindful of its illustrative status.

41. The proposed housing would be concentrated in the central parts of the site. The area to the north of the power lines would form a significant element of green infrastructure, incorporating a flood storage basin and public open space. Development would also be set back from the western boundary, with surface water drainage basins and public open space between the proposed houses and the TBP. The width of the set-back would vary, avoiding the appearance of a hard edge facing the TBP. On the Chapel Road side, there would be a small triangular green marking a point of arrival into the scheme. Development would be relatively close to Chapel Road and the illustrative masterplan indicates a more formal layout with a more-or-less consistent building line.
42. Although there are important tree groups around the site, there are few trees within the site itself. The arboricultural impact assessment identifies that there would be minimal direct loss of existing trees. The parameter plans indicate that there would generally be open space or (potentially) school grounds in the parts of the appeal site closest to the important off-site trees. The illustrative masterplan identifies scope for extensive tree planting within the proposed open spaces and through the planting of street trees along the primary access routes.
43. As appearance, landscaping, layout and scale would be reserved matters, the detailed design of the scheme is not before me. Nevertheless, I consider that the parameter plans, together with the DAS and illustrative material, could form the basis for a good design solution to be brought forward at reserved matters stage. They also show, at a broad level, how such a scheme could respond to the landscape context of the site.

#### *Landscape effects*

44. The proposal would have a major impact on the landscape resource and vegetation cover of the site itself, with an open pastoral landscape being replaced with housing, roads and associated development. It is important to note that the site is characteristic of the wider LCA. On the other hand, the effects would be localised due to the visual containment of the site. Moreover, I consider that the scheme design, at a broad level, shows how the layout and landscaping could respond to the landscape context by reinforcing existing landscape features and through new planting.
45. The Council emphasised the conclusions of the Tandridge Landscape Capacity and Sensitivity Study, which concluded that the site has a low level of capacity for housing development. However, the nature of a capacity study is that it comes to a combined conclusion on landscape and visual effects. The LVIA, and hence the ES of which it forms a part, follow the Guidelines for Landscape and Visual Assessment 3 (GLVIA3) approach of assessing landscape and visual effects separately. Moreover, when dealing with a specific proposal, it is relevant to take

account of any mitigation that is embedded in the scheme. It is also important to note that, at the Inquiry, the Council's witness did not express concern about the landscape effects. His objections to the proposal focussed on the visual effects that are discussed below.<sup>14</sup>

46. Consequently, I attach greater weight to the LVIA than to the Tandridge Landscape Capacity and Sensitivity Study. That said, I have had regard to both documents before forming my own view, which is also informed by my site visit. The LVIA concludes that the overall effect on the landscape of the WF3: *Horley to Swaynesland Low Weald Farmland LCA* would be minor. I agree with that conclusion.

#### *Visual effects*

47. The LVIA assessed visual effects on the occupiers of residential properties, users of public rights of way and users of transport routes. The receptors of most concern to the Council were users of the TBP and residents of Chapel Road.
48. The residents of houses to the east of Chapel Road, as well as users of Chapel Road, currently experience open views across the site. It is right to note that the extent of visibility will vary, depending on the seasons and the way the boundary hedge is managed. It is also relevant to take account of the fact that there already some houses in view, to the south of the appeal site. Even so, these views have a predominantly rural character. The appeal scheme would result in a high degree of change, with the new housing being set relatively close to the road. The LVIA assessed this as a major adverse effect, for both residents and road users. I agree. The LVIA concluded that the effect would reduce over time as new planting matures. However, the plans show only limited scope for planting along the Chapel Road frontage. Whilst such planting would no doubt enhance the appearance of the new street elevation, I do not think that the level of visual impact would change much.
49. The TBP is a recreational route so it is to be expected that some of those using it will be doing so for the specific purpose of enjoying the countryside. The section of the TBP running north from Weatherhill Road to Burstow Lodge Farm passes between back garden fencing at its southern end. However, as the path reaches the appeal site, the views open up. There are hedgerows on either side of the path and the extent of the views available will vary with the seasons. Nevertheless, the path has an increasingly rural feel as one travels north. There are some urban influences, such as the power lines and glimpses of the houses to the east of Chapel Road. However, this section of the TBP provides an experience of being in the countryside. The appeal scheme would bring about a high degree of change which the LVIA, rightly in my view, assessed as major adverse.
50. The new houses would be set away from the western boundary, as described above. Subject to satisfactory detailed design, this could mitigate the effect somewhat. However, users of the TBP would still be aware that they were passing a housing estate, rather than an open field, so this would not be sufficient to change my assessment. The LVIA suggested that the effect would reduce over time. Whilst that may be so from the fixed viewpoint of Location 8, where the viewer would be looking across the proposed open space in the north of the site,

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<sup>14</sup> Inspector's note – in answer to a question from Mr Turney, Mr Johnson confirmed that his concerns related to visual effects

I do not think the visual effect for those travelling the length the path would alter very much.

