

## APPENDIX A.2

A2 WA/2012/0911  
Crest Nicholson Regeneration Ltd &  
Sainsbury's Supermarkets  
06/06/2012

Provision of temporary construction access to the A31, comprising bridge across the River Wey, pedestrian underpass, other supporting infrastructure and re-instatement works including re-siting of the proposed footbridge across the River Wey from that approved under WA/2008/0279 (as amplified by email and letter dated 04/07/12) at Land to the South of East Street, Farnham. This application is accompanied by an Environmental Statement.

Committee  
Date:

Joint Planning  
1 August 2012

Public Notice  
Grid Reference:

Was Public Notice required and posted: YES  
E: 484252 N: 146975

Town :  
Ward :  
Case Officer:

Farnham  
Farnham Moor Park  
Ms C Woodhatch

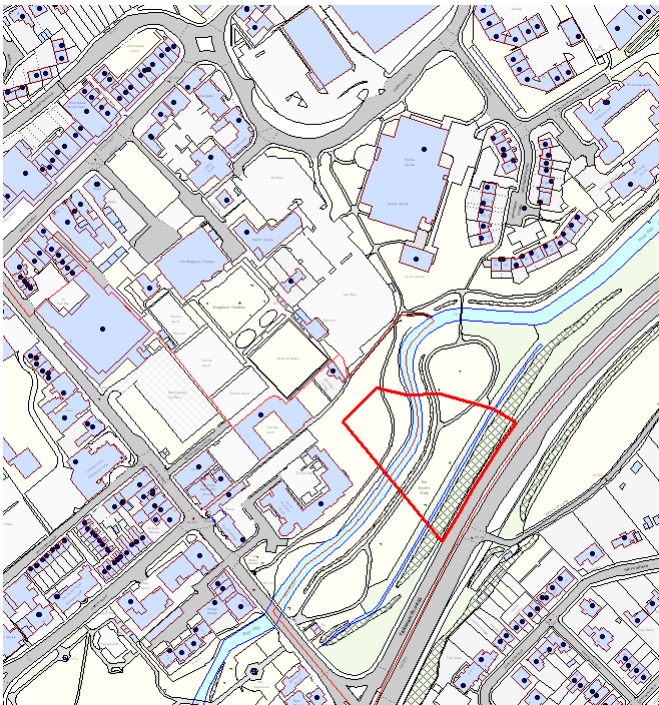
16 Week Expiry Date  
Neighbour Notification Expiry Date

25/09/2012  
13/07/2012

RECOMMENDATION

That, subject to conditions, permission be  
GRANTED

### Location Plan



## Introduction

This report concerns the provision of a temporary construction access to the A31, comprising a bridge across the River Wey to enable the implementation of the East Street regeneration scheme.

## Site Description

This application site, which measures 0.59 hectares, is located to the eastern side of Farnham Town Centre and to the southeast of the main East Street development site.

The wooded course of the River Wey crosses the centre of the application site. The site provides a green space containing Borelli Walk, a recreational thoroughfare, which runs from the east of the town centre towards South Street and beyond. Borelli Walk is currently a public right of way, however it is not a Definitive Map Footpath.

To the southeast of the river an embankment, approximately 4 metres in height, rises up to meet the A31. The bank is treed and provides a green backcloth to this part of the town.

To the northwest of the river, the bank rises more gradually. The bank has sparse vegetation on it and leads to a grassed parkland area.

## Background/Proposal

In August 2009 permission WA/2008/0279 was granted for the mixed-use redevelopment of Land at East Street, Farnham. The approved scheme comprises 239 residential units, 25 retail/restaurant/café-bar units, a multi-screen cinema, landscaped public realm, community facilities, car parking, provision of infrastructure and associated highway works. The East Street development would enable a regeneration of this part of Farnham Town Centre. This is a Corporate Plan priority.

Condition no. 37, criterion (a), imposed on Planning Permission WA/2008/0279 requires the applicants to submit details of a “temporary access from and to the A31 Farnham Bypass (Eastbound only), subject to planning permission being obtained.”

Permission was refused in June 2010 for a variation of Condition 37 to remove the requirement to apply for an A31 access. The application was refused because an alternative means of access to the site for construction purposes, i.e. use of the existing accesses to the site, would cause material harm to amenity by way of loss of air quality, excessive traffic congestion and related inconvenience to highway users, visitors and businesses and material loss of amenity to local residents.

In March 2011 permission WA/2010/1650 was granted for the provision of a temporary construction access to the A31, comprising a bridge across the River Wey, pedestrian underpass, other supporting infrastructure and re-instatement works including re-siting of the proposed footbridge across the River Wey from that approved under WA/2008/0279. This application was accompanied by an Environmental Impact Assessment. The EIA was extended by way of further information submitted under Regulation 19 (of the EIA Regulations 1999) in January 2011. A condition was placed upon the planning permission to restrict commencement of the development to no later than 6<sup>th</sup> August 2012, to accord with the main East Street permission reference WA/2008/0279.

Works in relation to planning permissions WA/2008/0279 and WA/2010/1650 have not commenced to date, and therefore the permissions will expire on 6<sup>th</sup> August 2012.

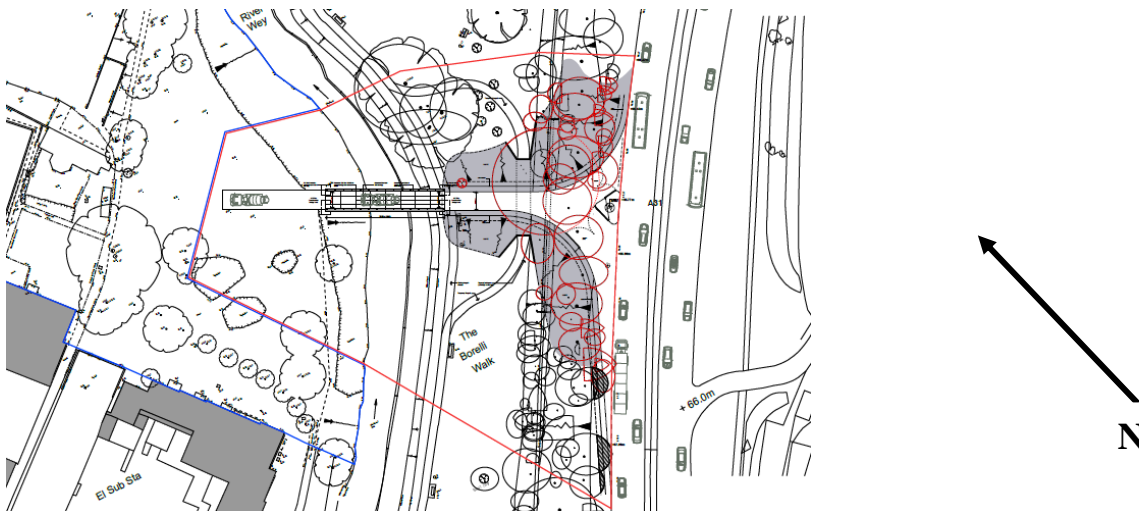
The current application, whilst a fresh application, seeks permission for the same development again, i.e. for the provision of the temporary construction access to the A31, comprising a bridge across the River Wey, pedestrian underpass, other supporting infrastructure and re-instatement works including re-siting of the proposed footbridge across the River Wey from that approved under WA/2008/0279. However, planning regulations require that a new, full application is needed to secure this.

The application is accompanied by an Environmental Statement. The proposals are exactly the same as those granted under WA/2010/1650.

The proposal can be broken down into 5 key elements:

- The Access/Bridge
- Permanent Footbridge
- Supporting Infrastructure
- Storm Water System
- Pedestrian Underpass

### Plan of Proposed Construction Access



### The Temporary Construction Access Bridge from the A31

The bridge would be constructed from galvanised steel and, at its maximum, would be 4.85m wide by 25.68m long and 2.2m in height.

Galvanised steel struts would provide structural barriers to the sides of the bridge allowing 3.6m between the struts (internal width of bridge) to allow the clear passage of one-way construction traffic along it. The bridge would sit upon reinforced concrete piled foundations on both sides of the river.

The movement of traffic over the bridge would be controlled by site operatives. Priority would be given to accessing vehicles to ensure that no vehicles need to wait on the A31 before entering the site.

Safety lighting would be situated along the inside edge of the sides of the bridge. The deck and side struts of the bridge would be of a solid steel finish to ensure that there will be no light spillage from the bridge onto the river corridor below.

The bridge would maintain an 8m buffer on either bank of the River Wey (an Environment Agency requirement to ensure the free movement of wildlife along and to protect the river corridor).

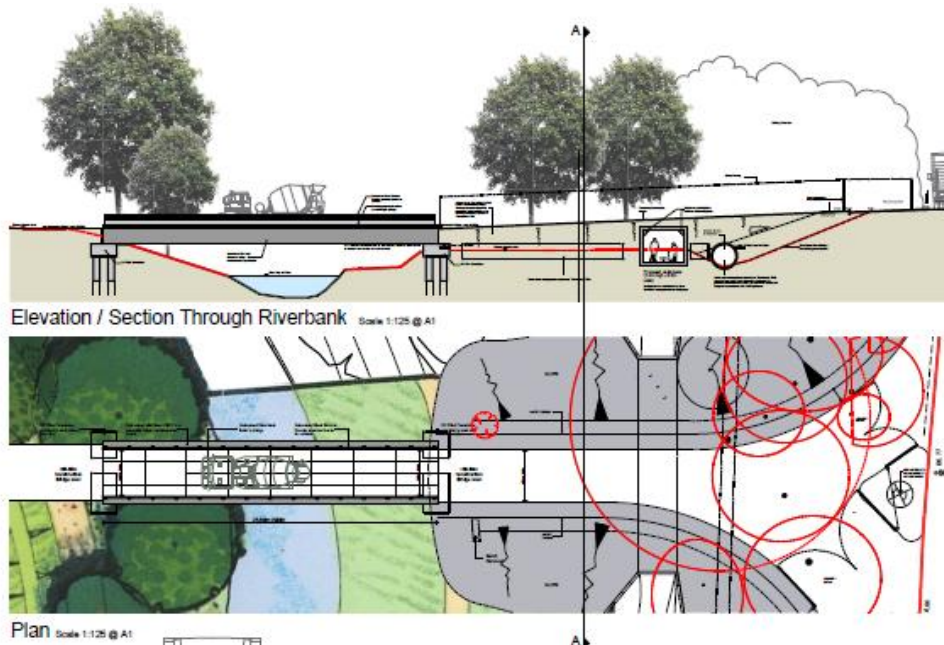
The underside of the bridge will be positioned at a minimum level of 64.3m above ordnance datum level (AOD) to provide a 300mm 'free-board' above the 1:100 year flood level of the River Wey, which would prevent obstruction in such an event (an Environment Agency requirement).

The scheme would result in the loss of 39 trees, predominantly located on the bank to the southeast of the site, which rises up to the A31. The width of opening would be between approx. 44m-60m. (The 44m width is measured from Borelli Walk and the 60m width from the A31).

