

APPENDIX M

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 2 DECEMBER 2008

Title:

DUNSFOLD PARK APPEAL: REQUEST FOR SUPPLEMENTARY ESTIMATE

**[Portfolio Holder for Planning: Cllr Mrs Carole Cockburn
[Wards Affected: Chiddingfold & Dunsfold, all Cranleigh Wards,
Bramley Busbridge & Hascombe,
Witley & Hambledon]**

Note pursuant to Section 100B (5) of the Local Government Act 1972

An annexe to this report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of the revised Part 1 of Schedule 12A to the Local Government Act 1972, namely:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Summary and purpose:

To request a supplementary estimate to ensure that the Council can effectively defend the decision of the Joint Planning Committee at a Public Inquiry relating to land at Dunsfold Park (APP/R3650/A/08/2089143).

How this report relates to the Council's Corporate Priorities:

The Council's priority is to protect and enhance Waverley's unique mix of rural and urban communities.

Equality and Diversity Implications:

The effective defence of the Council's case at Public Inquiry contributes to ensuring that the needs of all sections of the community are taken into account is addressing the development reasons for a new settlement.

Resource/Value for Money implications:

The costs of the appeal are outlined in the report and are estimated depending on the option selected at between approximately £120,000 and £180,000 with a suggested contingency of £40,000. Quotations would be sought in accordance with Contract Procedure Rules for both counsel and landscape consultants. There is no budget provision for the expenditure currently. The Council would have to approve a supplementary estimate and finance these costs from the General Fund balance.

Legal Implications:

There is a direct implication for deciding the precise form of legal representation needed to defend the Council's position at Public Inquiry. These are outlined in the report.

Introduction/Background

1. In April 2008, the Council received a planning application for development of a new settlement upon the Dunsfold Park site near Cranleigh (WA/2008/0788). The application was partly in outline (for all new built village-related development) and partly in full for the change of use of existing buildings, including for continued aviation use for helicopter flights, air ambulance and outdoor sports and recreation.
2. On 17th September 2008, the Joint Planning Committee refused planning permission for the application. The reasons for refusal are set out at Annexe 1.
3. An appeal has been lodged against the Council's refusal. The appeal will be determined by way of Public Inquiry on a date proposed by the Planning Inspectorate of 10th March 2009.

Considerations

4. Whilst the Planning Service budget includes sums for both consultants and legal expenses, it would not cover the cost of an Inquiry of this size. It is therefore necessary to seek additional funding to support the inquiry.
5. Members would wish to be assured that the Council's position is robustly defended with appropriate advocacy and planning expertise. Options for advocates are set out in [Exempt] Annexe 2.
6. In the past for inquiries of this type the normal practice has been for the necessary planning, landscape and other witnesses to be resourced externally. [Exempt] Annexe 2 lists the areas where consultants would be needed, with an indication of costs. In addition, there would be various internal costs, particularly from staff that would need to support the consultant team.
7. An alternative and more cost-effective option would be to use Waverley's planning officers as planning witnesses. Officers consider that adequate experience exists but this would divert resources away from existing duties, and this shortfall would need to be replaced by alternative cover estimated over a six-week period to cost around £10,000. External specialist landscaping advice would be required in any scenario. Members should be aware that the Rule 6 document (statement of submissions) is already being prepared by officers.

8. With the Officers' preferred option of appointing a planning witness from existing staff resources, it is estimated that the total costs could be in the region of £120,000 - £180,000. To take account of contingencies it is recommended that a further £40,000 is authorised in either instance. Members should note that transportation evidence is being provided by Surrey County Council, who will have to bear their own costs.

Management of Risk

9. The Council is obliged to defend its decision to refuse planning permission. To do otherwise would be likely to be considered to be "unreasonable" within the terms of Circular 8/93 and result in the Council having to pay the costs of the appellant in respect of the appeal.
10. The Council also needs to produce evidence to substantiate each of its reasons for refusal, by reference to the development plan and all other material considerations. If it cannot do so, again costs may be awarded against it. Having said that, officers will seek to engage with the developers, as required in Central Government advice, to seek to agree Statements of Common Ground. These may involve reporting back to Members, if agreement can be reached on some of the reasons for refusal, for example by the submission of further information. These may result in the withdrawal of one or more reasons for refusal and the consequent financial savings associated with this. However, this should not be relied upon.

Recommendation

It is recommended to the Council that a supplementary estimate of £150,000 be approved to meet the costs of the professional and other costs with a further £50,000 being approved but only spent subject to the agreement of the Chief Executive and Portfolio Holders for Finance and Planning.