51. The LVIA also identified major adverse visual effects for the residents of the houses to the south and south west of the site. For other residents, and for users of other footpaths and transport routes, the visual effects were assessed as being lower, and in many cases as minor. The Council did not take issue with these assessments and I agree that they are fair.

#### *Conclusions on character and appearance*

52. The proposal would have a major adverse effect on the landscape character of the site itself. However, the effects would be localised due to the visual containment of the site and the outline scheme design shows how the proposal could respond to the landscape context. The effect on the wider LCA would be minor. There would be major adverse visual effects for residents living close to the site, for users of the TBP and for users of Chapel Road. These visual effects would be limited to the immediate vicinity of the site, with lower levels of effect elsewhere.
53. The second reason for refusal refers to CS Policy CSP 18 and LP2 Policy DP7. These are design policies which, amongst other matters, require development to be of a high standard of design which respects the local context. Full compliance with these policies cannot be achieved at this outline stage, given that appearance, landscaping, layout and scale are reserved matters. Nevertheless, I have found that the outline scheme could form the basis for a good design solution to be brought forward at reserved matters stage. The proposal therefore accords with these policies as far as it can at this outline stage.
54. The proposal would not accord with Policy CSP 21 which seeks to conserve and enhance landscape character, because there would be harm to the landscape character of the site itself and, albeit minor, to the *WF3: Horley to Swaynesland Low Weald Farmland LCA*. I attach limited weight to this conflict because the policy is not consistent with the Framework.
55. For a landscape such as this, which is not a valued landscape in the terms of paragraph 187, the requirement in the Framework is to recognise the intrinsic character and beauty of the countryside. This contrasts with "*protecting and enhancing*," which is the requirement for valued landscapes. The DAS has described the evolution of the design and I consider that there has been a landscape-led design approach which recognises the character of the countryside. The Framework also seeks to recognise the character and beauty of trees and woodland. In this case, I have found that trees are important to the character and appearance of the area. The appeal scheme would cause minimal loss of existing trees and would provide scope for extensive tree planting.
56. Drawing all this together, I conclude that there would be some harm to the character and appearance of the area, including both the landscape and visual effects described above. I attach moderate weight to that harm in the overall planning balance.

### ***The nature and extent of any economic, social and environmental benefits***

#### *Housing, including affordable housing*

57. The proposal would deliver 270 dwellings. The Council cannot currently demonstrate a five year housing land supply. The latest published position is a supply of just 1.92 years, which is clearly a very significant shortfall. Moreover, in the last published housing delivery test (2023), the Council was found to be providing just 42% of the housing requirements. In this context, I attach significant weight to the delivery of housing.
58. The affordable housing element would comprise 49% of the total (132 dwellings), split 75% affordable rent/social rent and 25% shared ownership. This tenure split is consistent with the Tandridge Housing Strategy 2019 - 2023. The proposal is in accordance with CS Policy CSP 4 which states that up to 34% of the dwellings should be affordable on sites of 10 units or more. Given the need for affordable housing in Smallfield, and in Tandridge generally, the Council and the appellant agree that significant weight should be attached to the delivery of affordable housing. I agree.
59. Paragraphs 7 to 10 of schedule 4 to the Agreement set out a procedure for an alternative affordable housing proposal. This would come into effect in the event that the affordable housing proposal before me could not be delivered. Paragraph 6 states that this provision will only have effect if this decision says it should. In my decision, I have had regard to the fact that the proposal would deliver affordable housing with a tenure split that would be in accordance with the Tandridge Housing Strategy 2019 - 2023. At the Inquiry, no party disputed that this would in fact be the case. The suggested procedure opens up the possibility that the affordable housing would not be in accordance with that strategy. In those circumstances, the scheme could differ materially from the scheme that I have assessed. I conclude that paragraphs 7 to 10 of schedule 4 should not come into effect.