It is anticipated that the construction of the temporary construction access would take approx. 12-16 weeks. It is estimated that a further 12 weeks would be needed to remove the access and re-instate the land at the end of the construction period.

The bridge would be in place for 18-24 months.

### Plan and Elevation of Construction Access Bridge



### The Permanent Footbridge

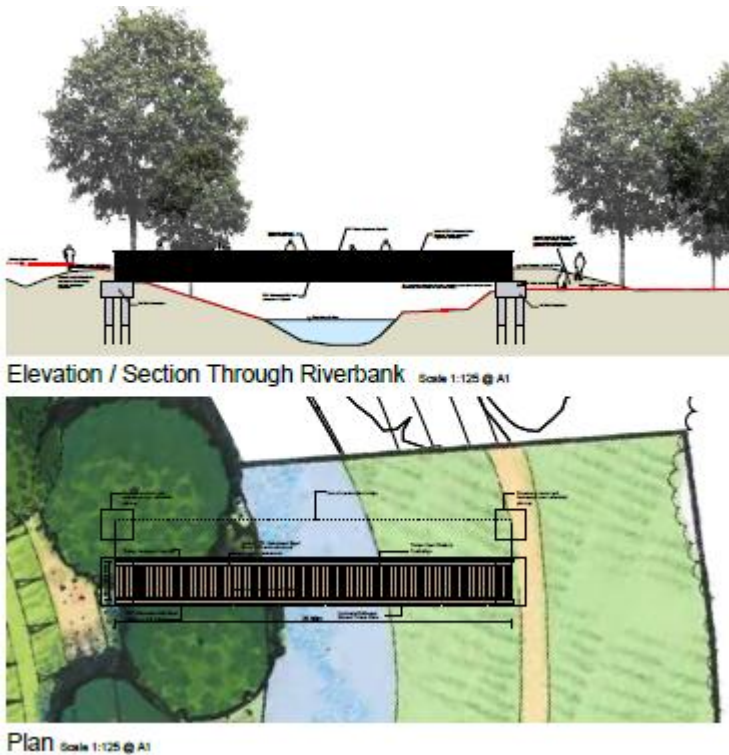
Once the construction bridge has been removed, a permanent footbridge would be provided in its place across the River Wey using the foundations provided for the construction bridge.

The footbridge, at its maximum, would be 3.1m wide by 25.68m long and 2m in height. The bridge would have a galvanised steel base with vertical struts to support a timber deck, handrail and horizontal balustrade detailing.

The footbridge would provide 2.5m clear width between the vertical galvanised struts supporting the balustrade to allow the passage of pedestrians along it.

The footbridge would not be lit.

## Plan and Elevation of Footbridge



## The Supporting Infrastructure: -

### Embankment

To enable vehicular access from the A31, over the ditch at the base of the bank to the deck of the construction access bridge (at 65.25m AOD) it is proposed to build an embankment.

The embankment would be a maximum of 66m wide by 38m deep and 3.8m in height.

Upon the embankment there would be a diverge-taper (widening of carriageway leading up to site access point to provide a deceleration lane allowing vehicles to slow down and turn into the access away from the main carriageway), approx. 56m in length, leading from the northern side of the A31 into the site access. A single carriageway would lead to the bridge. In addition, there would be the vehicular exit back onto the A31.

The junction between the A31 and the construction access/exit would be the subject of a highway lighting scheme. The access would be gated and fenced to prevent unauthorised access (details to be agreed at a later date).

## Storm Water Management Systems

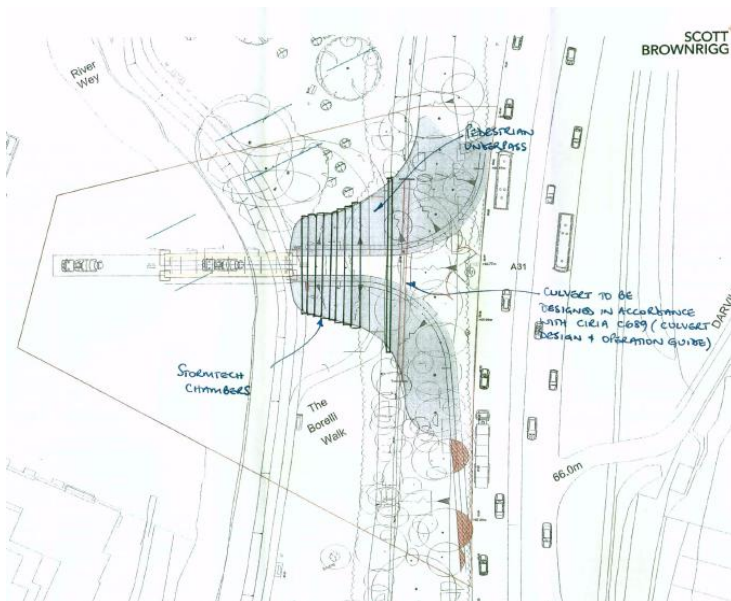
It is proposed to install a Stormtech surface water management system beneath the embankment to mitigate the impact of the embankment on the flood plain.

The Stormtech system uses tunnels in the shape of a parabolic arch. A series of tunnels would be installed in rows parallel to each other across the footprint of the embankment to create a conduit for any flood waters.

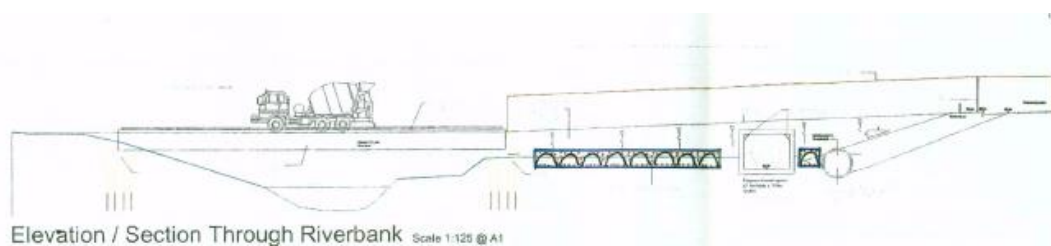
The pedestrian underpass, described below, would also provide a culvert in flood conditions.

In addition, it is proposed to culvert the existing drainage ditch at the bottom of the bank adjacent to the A31 whilst the proposed embankment is in place.

## Plan of Storm Water Management Systems



## Section of Storm Water Management Systems



## Pedestrian Underpass

It is proposed to maintain the pedestrian access along Borelli Walk, which crosses the application site from the northeast to the southwest, during the course of the construction period for the main East Street development (WA/2008/0279 refers).

It is proposed to divert the existing Borelli Walk footway eastwards through a temporary underpass under the embankment. The underpass would be 3m wide by 2.4m high and 16.5m in length. It would contain high level safety lighting.

The underpass would have splayed entry and exit points to enhance pedestrian visibility.

The underpass would be maintained by Crest Nicholson's management team during its use and would be removed when the footbridge is installed.

## Relevant Planning History

The site has a long history, however, the most relevant are listed below:-

WA/2012/0912	Application for a new planning permission to replace extant permission WA/2008/0279 (time extension). Mixed-use redevelopment comprising: 9,814 sq m of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre', demolition and clearance of site. This application is accompanied by a supplementary Environmental Statement.	Pending Decision
WA/2012/0553	Certificate of Lawfulness under Section 192 for the proposed development of Unit D20-R-01 in accordance with planning permission WA/2008/0279 and the use of Unit D20-R-01 for Use Class A1 (retail), with an in-store café of up to 223sqm for use by visiting members of the public and use of an external area shown on drawing 13512-D20-001 B for seating associated with the café.	Certificate of Lawfulness Granted 17/05/12
WA/2012/0052	Construction of new shopfronts.	Full Permission 09/03/2012
WA/2012/0051	Display of 2 illuminated and 2 non-illuminated fascia signs.	Consent Granted 09/03/2012

WA/2012/0050	Construction of new shop fronts.	Full Permission 09/03/2012
WA/2012/0049	Display of internally illuminated fascia signs and car park signs.	Consent Granted 09/03/2012
NMA/2012/0025	Changes to Building D20 comprising provision of an additional basement area and ventilation louvers, rearrangement of bin store and recycling stores, alterations to café entrance and provision of new entrance door to south west of building, installation of roller shutter and door to unit 01. Amendment to the area outside of the building comprising an external seating area to café with resulting alterations to footpath, erection of a trolley bay and provision of a "collect by car" parking space.	Approved 17/04/2012
WA/2011/1215	Listed Building Consent for demolition of the attached Redgrave Theatre, conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room). Works to existing house to include reinstatement of 3no. original hipped roofs and rooflight to the north elevation and hipped roofs over the existing bay windows and reinstatement of the glazed canopy in the southern elevation. Reinstatement of original chimneys, internal fireplaces and staircase. Partial unblocking of a first floor window on the west elevation. Removal of later partition walls and ground floor toilet; new openings through to first floor extension, installation of servery. Some blocking in of existing internal openings. Demolition of boundary walls, toilet block and cottage.	Listed Building Consent Granted 13/09/2011
WA/2010/1650	Provision of temporary construction access to the A31, comprising bridge across the River Wey, pedestrian underpass, other supporting infrastructure and re-instatement works including re-siting of the proposed footbridge across the River Wey from that approved under WA/2008/0279.	Full Permission 21/03/2011 (Temporary permission expires 06/08/2012)



WA/2010/0372	Variation of Condition 37 of Planning Permission WA/2008/0279 to omit the requirement for and provision of a temporary construction access from A31, but alternatively to require temporary construction access details and provision from alternative route prior to commencement of development (accompanied by addendum to Environmental Statement).	Refused 08/06/2010
WA/2008/0280	Application for Listed Building Consent for the demolition of the attached Redgrave Theatre. Conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room). Works to existing house to include reinstatement of 3 no. original hipped roofs and rooflight to the north elevation and hipped roofs over the existing bay windows and reinstatement of glazed canopy in the southern elevation. Reinstatement of original chimneys and other internal works. Demolition of boundary walls, toilet block, bowling pavilion and cottage.	Listed Building Consent Granted 09/10/2008
WA/2008/0279	Mixed-use redevelopment comprising: 9,814 sq m of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre', demolition and clearance of site.	Full Permission 06/08/2009 subject to 106 Agreement
WA/2007/1967 (Riverside)	Provision of additional public car parking spaces, 5 tennis courts with associated pavilion, 3 metre chain link fencing, combined pedestrian/cycleway and associated drainage, landscaping and access works.	Full Permission 19/05/2008 (Part implemented – extant)