Background Papers (CSP)

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICERS:

Name: Elizabeth Sims

Telephone: 01483 523193

E-mail: elizabeth.sims@waverley.gov.uk

Name: Trevor Smith

Telephone: 01483 523366

E-mail: trevor.smith@waverley.gov.uk

Reasons for the decision of the Council to refuse permission for the development:

1. The proposal conflicts with national, regional and local planning policy advice regarding the countryside beyond the Green Belt set out in Planning Policy Statement 7, Policy CC8a of the South East Plan (policy SP3 in the Secretary of State's proposed changes), Policy LO4 of the Surrey Structure Plan 2004 and Policy C2 of the Waverley Borough Local Plan 2002. Within these areas the countryside is to be protected for its own sake and development in open countryside outside existing settlements is to be strictly controlled and urban areas are to be the focus of development. The proposed development does not comply and conflicts with the requirements of those policies and there no exceptional reasons have been advanced to justify an exception to these policies.
2. The site lies partly within and adjacent to an Area of Great Landscape Value within which the landscape character is to be conserved and enhanced. In the opinion of the Planning Authority the proposal would result in a visually intrusive development of a scale that fails to conserve and enhance the landscape and would materially detract from its character and the visual quality of the area. The proposal is considered to conflict with the strategic and local policies set out in Policy SE8 of the Surrey Structure 2004 and Policy C3 (b) of the Waverley Borough Local Plan 2002.
3. The proposed development represents a major quantum of development in the countryside unconnected with an existing urban area which, if permitted, would be seriously detrimental to the visual amenity and rural character of the locality contrary to Policies LO1, LO2, LO4, LO5 and SE8 of the Surrey Structure Plan 2004 and Policies D1, D4, C1, C2, RD1 of the Waverley Borough Local Plan 2002.
4. In the opinion of the Planning Authority the scale and nature of the proposed development are such that the implications are of great significance and potential effect for the Borough and a wider area. Furthermore the Regional Spatial Strategy makes no provision for a new settlement in this locality. The consideration of the planning application in isolation from the Core Strategy for the Borough would not be in the interests of sound planning and could, if permitted, have materially harmful consequences for development in other more sustainable locations.
5. Policy LO6 of the Surrey Structure Plan sets out details of the increase to be made in the housing stock within the Borough between 2001 and 2016. Policy H1 of the Draft South East Plan and the Secretary of State's proposed changes propose a house building target of 250 units per annum to 2026. The Planning Authority is satisfied that, having regard to Planning Policy Statement 3, sufficient land exists or can be allocated to meet the Borough housing requirement without having to resort to a new settlement unconnected with an existing urban centre that conflicts with the policies

contained in the Draft South East Plan and the adopted Structure and Local Plans.

6. The proposal would result in undesirable expansion of commercial development in this predominantly rural area to the detriment of the character and amenities of the locality both visually and by reason of the additional activities including traffic movements likely to be generated on the site in conflict with the Policies LO4 and SE4 of Surrey Structure Plan 2004, Policies D1, D2, D4 and IC1 of the Waverley Borough Local Plan 2002.
7. The proposed development of 2,601 homes, extension of the existing employment uses and creation of other uses in this very rural location would be heavily reliant on travel by the private car contrary to Central Government Policy expressed in PPS1, PPS3 and PPG13, the Draft South East Plan (Government's Proposed Changes) policies CC1, CC2, CC3, CC6, CC8a, (SP3), CC12, (CC6), RE2, H5 & T1; Development Plan Policy LO1 of Surrey Structure Plan 2004 and Policy M1 of Waverley Borough Local Plan 2002.
8. It has not been adequately demonstrated that the limited proposed improvements to transport infrastructure in the vicinity of the development are appropriate to serve a development of this scale and nature, nor that further improvements could be implemented that would mitigate the adverse impacts of a substantial increase in travel demand in this very rural location. This would be contrary to Policies LO1 and DN2 of the Surrey Structure Plan 2004 and Policy M1 of Waverley Borough Local Plan 2002.
9. In the opinion of the Planning Authority the proposed new settlement is likely to involve a material increase in traffic movements on and along the surrounding road network which would materially detract from the rural character and amenity of the area by reason of noise, disturbance, inconvenience and visual impact contrary to Policies LO1, LO4, LO7, SE1, SE8, SE10 and DN2 of the Surrey Structure Plan 2004 and Policies D1, C2, C12, IC4, M1, M2 and M13 of the Waverley Borough Local Plan 2002.
10. In the opinion of the Planning Authority the proposal for affordable housing unacceptably focuses on providing homes for employees of Dunsfold Park businesses and the expanded employment floorspace at the expense of local people in housing need. This conflicts with Government Policy in PPS3 to provide housing for people who are unable to access or afford market housing. It would thus fail to meet the needs of those in greatest housing need contrary to Policy H4 of the South East Plan (Policy H3 of the Secretary of State's proposed changes), Policy DN11 of the Surrey Structure Plan and the Council's approach to affordable housing in the adopted Borough Local Plan, Corporate Priorities and its Allocations Policy.