#### *Flood risk*

60. Representations from residents of Smallfield express concerns about flood risk and draw attention to a history of flooding events in the settlement. The site itself is at low risk of flooding. The proposal includes a sustainable drainage system that would ensure that the scheme did not increase the risk of flooding elsewhere. This could be secured by a condition. The proposal would therefore accord with LP2 Policy DP21, which seeks to reduce the impact of flooding, for example through the use of sustainable drainage systems.
61. The proposal also includes a flood attenuation basin in the northern part of the site. During a flood event, the basin would hold surface water flows that would otherwise have added to the extent of flooding in Smallfield. Surface water flowing southwards along Chapel Road would also be diverted through the appeal site, away from the areas at greatest risk of flooding.
62. The effect of the flood alleviation works has been assessed for the appeal scheme in isolation and in combination with a development at Plough Lane. On either basis, the appeal proposal would reduce the number of properties in Smallfield that would be flooded in a 1 in 100 year design flood event. The ES identified a

major benefit from reduced risks of flooding. Given the significant social and economic impacts of flooding, this is a benefit to which I attach significant weight.

*Land for primary school*

63. Burstow Primary School is a two form entry (2FE) school currently serving Smallfield. It also takes pupils from nearby Horley and from some rural parishes. The Agreement would provide for the education land, which is shown on the application plans, to be offered to Everychild Partnership Trust (EPT) (the operator of Burstow Primary School), to another education provider agreed by SCC or to SCC itself for a nominal sum. A copy of an Agreement For Sale of the land to EPT was submitted to the Inquiry.<sup>15</sup> That agreement is conditional on the appellant company completing the purchase of the land from the current owners (under an existing option agreement) and EPT obtaining the consent of the Secretary of State for Education for the purchase. In the event of the appeal being allowed, there is no obvious reason why those conditions would not be met.
64. The existing school buildings date from the 1960s and a condition report has identified various operational and building management issues which make the school more costly to operate than a modern school building would be. Other disadvantages of the existing school are that it is at risk of flooding and that its playing fields are on a separate site. At the Inquiry, all parties agreed that the education land could accommodate either a 2FE or a 3FE primary school, and that relocating the school to the appeal site would be beneficial. In my view it is likely that there would be a significant gain in qualitative terms, even if the new school were only 2FE. The capability to expand to 3FE at a later date would also be beneficial.
65. SCC provided evidence about the need for primary school places that would arise from the appeal scheme. Those places would not be immediately available at Burstow Primary School. Looking ahead, when SCC's Horley and South Tandridge school planning areas are taken together, there is currently a need for additional primary school places. It is commonplace for financial contributions towards the provision of school places to be secured through planning obligations. However, I see no reason why the contribution of land for a school should not be regarded as consistent with the requirements of Regulation 122(2). I have therefore taken account of the education land planning obligation in my decision.
66. The provision of land is a necessary pre-condition for securing the relocation of Burstow Primary School but it does not follow that a new school (whether 2FE or 3FE) would necessarily be delivered. I note that EPT has stated its intention to deliver a new school in this location. However, the most significant impediment, to my mind, is the absence of any commitment on funding. Although reference was made to potential funding from the sale of the existing school site, there was no assessment of the costs of a new school or the potential sale value of the existing school site before the Inquiry. The uncertainty over delivery does not render the obligation irrelevant to the planning balance but it does affect the weight to be attached. In all the circumstances, I attach moderate weight to the benefit of providing the education land.

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<sup>15</sup> ID17

### *Public open space*

67. The proposal would provide open space, including an equipped play area. Whilst the open space is needed to meet the needs of the new residents, it is larger than the policy requirement for open space and the Agreement would secure its availability to the general public. I attach moderate weight to the benefit of providing public open space.

### *Other benefits*

68. The proposal would result in economic benefits through employment during the construction phase and spending in the local economy by new residents. The appellant attached minor weight to these benefits. I agree.
69. The scheme is intended to provide a biodiversity net gain (BNG) of 32% for habitats on site. Sustainable construction measures are proposed which would result in reduced carbon emissions. However, these gains/reductions are estimates at this outline stage. I attach minor weight to these benefits.
70. Insofar as the outline scheme represents good design, I have taken this into account in my assessment of the second main issue. I consider that the off-site highway works are mitigation for the transport impacts of the scheme, rather than being an additional benefit.
71. The Framework states that development which complies with the Golden Rules should be given significant weight in favour of the grant of permission. As discussed above, I have given significant weight to affordable housing, which is one of the contributions set out in the Golden Rules. I have also given significant weight to the scheme's contribution to flood alleviation infrastructure. Overall, I have taken account of the Framework whilst avoiding double counting any contributions.