## Planning Policy Constraints

Developed Area (to north of River Wey)  
Countryside beyond the Green Belt (to south of River Wey)  
Area of Strategic Visual Importance (ASVI) (River Wey and its south bank)  
Site of Nature Conservation Importance (SNCI) – River Wey – North  
Moor Park Site of Special Scientific Interest (SSSI) (approx. 2.25km southeast of site)  
Flood Zones 2 and 3  
Within 20m of river bank  
East Street Area of Opportunity  
Town Centre Area (to north of River Wey)  
Area subject to Special Advertisement Control (to south of river)  
Shared Pedestrian and Cycle Routes (Borelli Walk)  
Thames Basin Heathland Special Protection Area (SPA) 5km buffer zone  
Wealden Heaths I Special Protection Area (SPA) 5km buffer zone  
Section 106 Agreement – WA/2008/0279  
Grade II Listed Building (Brightwell House) and Building of Local Merit (Brightwell Cottage)  
to the northwest of the site – outside the application site red line

## Development Plan Policies and Proposals

Policies of the Waverley Borough Local Plan 2002:-

D1 – Environmental Implications of Development  
D2 – Compatibility of uses  
D4 – Design and Layout  
D5 – Nature Conservation  
D6 – Tree Controls  
D7 – Trees, Hedgerows and Development  
D9 - Accessibility  
D13 – Essential Infrastructure  
C2 – Countryside Beyond the Green Belt  
C5 – Areas of Strategic Visual Importance  
C10 – Sites of Nature Conservation Importance  
C11 – Undesignated Wildlife Sites  
C12 – Canals and River Corridors  
HE3 – Development affecting Listed Buildings or their settings  
TC3 – Development within Town Centres  
TC8 – Urban Design in Town Centres  
TC12 – Town Centre Access  
TC13 – Farnham Town Centre Traffic Management  
LT11 – Walking, Cycling and Horse Riding  
M1 – Location of Development  
M2 – Movement Implications of Development  
M3 – Development alongside the A3 and A31  
M4 – Provision for Pedestrians  
M5 – Provision for Cyclists  
M6 – Farnham Cycle Network  
M7 – Footpaths and Cycleways  
M19 – A31 Farnham Bypass

## Policies of the Pre-Submission Core Strategy (July 2012):-

CS1 - Location of Development  
CS3 - Sustainable Transport  
CS11 - Town Centres  
CS14 - Leisure, Recreation and Cultural Facilities  
CS15 - Landscape Character  
CS16 - Townscape and Urban Design and the Heritage  
CS17 - Biodiversity and Geological Conservation  
CS18 - Thames Basin Heaths Special Protection Area  
CS19 - Sustainable Design and Construction  
CS21 - Flood Risk Management

Policies of the South East Plan 2009 (subject to the letters from the Department for Communities and Local Government dated 27/05/10 and 10/11/10 regarding abolition of Regional Spatial Strategies):-

CC6 – Sustainable Communities and Character of the Environment  
CC7 – Infrastructure and Implementation  
T2 – Mobility Management  
NRM1 – Sustainable Water Resources, Groundwater and River Water Quality Management  
NRM4 – Sustainable Flood Risk Management  
NRM5 – Conservation and Improvement of Biodiversity  
NRM6 – Thames Basin Heaths Special Protection Area  
NRM7 – Woodlands  
NRM9 – Air Quality  
NRM10 – Noise  
W2 – Sustainable Design, Construction and Demolition  
C4 – Landscape and Countryside Management  
BE6 – Management of the Historic Environment

National Planning Policy Framework (March 2012)  
Technical Guidance to the National Planning Policy Framework (March 2012)  
Ministerial Statement ‘Planning for Growth’ 2011  
Noise Policy Statement for England (March 2010)

Surrey Design Guide (2002)  
WBC East Street Planning Brief (2000)  
WBC East Street Development Brief (2002)  
Farnham Design Statement (2010) (Central Area)  
WBC Corporate Plan 2012 - 2015

### Note:

The South East Plan 2009 is the Regional Spatial Strategy (RSS) for the South East region. Although the Localism Act makes provision for the abolition of regional strategies, until they are formally abolished by Order, they remain part of the development plan. It has been held that the Government’s intention to abolish regional plans could be a material consideration in making development control decisions. The amount of weight that can be attached to this intention is a matter of judgment, given that there are still some matters to be resolved before the Government can initiate the formal process of abolition.

The Council is preparing its Core Strategy setting out the key strategic planning policies for the area up to 2028. Between February and April 2012, the Council consulted on the “Local Development Framework Core Strategy – Revised Preferred Options and Draft Policies”. The Council is now in the process of assessing the outcome from that consultation and deciding what further changes need to be made to the Plan, before it is published. The Council agreed the proposed pre-submission version of the Core Strategy at its meeting on 17<sup>th</sup> July 2012. The intention is that the Pre-Submission Core Strategy will be published for consultation in August. The intention is that the Core Strategy will then be submitted for Examination in December 2012. As it stands only limited weight can be given to the emerging Core Strategy and its proposed policies. However, this will increase as the Core Strategy progresses through Examination.

On the 27<sup>th</sup> March 2012, the Government adopted its National Planning Policy Framework (NPPF). This document has superseded the majority of previous national planning policy guidance/statements (with the exception of PPS10: Planning for Sustainable Waste Management) and condensed their contents into a single planning document. Section 38(6) of the Planning and Compulsory Purchase Act 2004, still requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Waverley Borough Local Plan 2002 and the South East Plan 2009 therefore remain the starting point for the assessment of this proposal.

The NPPF is however a material consideration in the determination of this case. Paragraphs 214 and 215 of the NPPF make clear that where a local authority does not possess a development plan adopted since 2004, due weight may only be given to relevant policies in existing plans according to their degree of conformity with the NPPF.

Summary of Consultations and Town Council Comments

<b>Consultee</b>	<b>Comments</b>
Town Council	Support the application, on the grounds that the option of securing of a proper means of access into the site is important for any regeneration of the East Street Area.
County Highway Authority	<b>Highways &amp; Rights of Way:</b> No objection subject to inclusion of conditions and an informative. Full response attached at <b>Annexe 1</b> .
County Archaeologist	Raises no archaeological concerns.
Environment Agency	Following consideration of the application, no objection subject to condition and informative.
Thames Water	Raises no objection.
Natural England	The proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils.

<p>Natural England (continued)</p>	<p>We would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following: Protected species Local wildlife sites</p> <p>The application may provide opportunities to incorporate features into the design which are beneficial to wildlife.</p> <p>The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application in accordance with the NPPF.</p>
<p>Surrey Wildlife Trust</p>	<p>Provides the following comments and recommendations re habitat:</p> <ul style="list-style-type: none"> <li>- Bridge will cross SNCI in area designated as AGLV. (Officer Note: area is not AGLV but ASVI) Local Plan Policy protects SNCIs from development unless can be demonstrated that they will not conflict with nature conservation interests. Development will to some extent impact adversely upon this important habitat</li> <li>- Biodiversity of SNCI may be affected by adjacent East Street Development. Further impact on the river corridor from the current proposal should be given full consideration</li> <li>- Proposal would have major effect on strip of woodland, which provides important shelterbelt for river corridor and habitat used by legally protected species from traffic on A31</li> <li>- Removal of trees could not be fully mitigated by replanting for many years. This habitat loss likely to affect legally protected species in area e.g. badgers and bats</li> <li>- Thinning of woodland, bridge activity with noise, lighting, dust, will cause significant disruption to habitats and species in locality/may be detrimental to river's function as corridor for animals passing through area</li> <li>- Mitigation proposals needed to address potential harm to habitat and legally protected animals</li> <li>- River may be affected by overshadowing, accidental pollution and siltation</li> <li>- Rivers are also Habitats of Principal Importance in the Natural Environment and Rural Communities (NERC) Act (Section 41)</li> <li>- Deconstruction/restoration works will require detailing to demonstrate how effect on</li> </ul>

<p>Surrey Wildlife Trust (continued)</p>	<p>biodiversity can be mitigated and compensated for by habitat restoration and enhancement</p> <ul style="list-style-type: none"> <li>- An Ecological Construction Method Statement recommended to detail how potentially polluting effects can be controlled during construction/whilst bridge in operation and during restoration processes</li> <li>- The effects of the proposed development on biodiversity may be regarded as temporary, provided habitat is fully restored to at least pre-development condition and maintained as such</li> <li>- The effect of the development is likely to increase the longer the development lasts</li> <li>- 8m buffer between river bank and embankment must be sufficiently protected to ensure function as corridor for wildlife</li> <li>- River should be protected from accidental spillage of polluting materials, run-off and silting to ensure water quality unaffected</li> </ul> <p>Re species:</p> <ul style="list-style-type: none"> <li>- Number of badger setts would be directly impacted</li> <li>- Appears these setts are currently unused but badgers continue to traverse the wood while foraging</li> <li>- Agree that a further badger check survey would be advisable prior to development works starting to ascertain current badger status on site and inform need for any additional mitigation works</li> <li>- Applicant should be required to undertake mitigation measures proposed</li> <li>- Construction process and night time use of bridge (with lighting) likely to cause adverse effect to bats feeding and commuting behaviour</li> <li>- Serious consideration should be given to prohibiting or applying strict control to after dusk use of the bridge during periods when bats active (May to October)</li> <li>- Lighting should be screened so river not illuminated</li> <li>- SWT support recommended strategy to protect nesting birds from the development process</li> <li>- Development could offer opportunities to restore/enhance biodiversity</li> <li>- Under NERC Act, every public authority must have regard to the purpose of conserving biodiversity</li> </ul>
<p>Health &amp; Safety Executive</p>	<p>Not yet received – to be reported orally.</p>

The Theatres Trust	Object, on the ground that the Redgrave Theatre will be demolished without a replacement facility/venue or a financial contribution set aside to develop an existing facility.
English Heritage	Raised no comments.

## Submissions in Support

The applicant has submitted the following documents in support of the application:

- Planning and Design and Access Statement
- Planning Application Summary Document
- Statement of Community Involvement
- Review of Environmental Statement Baseline Information and Assessments
- Air Quality Assessment – Response to EIA Queries
- Ecological Assessment
- Arboricultural Report
- Flood Risk Assessment
- Supplementary Note on Traffic Surveys (updated 1<sup>st</sup> June 2012)

In summary, the applicant's key arguments are:-

- Following the refusal of planning application WA/2010/0372, Crest Nicholson Regeneration Ltd and Sainsbury's Supermarket Limited (CNS) noted the strong feelings of objectors and members of the WBC Joint Planning Committee in wanting a construction access to the A31 and have, with their design team, since secured planning approval under application ref. WA/2010/1650 for such a scheme.
- During the course of the determination of planning application WA/2010/1650, extensive consultation was undertaken by the Local Planning Authority (LPA) with technical consultees and the public. The following changes were made to the scheme to respond to concerns that were raised by respondents:-
  - Imposition of a temporary speed restriction on the A31 Farnham Bypass, agreed with Surrey County Council and Surrey Police (reduced speed limit negates need for lengthy 'deceleration' lane into the site at the junction with the A31 and removal of fewer trees in the belt located between the A31 and Borelli Walk);
  - Free-spanning bridge design negates need for supports to be located within river bed, allowing free-flow of the river and free movement of wildlife along the river corridor;
  - Provision of a pedestrian underpass to maintain public access along Borelli Walk throughout the construction period;
  - Re-design of the underpass and footpaths approaching to improve pedestrian safety;
  - Improved lighting scheme and acceptance of requirements for CCTV
  - Extensive further information in respect of traffic, air quality, noise and vibration, effect on the Thames Basin Heaths Special Protection Area.