### **Other matters**

72. Local residents have raised a number of concerns, some of which have been discussed above. Other matters raised by interested parties were as follows.

#### *Highways and traffic*

73. The application was accompanied by a transport assessment which identified the traffic increases that would result from the scheme. This information was reviewed by the Council and the highway authority, who raised no concerns in relation to highway safety or network capacity. The proposal includes measures to improve pedestrian and cycle accessibility. The off-site highway works, which would be secured by the Agreement, include traffic calming on Chapel Road, a new 2m footway on the west side of Chapel Road, a zebra crossing opposite the proposed school site, and a zebra crossing on the western arm of the Chapel Road/Weatherhill Road roundabout. There would also be pedestrian/cycle access points to the TBP. The ES identified that there would be significant benefits for pedestrians and cyclists. Overall, I consider that highways and transport issues have been appropriately assessed and that any residual impacts would be controlled by conditions and the Agreement. The proposal would accord with CS Policy CSP 12, which seeks to improve road infrastructure and facilities for pedestrians and cyclists.

### *Living conditions of nearby residents*

74. Impacts during construction would be mitigated through a Construction Environmental Management Plan, which would be secured by a condition. The LVIA identifies adverse visual effects, when comparing the proposed development to the existing open field. Nevertheless, there is nothing in the parameter plans or the illustrative masterplan that suggests that the new buildings would be of such a scale, or in such a location, that there would be harm to the living conditions of nearby residents due to effects on outlook.
75. In any event, the detailed design and layout of the new houses would be considered at reserved matters stage. This consideration would take account of matters such as overlooking and any effects on outlook. The Council and the appellant agree that there would be no unacceptable impacts in terms of noise or air quality. The proposal would accord with CS Policy CSP 18, insofar as that policy seeks to protect the amenities of neighbouring occupiers.

### *Biodiversity*

76. Impacts on ecology were assessed in the ES. Initially the Council had concerns about potential impacts on Great Crested Newt, which is a protected species. These concerns were addressed through the submission of further information and the Council did not pursue the third reason for refusal. As noted above, there would be limited impacts on existing trees and hedges and significant scope for new planting. The ES identified significant benefits for habitats and the projected BNG would be 32%. The suggested conditions include submission of a Biodiversity Net Gain Plan and a Landscape and Ecology Management Plan. I consider that impacts on biodiversity, including protected species, have been appropriately assessed and that the impacts could be managed and mitigated through the suggested conditions. The proposal would accord with CS Policy CSP 17, which seeks to protect biodiversity, and with LP2 Policy DP19, which seeks to avoid harm to protected species.

### *Infrastructure*

77. In addition to concerns about the primary school and drainage, which have been discussed above, there were concerns about impacts on NHS services and local shops/services. However, there were no objections from any statutory consultees on these matters. The ES identified a minor adverse effect, at the local level, in terms of primary healthcare. This was assessed as not significant.

### *Historic environment*

78. There are no designated heritage assets within the site. The heritage assessment identified four designated heritage assets in the locality:
  - Manor Cottage, a Grade II listed building located on Chapel Road, to the south east of the site;
  - Twyners Croft, a Grade II listed building located to the south west of the site, on Hathersham Close; and
  - Burstow Lodge, a Grade II\* listed building, together with barn to the south west of Burstow Lodge, a Grade II listed building, located to the north west of the site.

79. The Council's Historic Buildings Officer has not raised any concerns in relation to effects on these listed buildings. I agree because, in each case, the appeal site does not contribute to the setting or the significance of the listed buildings. Their settings would therefore be preserved.
80. Ebenezer Chapel and Nos 1 and 2 Woodlands Cottages are identified as non-designated heritage assets. Although they are located relatively close to the appeal site, on the opposite side of Chapel Road, the site does not contribute to the ability to experience these assets. Whilst there would be a change in their setting, there would not be any harm to their significance.
81. The World War Two pillbox located in the north west corner of the site is also identified as a non-designated heritage asset. The Historic Buildings Officer noted that the rural location of the pillbox makes a contribution to the significance of the asset in that it enables its defensive function to be appreciated. Under the proposed scheme, the pillbox would be located in an area of public open space, well separated from the nearest houses. Whilst I agree that there would be a small element of harm from bringing housing closer to the pillbox, this would be balanced by the proposal to repair and conserve the structure, to clear scrub and vegetation, to close entrances to protect it from unauthorised access and to implement a management plan for its future maintenance. These measures, which could be secured by a condition, would result in there being no net heritage harm.
82. I conclude that the proposal would accord with LP2 Policy DP20, which seeks to protect heritage assets. There would be no conflict with the policies of the Framework relating to the historic environment.

#### *Conclusion on other matters*

83. I conclude that the other matters discussed in this section do not add materially to the case against the appeal.

#### **Conditions**

84. The Council and the appellant agreed a schedule of suggested conditions which I have reviewed in the light of PPG. Whilst I have made some minor changes in the interests of clarity, the conditions that I have imposed are in substance the same as those discussed at the Inquiry. Some conditions require matters to be approved before development commences. This is necessary where conditions address impacts that would arise during construction or where they relate to design details that would need to be settled at an early stage.
85. Condition 3 requires the reserved matters to be in accordance with the Design Code and the parameter plans, in the interests of securing good design. Condition 4 requires a phasing plan to be submitted, to secure satisfactory phasing of the development and to ensure that affordable housing is provided in a co-ordinated way. Condition 5 requires the submission of a Tree Protection Plan and an Arboricultural Method Statement in the interests of the character and appearance of the area and biodiversity. Condition 6 requires submission of a surface water drainage scheme in order to manage risks of flooding and pollution. Condition 7 requires the scheme to achieve Secure by Design standards in the interests of community safety.

86. Condition 8 requires the submission of a lighting strategy, and Condition 9 requires submission of a Construction Environmental Management Plan, in the interests of safeguarding biodiversity including protected species. Conditions 10, 11 and 12 require submission of a programme of archaeological work, a scheme for conserving the World War Two pillbox and a scheme of interpretation of the pillbox in the interests of protecting the archaeological and historic significance of the site. Condition 13 requires submission of a Construction Transport Management Plan and Condition 14 requires the site accesses and visibility splays to be provided in accordance with the plans, in the interests of highway safety.
87. Condition 15 requires submission of a Biodiversity Net Gain Plan in order to ensure that BNG is secured. Condition 16 requires submission of hard and soft landscape works in the interests of the character and appearance of the area and biodiversity. Condition 17 requires submission of details of refuse storage in the interests of sustainable development. Condition 18 requires details of measures to promote use of renewable energy and low carbon heating, in the interests of mitigating impacts on climate change. Condition 19 requires submission of details of parking spaces in the interests of highway safety.
88. Condition 20 requires provision of electric vehicle charging points, Condition 21 requires details of cycle parking and Condition 22 requires submission of a travel plan. These conditions are needed in the interests of promoting sustainable transport choices. Condition 23 requires submission of details of car parking allocation, in the interests of highway safety and the amenity of future occupiers. Condition 24 requires submission of a verification report, in relation to the surface water drainage system, in the interests of managing risks of flooding and pollution. Condition 25 requires submission of a Landscape and Ecology Management Plan, in the interests of biodiversity.

## **Conclusion**

### *The development plan*

89. I have concluded that the proposal would conflict with the following policies of the development plan:
  - DP10 – Green Belt;
  - DP13 – buildings in the Green Belt; and
  - CSP 21 – landscape and countryside.
90. The proposal would accord with the following policies, to the extent that it can at this outline stage:
  - CSP 4 – affordable housing;
  - CSP 12 – managing travel demand;
  - CSP 17 – biodiversity;
  - CSP 18 – character and design;
  - DP7 – general policy for new development (design);
  - DP19 – biodiversity;

- DP20 – heritage assets; and
  - DP21 – sustainable water management.
91. Although the proposal would accord with a number of policies, it would conflict with policies on Green Belt and landscape and countryside. As these policies relate to the spatial strategy of the plan, I conclude that the proposal is contrary to the development plan as a whole. That said, I attach limited weight to the conflicts with policies DP10, DP13 and CSP 21 because these policies are not consistent with the Framework for the reasons given above.
- Other considerations*
92. The approach to decision making set out in paragraph 11(d) of the Framework is engaged by virtue of the housing land supply position and the housing delivery test results. That approach is not disengaged by footnote 7, because the relevant Framework policies (Green Belt and the historic environment) do not provide any strong reasons for refusing the proposal. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
93. The adverse effects that I have identified are harm to the character and appearance of the area, including the landscape and visual effects described above, to which I attach moderate weight.
94. The benefits that I have identified are:
- delivery of housing (significant weight);
  - delivery of affordable housing (significant weight);
  - flood alleviation works (significant weight);
  - land for primary school (moderate weight);
  - public open space (moderate weight); and
  - economic benefits, BNG and reduced carbon emissions (minor weight to each).
95. I conclude that the adverse effects do not outweigh the benefits. The approach to decision making set out in the Framework indicates that permission should be granted. In my view this outweighs the conflict with the development plan that I have identified. It follows that the appeal should be allowed.