- Since the grant of planning permission WA/2010/1650, further discussions have taken place with the Council in respect of Environmental Impact Assessment and the form of documentation required to support the current application.
- Planning permission WA/2010/1650 is due to expire on 6<sup>th</sup> August 2012, along with the permission for the wider Brightwells development, WA/2008/0279.
- CNS is therefore applying for the construction access proposals afresh, albeit against the background of having been granted planning permission for identical proposals within the past 14 months.
- There are no issues raised by changes to planning policy that would prevent the granting of permission for the proposed development, as was the case in March 2011, for the same proposals as approved under application ref. WA/2010/1650.
- The application is required only to secure an extension of time to implement, alongside the main Brightwells development timeline.
- Government policy actively promotes the provision of infrastructure such as this where it will facilitate the delivery of wider development that will provide economic growth, housing, jobs, vitality and viability within a town centre, in accordance with the Development Plan, as will be the case at Brightwells.

## **Representations**

42 letters of objection have been received, including 1 from the Farnham Society, raising the following concerns, summarised under the relevant headings:

### **Character**

- Long term (up to 30 years) damage to character and setting of river corridor area, through which Borelli Walk passes

### **Residential Amenity**

- Loss of amenity to residents of Homepark House and Falkner House, by reason of visual impact/noise/disturbance, due to loss of part of visual and acoustic barrier trees provide and construction traffic using the bridge

### **Traffic Noise/Air Pollution**

- Pollution at Royal Deer crossing and the Borough have passed legally allowed limits
- Dust and pollution for three years of construction will affect health of elderly neighbouring residents
- Vehicle movements and noise adjacent to residential care area will be intolerable
- Neighbouring residents cannot be expected to keep their windows closed in the height of summer

### **Traffic/Highway/Convenience & Safety of Users of Footpath**

- Traffic congestion will be created on the A31 and associated parts of highway network not only during construction/dismantling of bridge and access but for entire East Street construction period of 2.3 to 5 years



- Adverse impacts on traffic flow in town arising from not only congestion on the A31 but from other traffic involved in construction
- Not clear whether bridge will be only access to site or whether it will be used by trade involved after heavy construction completed
- Traffic safety concerns due to lack of acceleration lane for egressing construction traffic accessing A31, linked with visibility restrictions resulting from ingressing vehicles
- Traffic generation near Homepark House will be intolerable
- Chaos will be caused on bypass
- Traffic proposals are unworkable
- Proposals will cause severe congestion on the bypass and in the town centre
- SCC will not allow laden HGVs to emerge onto bypass into the 2 narrow eastbound A31 lanes
- The traffic impacts have not been properly assessed
- The Traffic Report does not assess the A31 Hickleys Corner traffic signals during the peak periods
- Traffic flows quoted are not directional. Therefore not possible to examine changes in depth
- Anomalies in traffic flows
- Traffic flows do not take into account effects of adjacent railway crossing in Station Hill
- 2000 vehicles a day will need to divert through the centre of Farnham in order for the Hickleys traffic signals not to be fully gridlocked, there are no figures or assessment given for the AM peak
- The changing of the traffic signal timings at Hickleys will reduce the capacity for traffic exiting South Street and reduce the flow from Station Hill turning right onto the bypass
- Recent grass cutting on the A31 necessitated that the road was cordoned off to a single carriageway. The result was traffic chaos in the town centre and long delays on the surrounding roads. The construction of the proposal will create this situation for 16 weeks
- Reduction of A31 to single carriageway will have serious cost and environmental consequences for road users and those living and working in Farnham
- Traffic analysis indicates unstable flows even for the off peak period. AM peak traffic flows will be much worse
- Significant rat running around minor roads to south of Farnham
- Major increase of west to east traffic through central Farnham, leading to queues, delays, pollution and pedestrian accidents
- Royal Deer Junction traffic flows not related to the future traffic arrangements

## Environment

- Loss of recreation area and green haven along River Wey
- Insufficient information to assess the likely effects of the proposal
- Environmental Statement is not complete and is not an ES as defined by the EIA Regs. No applicable Masterplan or Non Technical Summary exist
- To grant consent would be unlawful as obligatory fundamental data is omitted from the ES (e.g. the proposed Royal Deer timings and the 1:100yr+CC flood level at the South Street extent of the site)
- The construction access requires another temporary construction access from South Street to build and remove it
- Ecological impacts unacceptable as alternative solutions are available

- Proposed Stormcell chambers are designed for storage, not as tunnels and require end caps for strength
- A Regulation 22 Notice for the omitted data and assessments should be submitted or consent must be refused in accordance with the EIA Regulations
- Failure to properly identify all the environmental impacts of scheme to wider town, arising from knock on effects of traffic congestion

#### Air Quality

- Traffic congestion will cause air pollution to town centre

#### Flood Risk

- Additional flood risk posed by construction of bridge supports and embankments

#### Ecology

- Detrimental effect on wildlife around the river
- Loss of continuity of river corridor for wildlife and exposure to traffic noise and disturbance
- Loss of habitat for legally protected species (badgers and bats)

#### Trees/Landscape

- Proposal requires removal of mature trees to north of A31 adjoining Borelli Walk
- Trees provide natural screening of A31 from popular walk
- Trees that have taken years to mature will be destroyed and new trees will take years (decades) to re grow

#### Regeneration of East Street

- The density of the East Street development will contribute to more traffic and pollution
- The scale of the development is too large for the centre of Farnham and will be detrimental for the economic wellbeing of the town
- Disturbance to peace and health
- The Marlborough Head should be left as it is
- The Redgrave Theatre will be demolished without replacement and Brightwell House changed in use from a theatre to restaurants
- A petition of nearly 6000 signatures has been ignored
- Part of Brightwell House and gardens should continue to function as a focal point for artistic and cultural activities
- Brightwells should not be connected with East Street
- As the theatre was built with money raised by the people of Farnham this is morally wrong
- There is an established need for a community theatre in the town, which would benefit the retail area/town centre in line with the NPPF
- Bridge proposal will add to impact of East Street development
- Proposal does not represent what the vast majority of Farnham residents want (5848 to 27 vote against original application followed by numerous and increasingly vocal demands for the whole plan to be scrapped or fundamentally revised)
- In interests of local democracy this application must be rejected
- Development will result in loss of tennis courts, bowling green, small cinema and theatre
- The Woolmead should be regenerated, not East Street
- New restaurants/retail units will pose threat to those already operating in the town
- Economic viability of Farnham will be adversely affected

- Development detrimental to existing historical town centre
- The traffic situation at the Royal Deer crossing and south Street has at times reached saturation point
- Farnham Swimming Club/local schools require more water time for swimmers than is currently available
- An additional swimming pool should be incorporated alongside the Farnham Sports Centre
- The proposal will divide the town into two competing halves
- The quoted traffic flows for the development will not be realised as the new signal phasing and timings will restrict flows significantly
- The effect of the junction changes will be enormous
- The planning permission reference WA/2008/0279 has expired

#### Policy

- NPPF recommends theatres
- Application fails to accord with Development Plan and NPPF's requirements for sustainable development

#### **Determining Issues**

- a) Principle of Development
- b) Planning History and Comparison with Extant Scheme; Material Changes in Circumstances
- c) Character of Area
- d) Setting of Heritage Asset
- e) Residential Amenity
- f) Traffic/Highway Issues
- g) Convenience/Safety of Footpath Users
- h) Crime and Disorder
- i) Environmental Impact
  - Noise and Vibration
  - Air Quality
  - Contamination
  - Flood Risk
  - Water Quality
  - Ecology
  - Cumulative effects
- j) Trees/Landscape
- k) Effect upon Special Protection Areas
- l) Climate Change
- m) Summary of Alternatives considered for this proposal
- n) Letters of representation

#### Planning Considerations:

#### **Principle of Development**

The Council's planning policies indicate that the following considerations are relevant to assessment of the development proposal.

The site is partially within the Developed Area of Farnham, wherein the principle of development is acceptable subject to visual and residential amenity considerations, and partially within the Countryside beyond the Green Belt, wherein building in the open countryside away from existing settlements will be strictly controlled. The NPPF states under its Core Planning Principles that planning should: take account of the different roles and character of different areas, promoting the vitality of our main urban areas, recognising the intrinsic character and beauty of the countryside; and proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

At the heart of the NPPF is a presumption in favour of sustainable development.

The River Wey and its south bank is an Area of Strategic Visual Importance. Policy C5 of the Waverley Borough Local Plan 2002 states that the Council will seek to ensure that the appearance of the area is maintained and enhanced.

The River Wey is a Site of Nature Conservation Importance. Policy C10 of the Local Plan states that development will not be permitted within or affecting a SNCI unless it can be demonstrated that it would not conflict with nature conservation interests.

It should be noted that Paragraph 113 of the NPPF states that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

The site is within the Thames Basin Heathland and Wealden Heaths I Special Protection Area 5km buffer zones where development should not result in a significant effect upon the integrity of the SPAs.

Policy D7 of the Local Plan states that development proposals on sites which contain, or are close to, important trees, groups of trees or hedgerows should provide for their long-term retention. The NPPF at paragraph 118 states that when determining applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is within 20m of a river and within Flood Zones 2 and 3. The NPPF and its Technical Guidance on flood risk contain sequential and exception tests to ensure that new development is directed to areas of no or lower risk (Flood Zone 1) and to ensure that such development is appropriate in any area. Paragraph 99 of the NPPF states that when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaption measures.

There is a Grade II Listed Building (Brightwell House) approximately 130m to the northwest of the site. Policy HE3 of the Local Plan states that proposals will not be permitted if they would harm the building or its setting. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

There is a Building of Local Merit (Brightwell Cottage) approximately 20m to the northwest of the site. The principle of the loss of this building was accepted under planning permission WA/2008/0279.

Policy M3 of the Local Plan states that development which involves the provision of a new access or significant intensification of use of an existing access onto the A31 will not be permitted where the traffic generated by that development would compromise the safe movement and free flow of traffic on that road by others. Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Policy D4 of the Local Plan states that development should not significantly harm the amenities of occupiers of neighbouring properties by way of overlooking, loss of daylight or sunlight, overbearing appearance or other adverse environmental impacts.

Policy M2 of the Local Plan states that all applications should provide safe access for pedestrians and road users, designed to a standard appropriate for the highway network in the vicinity and the level of traffic to be generated by the development.

Climate change and the contributions of CO<sub>2</sub> emissions should be taken into account in considering development. Paragraph 93 of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change.

Policy D1 of the Local Plan states that the Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment.

An Environmental Impact Assessment (EIA) is required to ensure that the likely significant effects (both direct and indirect) of a proposed development are fully understood and taken into account before development is allowed to go ahead. An EIA must describe the likely significant effects (including where appropriate impacts on air, water and or soil quality before, during and after the proposed development) mitigating measures envisaged, an outline of the main alternatives studied, and the reasons for the applicant's choice.

Development will not be permitted where it would result in material detriment to the environment. The Council will seek, as part of a development proposal, to resolve or limit environmental impacts. This may include the submission of assessments (e.g. flood-risk) to determine the risk to the development, the likely effects of the development on risk to others, whether mitigation is necessary, and if so, whether it is likely to be effective and acceptable.

The planning impact of both footbridge and construction access bridge will be considered together unless individual reference to either development is necessary.

**Members should be aware that the following aspects are not being considered under this application:-**

- a) Impacts upon congestion/safety of surrounding network of main development once built (already established by planning permission WA/2008/0279 and considered under time extension application WA/2012/0912)
- b) Impact upon congestion/safety of highway network of construction traffic involved in building the development, once bridge is built (to be considered under Condition 37 (e) of WA/2008/0279 or any succeeding permission including time extension application WA/2012/0912)
- c) Hours of construction of main development (to be considered under Condition 37 (e) of WA/2008/0279 or any succeeding permission including time extension application WA/2012/0912)

**Conversely the following aspects are relevant to this proposal**

- a) Safety of access/bridge in terms of visibility/design
- b) Capacity of access to accommodate proposed construction traffic flows without prejudice to safety and congestion upon network
- c) Visual impact of the development
- d) Environmental impact of bridge construction, use and demolition and any in-combination effects with other developments

**Planning History and Comparison with Extant Scheme; Material Changes in Circumstances**

Condition no. 37, criterion (a), imposed on Planning Permission WA/2008/0279 requires the applicants to submit details of a “temporary access from and to the A31 Farnham Bypass (Eastbound only), subject to planning permission being obtained”.

Permission was granted for a temporary construction access to the A31, comprising bridge across the River Wey, with the following associated infrastructure: embankment, storm management systems; pedestrian underpass and re-instatement works including the provision of a permanent footbridge across the River Wey (once the construction bridge has been removed), under planning permission WA/2010/1650.

It should be noted that the principle of a permanent footbridge in association with the main East Street development was established under the original permission WA/2008/0279. Under planning permission WA/2010/1650 the location of the permanent footbridge was moved 1.5m southwards.

Planning Permission WA/2010/1650 has not yet been implemented and at the time of the preparation of the report remains extant. This permission is a highly material consideration to the assessment of the current proposal.

The key consideration in the determination of this application, which is identical to the previous permission (WA/2010/1650), is whether there has been a material change in planning circumstances since the previous approval to warrant a different decision.

The following changes have occurred since the granting of planning permission WA/2010/1650:

## **Material changes to the application/site circumstances**

Officers have visited the site and are satisfied that there has not been a material change in site circumstances since the time of the previous application.

It should be noted that there have been no changes to the submitted plans in comparison with the proposals permitted under planning application WA/2010/1650.

However, having regard to the time period which has lapsed since the approval of planning application WA/2010/1650, the supporting documentation submitted has been updated. In particular the following additional information has been provided:

- Review of Environmental Statement Baseline Information and Assessments (4 May 2012)
- Air Quality Assessment – Response to EIA Queries (1 June 2012)
- Supplementary Note on Traffic Surveys (1 June 2012)
- RPS letter regarding ecological issues (25 May 2012)

The applicant's amplification of these documents is as follows:

The review of the baseline data and information used in the Environmental Statement (ES) that accompanied the planning permission (WA/2008/0279) in 2008 and the subsequent permission for the construction access in 2010 (WA/2010/1650) demonstrated that although there have been changes in traffic flows in the intervening period, the overall assessment and conclusions of the original ES remain valid. The only difference, which is not significant in EIA terms, is that on Woolmead Road, a noise change of minor adverse significance during the peak hour would occur with the updated traffic data, where none had been predicted before.

The "Air Quality Assessment (Response to EIA queries)" concludes that the overall significance of air quality effects of the main East Street development and the removal and construction of the temporary access road is considered to be 'negligible' to 'slight adverse' and the site is deemed suitable for its proposed future use in the context of air quality.

The Supplementary Note on Traffic Surveys indicates that the changes in traffic flows would not be discernible and would not result in any significant effects, even in locations that may be deemed environmentally sensitive. The updated traffic surveys demonstrate that the original Traffic Assessment (TA) and ES have used flows which are generally higher than those predicted for more recent surveys, and the TA consequently provides a robust assessment. Therefore the conclusions of the TA and ES remain valid for the new application.

Whilst the reduction of the A31 eastbound carriageway to a single ahead lane during the 12-16 week temporary bridge construction is anticipated to result in some vehicles diverting away from the A31 Eastbound Ahead movement at the Hickleys Corner junction and onto the A325 through the centre of Farnham, the increases in traffic on the A325 would be temporary.

The reduction of the A31 eastbound carriageway to a single ahead lane is not anticipated to change the route of vehicles using the A31 from the A325 from locations such as

Rowlledge and Wrecclesham as well as locations further afield such as Borden and Whitehill.

It is concluded in the letter dated 25 May 2012, regarding ecological issues, that there has been no material change to the ecological baseline and that the results of the ES remain valid.

Evaluation of these will be included in the relevant section of the main body of the report.

## **Material changes to planning policy**

### National Policy

Since the determination of planning application WA/2010/1650 there has been a material change in planning policy.

The Government published the National Planning Policy Framework in March 2012. This document replaces all Planning Policy Statements and Planning Policy Guidance, with the exception of PPS10: Planning for Sustainable Waste Management. The Framework is a new material consideration in the determination of this application.

The NPPF sets out that development which accords with an up-to-date Development Plan should be approved unless material considerations indicate otherwise.

The NPPF is however a material consideration in the determination of this application. Paragraphs 214 and 215 of the NPPF make clear that where the local authority does not possess a development plan adopted since 2004, due weight may only be given to relevant policies in existing plans according to their degree of conformity with the NPPF. Consideration will be given in the report as to whether the NPPF alters the conclusion in relation to individual issues, in comparison with the previous approval under the Local Plan.

An underlying theme running through the NPPF is that the planning system should seek to deliver sustainable development. There are three dimensions to sustainable development: economic, social and environmental. This should be achieved by contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing the natural, built and historic environment.

At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.



The NPPF 2012 identifies that, within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision making. The following summarised principles are pertinent to this application. It is stated that planning should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas and recognising the intrinsic character and beauty of the countryside;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the re-use of existing resources and that of renewable resources;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable

The paragraphs of the NPPF, relevant to the issues under consideration, are included in the main body of the report.

### Regional Policy

As previously stated, the Government is yet to formally revoke this tier of planning policy and as such the South East Plan 2009 remains a material consideration.

It should be noted that Planning Permission WA/2010/1650 was granted under the provisions of the adopted South East Plan 2009 (SEP) and therefore there has been no material change in policy in this respect.

### Local Policy

Planning permission WA/2010/1650 was determined under the policies of the Waverley Borough Local Plan 2002. The Local Plan continues to form part of the Development Plan for the area. However, having regard to paragraphs 214 and 215 of the NPPF, there is a need to consider the degree of conformity to the relevant policies to the current proposal.

As previously stated, the Council is preparing its Core Strategy setting out the key strategic planning policies for the area up to 2028. As it stands only limited weight can be

given to the emerging Core Strategy and its proposed policies. However, this will increase as the Core Strategy progresses through Examination.

## Other Policy and Guidance

In March 2011, the Government issued a Ministerial Statement on 'Planning for Growth'. This statement outlined that the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The Government's clear expectation is that the answer to development growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national policy.

The Waverley Corporate Plan 2012-15 includes five core priorities. Corporate policy five is that of the 'environment' and includes delivery of the East Street scheme during the plan period.

## Material changes in Planning Legislation

### Environmental Impact Assessment Regulations 2011

On 24 August 2011 the Town and Country (Environmental Impact Assessment) Regulations 2011 came into force. The regulations consolidate the provisions of the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 and the subsequent amending instruments. The 2011 Regulations apply to England only.

While the 2011 Regulations are principally consolidating regulations, the key changes are highlighted below:

- Addition of new descriptions of development
- Any applicable screening threshold applies to the development as a whole once modified, and not just to the change or extension.
- All LPA screening opinions (including those that indicate EIA is not required) must now have reasons (justification) behind the authority's decision, which must be made available as part of the public record.
- The definition of statutory consultation bodies is amended to include the Marine Management Organisation, in certain circumstances.
- The consolidated 2011 Regulations are renumbered, e.g. 'Regulation 19 requests' (requests for further information) become known as 'Regulation 22 requests'.

These changes must be taken into account in assessing the current scheme.

## Character of Area

Paragraph 17 of the NPPF sets out Core Planning Principles. Points 4 and 5 of paragraph 17 state that planning should always seek to secure high quality design and take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

At paragraph 56, the NPPF emphasises that the Government attaches great importance to the design of the built environment and affirms that good design is a key aspect of

sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 58 of the NPPF sets out that planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments;
- Are visually attractive as a result of good architecture and appropriate landscaping.

In support of the application, the agent states, in the submitted Design and Access Statement, that it is evident that the loss of trees will have an impact upon the amenities of the surrounding area and environment, both during the construction period and afterwards. However, the level of tree loss (39 trees) has been reduced significantly from the previous scheme with longer deceleration lane (69 trees). The impact of the proposal upon trees is discussed under the 'Trees/Landscape' heading below.

The proposed works affecting the woodland belt and Borelli Walk would be situated in a location that is designated as being 'Countryside beyond the Green Belt' and an 'Area of Strategic Visual Importance'. The land to the north of the river is within the Developed Area of Farnham.

Officers acknowledge that the proposed access/bridge would primarily be visible from the A31, Borelli Walk, Homepark House, Falkner Court, Farnham Sports Centre, 40 Degreez Youth Centre, The Fairfield and from the properties to the south of Weybank Close.

Under planning permission WA/2010/1650 the Council accepted that the proposed access and bridge would be utilitarian in design and that the visual impact would be temporary. However, it was recognised that following the removal of the construction access/bridge the land would be re-instated and tree planting carried out to replace the original tree screen. Given the temporary period of the construction access, no overriding concerns were raised in relation to the impact of the proposal upon the character of the area.

It should be noted that the form and design of the permanent footbridge were accepted under planning permission WA/2008/0279 and the revised location under planning permission WA/2010/1650.

The sentiments of the NPPF are supported by Policy CC6 of the SEP and Policies D1, D4, C2 and C5 of the WBLP. Officers consider that there have been no material changes in planning circumstances to justify taking a different view to this issue under the current proposal.

### **Setting of Heritage Asset**

Paragraphs 126 to 141 of the NPPF refer to the historic environment and supersede PPS5: Planning for the Historic Environment.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including its setting.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

The only listed building within the main East Street site is Brightwell House and the attached former theatre. Brightwell House dates from the 19<sup>th</sup> Century and is Grade II Listed. The separate Brightwell Cottage is a Building of Local Merit.