*David Prentis*

Inspector

**APPEARANCES**

| <b>For the appellant</b>                                  |   |
|---|---|
| Richard Turney KC<br>and Edward-Arash<br>Abedian, Counsel | Instructed by B Yond Homes Ltd                            |
| Mark Flatman<br>CMLI DipLA (Hons)<br>BA(Hons)             | Liz Lake Associates                                       |
| Timothy Wood<br>BEng(Hons)<br>MCIWEM CWEM                 | TS Wood Consulting  |
| Sean Bashforth<br>BA MA MRTPI                             | Quod  |
| <b>For the Council</b>                                    |   |
| Edward Grant,<br>Counsel                                  | Instructed by the Solicitor to Tandridge District Council |
| Ian Johnson<br>BSc (Hons) MA<br>PG UD MRTPI               | Luken Beck Planning Consultancy                           |
| Hannah Middleton  | Principal Planning Officer, Tandridge District Council    |
| <b>For Surrey County Council</b>                          |   |
| Mike Singleton  | Education Place Planning Service                          |
| Melissa Clarke  | Senior Solicitor  |
| Halima Neem   | Team Lawyer   |
| <b>Interested parties</b>                                 |   |
| Cllr Deborah Hale   | Chair of Planning, Burstow Parish Council                 |
| Peter Bond  | Burstow Neighbourhood Planning Group                      |
| John Thorpe   | Local resident  |

## DOCUMENTS SUBMITTED AT THE INQUIRY

|      |   |
|------|---|
| ID1  | Appearances for the appellant   |
| ID2  | Appearances for the Council   |
| ID3  | Draft S106 Agreement  |
| ID4  | Addition to CIL Compliance Statement by Surrey County Council   |
| ID5  | Opening submissions for the appellant   |
| ID6  | Opening submissions for the Council   |
| ID7  | Additional written representation – Semmens   |
| ID8  | Additional written representation – Kerwood   |
| ID9  | Track change version of conditions schedule   |
| ID10 | Court of Appeal decision – Lea Valley Regional Park   |
| ID11 | Summary of School Land Agreement  |
| ID12 | Draft S106 Agreement  |
| ID13 | Appellant's note on Regulation 122  |
| ID14 | Costs application on behalf of the appellant  |
| ID15 | Additional written representation on behalf of Everychild Partnership Trust   |
| ID16 | Surrey County Council's note on Regulation 122 together with plans of Burstow and surrounding wards and South Tandridge Planning Area |
| ID17 | School Land Agreement dated 29 May 2025   |
| ID18 | Closing submissions for the Council   |
| ID19 | Closing submissions for the appellant   |
| ID20 | Additional written representation by Burstow Parish Council   |

## DOCUMENTS SUBMITTED AFTER THE INQUIRY

|  |              |
|--|--------------|
| The Council's response to the application for costs by the appellant               | 5 June 2025  |
| The appellant's comments on ID20 together with title plan                          | 5 June 2025  |
| The appellant's final reply to the Council's rebuttal to the application for costs | 5 June 2025  |
| Completed section 106 Agreement  | 13 June 2025 |

## CONDITIONS

- 1) Before any development hereby permitted starts, approval of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority. Detailed plans and particulars of the reserved matters shall be submitted in writing not later than three years from the date of this permission and shall be carried out as approved.
- 2) The development hereby permitted shall start before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 3) All applications for reserved matters shall be in accordance with the Design Code Document (November 2023) and the following Parameter Plans:
  - Zone Boundary Parameter Plan 3040-A-1200.1.PR.C
  - Land Use Parameter Plan 3040-A-1201.1.PR.D
  - Access and Movement Parameter Plan 3040-A-1202.1.PR.E
  - Building Heights Parameter Plan 3040-A-1203.1.PR.D
  - Levels Parameter Plan 3040-A-1204.1.PR.D
  - Green Infrastructure Parameter Plan 3040-A-1205.1.PR.E
  - Density Parameter Plan 3040-A-1206.1.PR.D
- 4) The approved development shall be carried out in accordance with a Phasing Plan which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter, the development is to be carried out in accordance with the approved Phasing Plan unless this Phasing Plan is amended with the prior approval of the Local Planning Authority in writing.
- 5) No development shall take place in any phase until a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The TPP and AMS shall include details of:
  - a) the location and installation of services/utilities/drainage;
  - b) any construction within root protection areas (RPA) or that may impact on the retained trees;
  - c) boundary treatment works;
  - d) the construction of any roads, parking areas and driveways, including relevant sections, details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification;
  - e) levels and cross-sections to show that any raised levels of surfacing, where the installation of no-dig surfacing within RPAs is proposed, can be accommodated where they meet with any adjacent building damp proof courses;
  - f) protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;