The applicant states in the submitted Review of Environmental Statement Baseline Information and Assessments that no change has been identified in the baseline conditions from that of the resources identified within the 2008 ES.

The Council's Historic Buildings Officer raises no concerns in relation to the impact of the proposal upon the setting of Brightwell House. It should be noted that the principle of the loss of Brightwell Cottage was accepted under planning permission WA/2008/0279.

Given that the impact of the access bridge is a transient issue, as the access bridge will be temporary, there is no overriding objection to this part of the proposal on setting grounds. The principle of the proposed footbridge was accepted under planning permission WA/2010/1650.

The relevant policies of the Development Plan are considered to accord with the NPPF and it is not considered that there have been any material changes in planning circumstances to warrant a different decision in this respect.

## **Residential Amenity**

The NPPF 2012 identifies, within its core land use planning principles, that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The agent states in the submitted Design and Access Statement that the closest residential occupiers to the proposed construction site and the A31 access are those at Falkner Court, Homepark House and those who live towards the south of Weybank Close. Other residences (The Fairfield) to the south of the A31 also have views of the tree belt looking north across the carriageway.

Under planning permission WA/2010/1650, whilst it was acknowledged that the proposal would be visible to these neighbouring occupiers, it was considered that it would not be materially harmful to their amenity in terms of loss of daylight or sunlight/the emission of

light, overbearing appearance, impact upon privacy and outlook subject to conditions. The issues of air quality, noise and vibration are handled below.

Officers consider that Policies D1 and D4 of the WBLP conform with the NPPF. It is considered that there has not been any material change in planning circumstances to warrant taking a different view to this issue under the current proposal.

## **Traffic/Highway Issues**

Paragraphs 29 to 41 of the NPPF refer to promoting sustainable transport and effectively supersede policy previously contained in PPG13: Transport.

Paragraph 29 states that transport policies have an important role to play in facilitating sustainable development and that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 30 states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce pollution.

Paragraphs 32 and 36 of the NPPF state that all developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment and Travel Plan.

Paragraph 32 goes on to state that plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up, depending upon the nature and location of the site to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development

Members should note that there is an important distinction to make between the traffic impact of the construction of the approved main development and that of the currently proposed access/bridge.

Condition 37 (e) of planning permission WA/2008/0279 and proposed Condition 37 (e) of WA/2012/0912 (concurrent application on this Agenda) require full details within a Method of Construction Statement of traffic management proposals including routing and access/junction/highways works scheduling for the main development construction.

The traffic impacts of building the approved development itself, are required to be considered under Condition 37 (e) (or successor condition 37 (e) of WA/2012/0912). The traffic implications of the completed development were also considered under WA/2008/0279 and under WA/2012/0912.

Under planning application WA/2010/1650 the agent submitted a Transport Statement. Following a request for further information under Regulation 19 of the Environmental Impact Assessment Regulations 1999, a further response was received during the consideration of that application. The Regulation 19 Request Response document made the following summarised comments:

1. During the construction of the access there is likely to be some temporary disruption to the traffic flows on the eastbound carriageway on the A31.
2. The junction improvements would take 8 -10 weeks to build.
3. The whole construction period for the temporary access from the A31 would be 12-16 weeks.
4. It would take a further 12 weeks to remove the access giving a total construction/removal period of 24-28 weeks.
5. Traffic management measures required during the construction of the bridge/access will necessitate the closure of one of the eastbound lanes on the A31 from the stop line at the Hickleys Corner junction. This will result in delays and queuing at the junction. During the morning peak hour the queue would increase from 29 to 348 vehicles and would extend for 1km towards the Coxbridge roundabout to the west. Average vehicle delays during these periods would increase from 0.6 to 12 minutes. Increases would also take place during the PM peak hour and off-peak periods but to a lesser extent compared to the AM peak hour. Such delays would be temporary in nature lasting for 12 to 16 weeks during the access/bridge construction and again during its removal and re-instatement works.
6. With consideration to safety, it is proposed that traffic management measures would be implemented throughout the works, during which the speed limit along the eastbound A31 carriageway would be reduced from 50 to 40 mph. This would only be a temporary reduction and would be enforced through an agreed measure. These details could be controlled via a condition, to be imposed upon the current application if permission is granted.
7. During the inter-peak period it is considered that the Hickleys Corner junction would operate within capacity during the construction phase of the proposed development, so long as the works are not undertaken during the morning and evening peak hours. In this scenario, it is not expected that drivers would chose to re-route as a consequence of the closure of one eastbound lane of the A31.
8. It is not expected that an adverse impact on the operation of the Royal Deer junction would occur during the construction of the A31 access.
9. During the construction phase of the main East Street development, the numbers of vehicles using the temporary access bridge are not considered to have any significant effects on the operation of the Hickleys Corner junction on the A31 or for the eastbound carriageway of the A31 itself.
10. In conclusion, the documents state that there would be benefits within Farnham from the construction of the temporary access from the A31, with regards to the removal of construction vehicles from roads within Farnham. Although there would be dis-benefits associated with the potential re-routing of traffic during the construction stage of the bridge, these would be short-term and temporary in nature.

Having regard to the time period which has elapsed since the original baseline data were collected, the applicant has submitted a Supplementary Note on Traffic Surveys (15<sup>th</sup> February 2012). This was subsequently updated (1<sup>st</sup> June 2012) following additional traffic survey data collected in May 2012. This document reviews the baseline information of the original Transport Assessment (TA) and ES submitted under planning application WA/2008/0279 and the traffic statement and further information submitted under planning application WA/2010/1650. It is considered that the new data are more representative of background traffic levels as they have not been collected within the pre-Christmas period in December 2011. However, the findings are considered to be consistent with the original reports.

The report concludes that:

- The updated traffic surveys demonstrate that the original TA and ES have used flows which are generally higher than those predicted from more recent surveys, and the TA consequently provides a robust assessment. Therefore the conclusions of the TA and ES remain valid for the new application.
- The reduction of the A31 eastbound carriageway to a single ahead lane during the 12-16 week temporary bridge construction is anticipated to result in some vehicles diverting away from the A31 Eastbound Ahead movement at the Hickleys Corner junction and onto the A325 through the centre of Farnham. This would result in temporary increases in traffic on the A325.
- The reduction of the A31 eastbound carriageway to a single ahead lane is not anticipated to change the route of vehicles using the A31 from the A325 from locations such as Rowledge and Wrecclesham as well as locations further afield such as Borden and Whitehill.

The County Highway Authority has carefully considered the application and states that the main issues are: the impact caused by the construction of the temporary access and its impact once constructed. In summarising the two main issues, the County Highway Authority states that the construction of the temporary access will clearly cause some disruption on the A31 and in the town; however this will be over a limited period and therefore the Highway Authority remains satisfied that the developer will take steps to keep that disruption to a minimum. The arrival and departure of vehicles will need to be carefully managed, which it is expected will be agreed by the method of construction statement. The Highway Authority is satisfied that this will provide sufficient safeguards.

It is acknowledged that during the latter stages of development, when the excavation activities for the East Street development have ceased, some construction vehicles may need to enter and leave the site via Dogflud Way or by East Street, simply because the built form of new development may not allow the passage of vehicles or materials from the south to the north of the site. By this stage the A31 access will have been built, so there will be little impact arising from any combined construction activity.

The County Highway Authority concludes that, subject to the inclusion of conditions and an informative, no objection should be raised on grounds of highway safety or capacity.

Under planning permission WA/2010/1650, the Council noted the concerns of local residents in relation to fears of increased traffic congestion and inconvenience during the bridge construction. However, it was considered that it would not be reasonable to raise objection on this ground as the construction period would be temporary and any inconvenience limited to the duration of works. It was also noted that the Council had refused permission in May 2010 for alternative plans to access the site from the existing road network. The proposed access off the A31 was considered to be preferable in terms of convenience to residents overall. Having regard to the comments received from the County Highway Authority and the conditions recommended, which sought to control the traffic/highway impacts of the temporary access proposal and not those of the main East Street permission, the proposal was found acceptable in this respect.

Concern has been expressed that if permission is granted for the A31 access, then controls should be put in place to ensure that construction traffic associated with the construction of the main East Street permission should not be allowed to enter the site from other access points via the town centre roads. The appropriate mechanism for controlling the method and routing of construction traffic to the main site would be through

the discharge of condition 37 of WA/2008/0279 (or through a successor condition on any subsequent permission for the main development including WA/2012/0912 on this agenda, if permitted. Those details should propose the permitted routing and access points and the developer's methods of on site management and monitoring of those arrangements.

Officers have had regard to the letters of representation which have been received in respect of traffic issues. Whilst officers note the various concerns raised, the County Highway Authority considers the information submitted and transport assessment to be sufficient in order to assess the likely impact of the proposed development.

Having regard to the conclusions of the updated Transport Statement and the comments of the County Highway Authority, the proposal is considered to accord with the NPPF and the relevant policies of the Development Plan. Officers consider that there have been no material changes in planning circumstances which would justify taking a different view to this issue under the current proposal.

### **Convenience/Safety of Footpath Users**

Paragraph 69 of the NPPF sets out that planning policies and decisions should aim to achieve places which promote;

- Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

The agent raises the following points in the submitted Design and Access Statement in support of the application:

- Pedestrian access through Borelli Walk will be maintained throughout the course of the main East Street development construction period (access will not be available when the temporary construction access/bridge are constructed and dismantled)
- The existing footway will be diverted under the proposed construction access embankment via a temporary underpass
- During the course of determining planning application WA/2010/1650, concerns were raised by a number of residents as well as the Crime Reduction Officer over the safety of the underpass to pedestrians
- Amended plans were submitted prior to the approval to address the concerns raised. The amendments included a diversion to the course of the footpaths at either end of the underpass and splayed entrances to offer users a wider line of sight into the underpass prior to entry
- The lighting scheme was confirmed and a condition was added by the Council requiring CCTV to be installed during use to further add security

The applicant has confirmed, in an email dated 04/07/12, that the footpath and underpass as proposed are shown in drawing nos. 13512-TPN, TCA: 001A, 002D, 003D, 004E, 005C, 006C and 1005/121C.

Public Footpaths (No. 170 and parts of Nos. 169 and 171) that currently pass through the main East Street development site would need to be stopped-up in order to accommodate the new development. However, as part of planning permission WA/2008/0279, Borelli Walk was to be made a Definitive Public Footpath with appropriate connections to the surrounding network. An appropriate Order was therefore made and confirmed.



The Order in relation to confirming Borelli Walk as a Public Footpath under planning permission WA/2008/0279 is no longer appropriate. This is due to the duration of the construction and dismantling of the temporary access/bridge works now proposed, which would make Borelli Walk temporarily unsafe to use.

The report on the original application for the temporary access/bridge (reference WA/2010/1650) authorised the Council to make a new stopping up Order and revoke the previous Order. The necessary Order was made on 12 May 2011 and was confirmed on 22 June 2011. At the conclusion of the works a new Borelli Walk path will be provided and dedicated as a public footpath.

The County Highway Authority raises no objection to the proposal subject to the inclusion of a condition.

Under planning permission WA/2010/1650 officers considered that, having regard to the safety features provided for the underpass, which were secured by condition, and having regard to the fact that the bridge would be for a temporary period, the proposal was acceptable in this respect.

Officers consider that the relevant Development Plan policies conform with the NPPF and there have been no changes in planning circumstances to warrant a different decision under the current application.

### **Crime and Disorder**

S17(1) of the Crime and Disorder Act 1998 places a duty to consider crime and disorder implications on local authorities. In exercising its various functions, each authority should have due regard to the likely effect of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. This requirement is reflected in the National Planning Policy Framework, which states that planning policies and decisions should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The considerations set out in the preceding section in respect of safety are relevant to the assessment under Crime and Disorder.

As stated above, officers consider that the proposal has addressed previously expressed concerns and there is no overriding objection on grounds of crime and disorder.

### **Environmental Impact:**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 state that an Environmental Statement (ES) should 'include the data required to identify and assess the main effects which the development is likely to have on the environment'.

An EIA is required to ensure that the likely significant effects (both direct and indirect) of a proposed development are fully understood and taken into account before development is allowed to go ahead. An EIA must describe the likely significant effects (including where appropriate impacts on air, water and or soil quality before, during and after the proposed development) mitigating measures envisaged, an outline of the main alternatives studied, and the reasons for the applicant's choice.

The main scheme (WA/2008/0279) was subject to an EIA and a comprehensive ES was submitted with the scheme. Under planning permission WA/2010/1650 an ES addendum was submitted in support of the application and, following an initial assessment, further information was requested under Regulation 19 of the previous EIA Regulations (1999).

The applicant has carried out a review of the baseline information of the original ES and any relevant subsequent documentation submitted to the Council, to ascertain whether there has been any potentially significant or material changes in the baseline since the original data reported in the ES were collected. Where required, the applicant has submitted new information and survey work. The review has concluded that there has been no material change in respect of landscape/visual impact, heritage, geology/contamination and archaeology. The environmental issues that have been most significant relate to traffic, noise, air quality, hydrology/flood risk and ecology.

## **Noise and Vibration**

Paragraph 123 of the NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of the new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from the new development, including through the use of conditions.

Under planning application WA/2010/1650 a Noise and Vibration Report was submitted to supplement the original ES.

The noise and vibration effects, of the construction of the temporary construction route and the operation of the temporary construction route, were assessed during the worst-case period where different construction phases overlap and the largest number of vehicle movements (130 two-way vehicle movements or approx. one vehicle every four minutes) occur per day. This overlap is in respect of use of the bridge by vehicles and other noise including construction of main development.

The following principal points were made in the report:

### **1. Noise – Bridge Construction**

- main noise sources: piling for the reinforced concrete pile foundations for the bridge and use of crane to lift major sections into place
- construction temporary in nature
- nearest noise sensitive receptor is Homepark House (46m from the bridge at the closest point)
- during noisiest activity during construction (piling) increase of 4 db over ambient noise level predicted
- therefore noise from bridge construction not significant
- impulsive noises associated with assembly of bridge deck and edge barriers will last for short duration, not considered to significantly increase overall noise levels

### **2. Noise – Road Construction**

- route through site, once over bridge, may have temporary road constructed to handle 130 vehicles
- road of either hardcore or tarmac
- road passes Homepark House and Falkner Court

- nearest noise sensitive receptor is Falkner Court (16m at closest point)
  - noisiest activity: vibratory compacting roller
  - temporary construction operation, will not increase ambient noise level for sufficient duration to be considered significant effect
3. Vibration – Bridge Construction
- main vibration source: piling
  - construction techniques proposed will not cause significant vibration
4. Vibration – Road Construction
- main vibration source: surface compaction
  - nearest building 16m away, therefore unlikely to cause building damage at this distance
5. Noise and Vibration – Traffic
- assessment of construction traffic on A31 and within site
  - HGVs travelling on ‘A’ roads, already have significant numbers of HGV movements a day
  - therefore not likely to be significant increase in vibration
  - additional 130 HGV movements on A31 will have neutral effect on noise level emitted
  - on site HGV movements, assuming 2.4m site hoarding at 10m from edge of route past Homepark House and Falkner House not considered significant

In support of the current application, the applicant has reviewed the baseline information and assessments of the original ES submitted under planning permission WA/2008/0279 and the supporting documentation submitted under planning permission WA/2010/1650. The applicant has taken into consideration the changes in traffic flows on the local road network and the changes to Government Guidance and assessment methodology since the original assessment in December 2007.

The following points are made in the review:

- There are no significant differences to the conclusions of the report as a result of changing assessment methodology
- There are no changes to the recommended mitigation measures to provide a suitable internal noise environment
- Whilst there is a general decrease in traffic numbers and an increase on one link only (Woolmead Road), there would be no effect on the recommended mitigation measures.
- Woolmead Road would now experience a noise change of minor adverse significance during the peak hour, where none had been identified before. Existing residential properties on Woolmead Road and Bear Lane might, therefore, be adversely affected although this is not considered to be significant in EIA terms.
- Changes to the traffic data as measured by the updated traffic counts around Farnham will not have any effect upon the temporary construction access bridge. This is solely for the access of construction vehicles directly from the A31.

Following consideration of the proposal, the Council’s Environmental Services Officer has raised no objection to the proposal on grounds of noise and vibration impact, subject to a condition and an informative.

Under planning application WA/2010/1650, officers considered that, with the imposition of conditions, the proposal would not have a materially adverse impact upon the amenity of neighbouring occupiers by reason of noise and vibration.

Having regard to the conclusions of the updated ES information and the comments of the Council's Environmental Services Officer, officers consider that the proposal would not have a significant impact upon neighbouring amenity by reason of noise and vibration subject to the imposition of conditions. The proposal is considered to accord with the NPPF and the relevant policies of the Development Plan comply with the NPPF. Officers consider that there have been no changes in planning circumstances which would warrant taking a different view to this issue under the current application.

## **Air Quality**

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraphs 120 to 125 of the NPPF set out policies to mitigate and reduce to a minimum the adverse impacts of development on health and quality of life. Such effects include ground pollution, land instability, lighting, noise and air quality.

Paragraph 124 states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in an AQMA is consistent with the local air quality action plan.

Under planning application WA/2010/1650 the agent submitted an Air Quality Report. The report supplemented the original ES submitted under planning permission WA/2008/0279. The following summarised comments were made:

1. Modelling has been undertaken for the peak year of construction activity, 2012. Annual mean Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>) concentrations have been modelled with and without construction-related traffic.
2. Concentrations have been modelled at a range of receptors (34 in total), representative of the locations most likely to be affected by construction-related vehicle emissions, including locations within the Farnham Air Quality Management Area boundary as well as locations to the southeast of the A31.
3. The air quality assessment has taken into account the extension of the Farham AQMA in 2007.
4. The results suggest that during the peak period of construction activity, the change in traffic-related pollutant concentrations is imperceptible at all the receptors modelled and the air quality impacts are described as negligible at all receptors.
5. The impacts associated with construction related vehicle emissions during the peak period of construction activity are deemed negligible. Consequently, the impacts associated with construction related vehicle emissions during the entire period of construction activity are deemed negligible in the submitted report.

The Air Quality Report was clarified by the Regulation 19 (of the 1999 EIA Regulations) Request Response during the consideration of the application, in which the following comments were made:

- 1) Further consideration has been given to the operation of the A31 Hickleys Corner and in particular the appropriateness of peak hour lane closures.
- 2) It is not expected that drivers would choose to re route as a consequence of the closure of one east bound lane on the A31
- 3) It is therefore expected that there would be no impact upon the AQMA and limited impact on the flow of traffic on the A31
- 4) It is also concluded therefore that the proposed development would not have an adverse impact on the operation of the Royal Deer Junction.

Having regard to the time period which has elapsed since the original baseline air quality data were collected, in late 2007/early 2008, the applicant has submitted a Review of the ES Baseline Information and Assessments in support of the current application. The review takes account of the changes in traffic flows on the local road network and the changes to the baseline air quality conditions which have occurred since the original data were collected. The report concludes that:

- There have been no changes to the boundaries of the AQMA
- A review of current baseline air quality conditions indicates that ambient pollutant concentrations are likely to be higher than those adopted in Chapter 10 of the 2008 air quality ES. There have also been changes in vehicle emissions factors and the estimation of NO<sub>2</sub> from NO<sub>x</sub>.
- The results of recent traffic surveys indicate that traffic flows have reduced on some road links; however there is evidence of a potentially significant increase on one road link (Woolmead Road) within the study area.
- Changes in the recommended approach to assessing air quality may affect the conclusion of the original assessment.
- Taking into account the above, the percentage changes in pollutant concentrations with and without the development are still considered to be negligible and as such the use of revised baseline traffic does not alter the findings of the original assessment.

In April 2012, prior to the submission of the current application, the Environmental Health Service at Waverley Borough Council requested that the new Air Quality ES should be updated to take into consideration the following key issues:

- An update of the model verification exercise due to the use of old emission factors to estimate the correction factor;
- An update of the operational effects of the proposed development;
- Consideration of the effects of the construction and removal of the temporary access road which would result in diversion of traffic through the town centre and interference of traffic on the A31; and
- Consideration of the effects of both the removal of the access road and the partial completed operation of the proposed development.

In response an Air Quality Assessment – Response to EIA Queries (01 June 2012) was also submitted in support of the current application.

The report concludes that:

- The assessment has considered the air quality effects due to the operation of the proposed development and the removal and construction of the temporary access road as requested by Waverley Borough Council's Environmental Health Officer. In addition, the suitability of the proposed development site for its intended use in the context of air quality has also been considered.
- Based on the results of the dispersion modelling and using professional judgement the overall significance of air quality effects of the development and the removal and construction of the temporary road is considered to be 'negligible' to 'slight adverse' and the site is deemed suitable for its proposed future use in the context of air quality.

The Council's Environmental Health Officer has confirmed that the consultant's conclusions are based on currently available air quality data, using a verified modelling process, in accordance with DEFRA requirements. It is acknowledged that any modelling process will carry a level of uncertainty and the developer's assessment recognises this. Having regard to certain clarifications obtained in respect of the June 2012 Air Quality Assessment, the Environmental Health Officer has raised no objection in principle and is satisfied that detailed information/clarification and mitigation measures can be sought and agreed through a Method of Construction Statement (Working Method Statement) controlled by condition. It is concluded that the proposal will have insignificant impacts on Air Quality.

Under planning permission WA/2010/1650 the Council, having regard to the specialist views of the Environmental Health Officer, considered that there was no objection in principle on air quality grounds and that the proposal would not have a significant environmental effect, taking into account the effects of the development in combination with the East Street Development. Whilst it was acknowledged that the proposal would be likely to result in some deterioration in air quality, that harm could be mitigated by measures secured by condition.