- g) scaffolding and ground protection within tree protection zones;
- h) site access, temporary parking, on-site welfare facilities, loading, concrete mixing and use of fires;
- i) methodology and detailed assessment of root pruning;
- j) arboricultural supervision and monitoring of activities within any RPA which is identified within the AMS (details of such visits to be recorded and submitted to the Local Planning Authority within one month of completion of development); and
- k) methods to improve the rooting environment for retained and proposed trees and landscaping.

Thereafter, development shall be carried out in accordance with the approved TPP and AMS.

- 6) No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design shall satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, the National Planning Policy Framework and the Ministerial Statement on SuDS. The drainage scheme shall incorporate multifunctional sustainable drainage systems and shall seek to maximise infiltration. It shall include:
  - a) the results of soakaway location specific infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels;
  - b) evidence that the proposed SuDS solution will effectively manage the 1 in 30 (+35% allowance for climate change) and 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development;
  - c) associated discharge rates and storage volumes for all SuDS systems shall be provided using a maximum total discharge rate of 4.0 litres/second/hectare;
  - d) drainage design drawings and calculations which shall show the location of drainage elements, pipe diameters, levels, 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), a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and half-drain times;
  - e) a plan showing exceedance flows (during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk;
  - f) drainage management responsibilities and maintenance regimes for the drainage system; and
  - g) measures to protect the drainage system during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 7) No development in any phase shall take place until details showing that the development in that phase achieves the standards contained within the Secure by Design scheme (Homes Guide 2024) have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be retained in accordance with the approved details.

- 8) No development in any phase shall take place until a lighting strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include measures to ensure a dark corridor adjoining the ancient woodland to the north and to the west of the site to mitigate any impacts upon bats. The development shall be carried out in accordance with the approved lighting strategy and shall thereafter be permanently retained as such.
- 9) No development in any phase shall take place until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - a) measures to monitor, manage and control noise impacts during construction in accordance with the ABC method specified in BS5228 Noise Control on Construction and Open Sites;
  - b) contact details of the role or person responsible for management of environmental issues and details of how these will be displayed on site and made available to the public;
  - c) details of how complaints and any necessary corrective action will be recorded on site; and
  - d) details of the storage of plant and materials.

Thereafter the approved CEMP shall be implemented and adhered to throughout the construction period.

- 10) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, and an outline programme of public engagement, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The public engagement programme shall include:

- a) a site tour during archaeological fieldwork;
- b) presentation of the results of the archaeological work to interest groups, schools or societies; and
- c) dissemination of the results of the archaeological work through appropriate publication, local media and social media outlets.

- 11) No development shall take place until the applicant, or their agents or successors in title, has submitted a project design for the World War Two pillbox detailing:

- a) protection measures to be employed during the construction programme to ensure that the pillbox is not impacted by any machine movements;
- b) repair and conservation of the structure;
- c) closing entrances to prevent public access;
- d) improvements to the immediate setting of the pillbox by means of scrub and vegetation removal; and

- e) a management plan to ensure the ongoing care and maintenance of the pillbox.

The project design shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the work shall thereafter be carried out in accordance with the approved project design.

12) The development hereby approved shall not be occupied until the applicant, or their agents or successors in title, has submitted and had approved in writing by the Local Planning Authority a scheme of interpretation for the World War Two pillbox. The scheme of interpretation shall include:

- a) the design of the information board described on drawing 2734-LLA-ZZ-00- DR-L-0001, including form, materials and finish;
- b) the content, including any text and images, of the information board; and
- c) details of the long term management of the information board, including responsibility for repairs and maintenance.

The scheme of interpretation shall be implemented as approved prior to the occupation of the development and shall thereafter be permanently retained as such.

13) No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall 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) measures to ensure no HGV movements to or from the site shall take place between the hours of 08:00 and 09:00 and 15:00 and 16:00 on any weekday;
- h) measures to ensure no HGVs associated with the development at the site are laid up, waiting, during the times specified in (g) above;
- i) vehicle routing;
- j) measures to prevent the deposit of materials on the highway;
- k) before and after construction condition surveys of the highway; and
- l) on-site turning for construction vehicles.

The approved CTMP shall be adhered to throughout the construction period.

14) No development shall commence until the proposed vehicular/pedestrian accesses to Chapel Road as indicated by the areas in blue shown on drawings 5002-2001-T-115 Rev C and 5002-2001-T-116 Rev C have been constructed and provided with visibility zones and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

15) No development above ground in any phase shall start until a Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall show how an overall 10% Biodiversity Net Gain will be achieved by:

- a) retention and creation of wildlife habitats on the site;
- b) the management of the retained and created habitats for a period of 30 years from the day development is completed; and
- c) monitoring (including details of the frequency of monitoring).

The Biodiversity Net Gain Plan shall then be implemented as approved and retained as such for the lifetime of the development.

16) No development above foundation level in any phase shall start until details of hard and soft landscape works within that phase have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) means of enclosure;
- b) car parking layouts;
- c) other vehicle and pedestrian access and circulation areas;
- d) hard surfacing materials;
- e) minor artefacts and structures (such as furniture, play equipment, refuse or other storage units, signs, lighting);
- f) soft landscape works which shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance; areas to be grass seeded or turfed; planting schedules which shall include details of species, plant sizes and proposed numbers/densities; and
- g) a timetable for undertaking all soft and hard landscaping works at the site.

All hard and soft landscaping works shall subsequently be undertaken in accordance with the approved details and the approved timetable.

Any trees or plants (including those retained as part of the development) which within a period of five years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

17) No works above foundation level in any residential phase of the development shall start until details of the provision of bin stores and day of collection storage areas (that are positioned to comply with the Council's maximum standard of two-wheeled containers and four-wheeled containers not being moved a distance of more than 15m and 10m respectively by refuse collection operatives) or alternative means of refuse collection arrangements have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the approved details shall be implemented prior to the

- occupation of the dwellings served by those details and permanently retained as such thereafter.
- 18) Prior to the occupation of any of the dwellings hereby approved, details of the positioning and appearance of all PV panels, air source heat pumps and external water harvesting provisions, including a timetable for their installation, shall be submitted to and approved in writing by the Local Planning Authority. Noise from the use of air source heat pumps shall conform to the advice given in the Institute of Acoustics and Chartered Institute of Environmental Health Professional Guidance Note on Heat Pumps. Subsequently, the development shall be undertaken in accordance with the approved details and all facilities/equipment/provisions shall be installed prior to occupation of each dwelling and permanently retained as such thereafter.
- 19) No phase of the development hereby approved shall be first occupied until space has been laid out within that phase in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/ turning areas shall be retained and maintained for their designated purposes.
- 20) No dwelling hereby approved shall be occupied until it has been provided with a fast charge socket for electric vehicles (minimum requirements are 7kw Mode 3 with Type 2 connector; 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be permanently retained as approved.
- 21) No phase of the development hereby approved shall be first occupied until facilities for secure, covered parking of bicycles and the provision of a charging point for e-bikes have been provided within the development site in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be permanently retained as approved.
- 22) Prior to the occupation of the development a revised Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Framework Travel Plan shall be 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. Thereafter, the approved Framework Travel Plan shall be implemented on first occupation and for a minimum period of five years.
- 23) Prior to the first occupation of any phase of the development hereby approved, details of car parking space allocation, a timeline for the provision of visitor parking spaces and car club spaces and the means of accessing the approved parking within that phase shall be submitted to and approved in writing by the Local Planning Authority.

Subsequently, no dwelling shall be occupied until the parking provision serving that dwelling has been provided and all visitor spaces and/or car club spaces and means of accessing the approved parking spaces have been provided in accordance with the approved details. All parking spaces shall subsequently be retained and maintained for their designated purposes.

- 24) Prior to the first occupation of any phase of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the surface water drainage system for that phase has been constructed in accordance with the agreed scheme (or detail any minor variations), provide the details of any management company, state the national grid reference of any key drainage elements (such as surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm that any defects have been rectified.
- 25) No development within any phase shall take place until a Landscape and Ecology Management Plan (LEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- a) a description and evaluation of features to be managed including the adjacent hedgerows;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule including an annual work plan capable of being rolled forward over a five-year period;
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures;
  - i) legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body responsible for its delivery;
  - j) monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme;
  - k) invertebrate and bird habitat mitigation and enhancement plan; and
  - l) ecological enhancement plan.

Development shall be carried out in accordance with the approved LEMP and thereafter shall be permanently retained as such.

*End of schedule*