Officers have had regard to the letters of representation which have been received in respect of air quality issues. Whilst officers note the various concerns raised, the Council's Environmental Health Officer considers the information submitted and Air Quality Assessment – Response to EIA Queries to be sufficient in order to assess the likely impact of the proposed development.

Having regard to the updated ES information, the comments of the Council's Environmental Health Officer and subject to the inclusion of conditions, officers consider that the development would be acceptable on air quality grounds. The proposal would not have a significant environmental effect in isolation or in combination with the main East Street Scheme. The proposal is considered to accord with relevant Development Plan policies, which comply with the NPPF. There have been no material changes in planning circumstances which would justify taking a different view to this issue under the current proposal.

## **Contamination**

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing

development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 120 states that to prevent unacceptable risk from pollution and land instability, planning policies and decisions should ensure that the new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 121 states that planning policies and decisions should also ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

The applicants have not identified any evidence of sources of contamination upon the site, either in isolation or in combination with any other adjacent sources. The application form states that the land is not known to be contaminated nor polluted. It is stated within the submitted Review of Environmental Statement Baseline Information and Assessments report that the land uses have not changed significantly since 2008 and the Environment Agency has no records of any pollution or contamination incidents occurring in the vicinity of the site since before 2008. It is concluded therefore no significant effects are likely to have occurred in the interim period.

The Council's Pollution Control Officer has raised no objection to the proposal subject to the imposition of standard safeguarding conditions.

Under planning permission WA/2010/1650 third party concerns raised in relation to this matter were carefully considered by the Council's Pollution Control Officer. The contamination report submitted in relation to the main East Street development (WA/2008/0279) identifies that a former Council Depot existed on the Northern edge of the current application site wherein elevated concentrations (above drinking water standards) of ammonia and petroleum hydrocarbons have been identified in an off site bore hole. The conclusion of the Pollution Control Officer was that the identified potentially contaminated former use (Council depot) and identified petroleum and ammonia contamination in ground water were not considered to pose a risk to the health of construction workers where standard health and safety measures are in place or to future users of the "development" (the bridge). The Council's Pollution Control Officer was also guided by the lack of objection from the Environment Agency. Having regard to the above conclusions and taking into account concerns expressed by residents, the Council raised no objection to the development, subject to the inclusion of appropriate conditions if permission was granted.

Officers have had regard to the NPPF and consider that the Development Plan policies accord with the NPPF. It is considered that there have not been any material changes in planning circumstances to warrant a different decision in this respect.

## **Water Quality**

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

The submitted Ecological Assessment sets out measures to reduce potential pollution/siltation and states that EA best practice will be followed with a view to minimising harm to water quality and wildlife.

Natural England has raised no concerns in relation to water quality.

The EA has also raised no objection on this ground.

Under planning permission WA/2010/1650 the Council considered that the development would not be likely to cause any significant effect upon the water quality.

Officers have had regard to the NPPF and the relevant policies of the Development Plan. The relevant policies of the Development Plan are considered to comply with the NPPF. It is not considered that there have been any material changes in planning circumstances since the previous approval to warrant a different decision under the current application.

## **Flood Risk**

Paragraph 99 of the NPPF states that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.

Paragraphs 100 to 104 set out flood risk considerations and incorporate the Sequential and exception Tests previously contained in PPS25: Development and Flood Risk.

In particular, paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 102 states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- It must be demonstrated that the development provides wider sustainability to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In the current case there is no alternative available site in a sequentially preferable location as confirmed by the SFRA. Moreover, it is considered that the bridge and access works



together constitute a form of water compatible development in terms of NPPF vulnerability classification.

A Flood Risk Assessment (FRA) has been submitted in support of the application. In summary the report states that:

1. The proposed construction access road and bridge would be temporary. The site is located within Flood Zone 3. The 1:100 year design flood level is 64.000m AOD.
2. The temporary construction access bridge and permanent footbridge have been designed to meet the Environment Agency's requirement for the underside to be 300mm above the 100 year flood level of 64.000m.
3. The proposed Stormtech conduit solution (comprising a series of tunnels installed in rows parallel to each other across the footprint of the embankment) would ensure continuity of the flood plain together with the underpass and culverted ditch.
4. Volume and velocity calculations for the existing and proposed flood situation indicate that the construction access would not have an adverse effect on the operation of the flood plain.
5. The surface water drainage of the construction access would be considered at the detailed design stage.

In addition further information has been submitted in the Regulation 19 Request Response, originally submitted under planning permission WA/2010/1650. In this document the applicants have assessed the in combination effects of the proposal with the main East Street development permitted under WA/2008/0279. They conclude that volume and velocity calculations for the existing and proposed flood situation indicate that the construction access would not have an adverse effect on the operation of the flood plain. This is the case both in isolation or concurrently, with the main East Street development.

The Environment Agency has considered the application and has raised no objection subject to a condition and informatives.

Under planning permission WA/2010/1650 the Council considered that there was no sequentially preferential site for the temporary access and the Exception Test was applied. It was considered that the bridge and access would be temporary and were essential to deliver a scheme with planning permission, which would deliver community and sustainability benefits. The FRA demonstrated that the development would be safe without increasing flood risk elsewhere and therefore no objection was raised to the development on flood risk grounds.

Officers consider that the relevant Development Plan policies accord with the NPPF and that there have been no material changes in planning circumstances to justify a different decision under the current application.

## **Ecology**

The NPPF states that the Planning System should contribute to and enhance the natural and local environment by minimising impacts upon biodiversity and providing net gains in

biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

In addition, Circular 06/2005 states 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'

Having regard to the time which has elapsed since the determination of Planning Application WA/2010/1650, the applicant commissioned a verification walkover survey of the site on 25<sup>th</sup> January 2012 to confirm the validity of the existing ecological data for the site, which comprised the ES submitted with the original East Street application reference WA/2008/0279 and the Ecological Assessment and further information submitted under Regulation 19 under planning application WA/2010/1650.

It is concluded in the supporting letter dated 25 May 2012 that there has been no material change to the ecological baseline and that the results of the ES remain valid. Recommendations are set out in relation to ecological enhancement and mitigation measures.

The applicant raises the following points in support of the application, contained within the submitted Design and Access Statement and the supporting letter dated 25<sup>th</sup> May 2012:

- The study area itself is not subject to any statutory nature conservation designation and no statutory ecological designations will be adversely affected by the proposals
- A non-statutory ecological designation, the River Wey Site of Nature Conservation Importance (comprising the River Wey itself), which passes through the study area could potentially be affected during the construction of the bridge. Appropriate safeguards will be implemented to minimise the potential for long-term adverse effects on the ecological value of the River.
- The river and wooded belt are considered to be of the greatest relative ecological value in the context of the study area, whilst the remaining habitats are generally of low ecological value. The proposals will result in the loss of a number of trees, whilst those retained will be protected in line with standard arboricultural best practice. Replacement tree planting is proposed to re-instate the wooded belt once the road bridge is removed.
- The river has the potential to be adversely affected by the works, however a number of safeguards/measures are proposed to minimise harm.
- In relation to fauna, no protected, notable or rare species were recorded inhabiting the study area, although bats have been recorded foraging/commuting along the River Wey and wooded belt, and it is likely that badgers pass through the site. Accordingly, the applicants consider that the proposals are likely to temporarily affect these species. However, safeguards and mitigation measures detailed in the report are proposed to minimise harm to these species.
- Common birds may use habitats at the site for nesting, and as all wild birds receive protection whilst nesting, in order to avoid a potential offence the Ecological Appraisal recommends that any clearance of nesting habitat is undertaken outside of the bird nesting season.
- Moor Park SSSI is located approx. 2.25km southeast of the application site. However, there is potential for the designated area to be affected indirectly, such as from pollution, siltation etc, during the construction works via downstream waterways linked to the River Wey. Accordingly safeguards/measures will be undertaken to minimise any risk of adversely affecting the designation.

- In the absence of safeguards/mitigation, the proposals would adversely affect the wooded belt and potentially the River Wey and would cause temporary disruption to the commuting/foraging activities of a number of faunal species. However, appropriate safeguards/mitigation as detailed within the Ecological Assessment report could be employed to minimise potential adverse effects, whilst replacement planting of the wooded belt is expected to provide compensatory habitat in the long term.
- The Council is incorrect in its view that the Habitats Regulations 2010 changes the position regards conditioning the need for surveys as part of the planning consent. The need to undertake presence/absence surveys (e.g. to inform the EIA) prior to planning consent predates the 2010 Habitats Regulations, is clearly set out in PPS9 and was enshrined in PPG9 before that. Whilst PPS9 is now superseded by the NPPF the 'rule' over the conditioning of surveys has not changed since the original application was made in 2008.
- It is important to recognise the clear difference between undertaking surveys to inform the EIA and undertaking verification pre-construction surveys to determine the situation prior to demolition, felling, or the commencement of earthworks. The former were undertaken prior to the assessment and have been reaffirmed since. The latter are yet to commence.
- The purpose of the Environmental Assessment Baseline Review was to report the findings of a walkover survey undertaken in January 2012. The purpose of that survey was to determine whether the ecological baseline had changed materially since the earlier surveys, on the basis that if it had then the assessment undertaken for the EIA may no longer be valid. The evidence was that there has been no material change, and therefore the results of the assessment remain valid.

It is noted that Surrey Wildlife Trust has raised a number of issues, which have been taken into consideration.

Natural England states that it expects the local planning authority to assess and consider the possible impacts resulting from the proposal on protected species and local wildlife sites. It also raises the point that the application may provide opportunities to incorporate features in to the design which are beneficial to wildlife and the authority should consider securing measures to enhance the biodiversity of the site.

Under planning permission WA/2010/1650 the Council considered that sufficient surveys had been carried out up front in relation to the presence of any protected, rare or notable species, and specific survey work had been undertaken for badger, bats, water vole and otter, in compliance with the Conservation of Habitats and Species Regulations 2010, the Protection of Badgers Act 1992 and Wildlife and Countryside Act 1981(as amended).

Having regard to issues raised by Surrey Wildlife Trust and the comments of Natural England, the Council considered that there was no material objection on ecological grounds, subject to the imposition of conditions.

Moreover, the Council considered that, having regard to mitigation measures proposed, there would be no significant environmental effect caused to ecology. This conclusion was reached having regard to the effect of the proposal in isolation and in combination with the effect of the main East Street development. In addition, the Council considered that there would not be any likely significant effect upon protected species under the Conservation of Habitats and Species Regulations 2010.

Officers have had regard to the new information contained within the supporting letters dated 25<sup>th</sup> January and 25<sup>th</sup> May 2012, the Review of the Environmental Statement Baseline Information and Assessments, the Habitats and Species Regulations 2010, the new EIA Regulations 2011 and the comments of the statutory consultees. It is considered that the proposal would not have any significant impact upon ecology, subject to the imposition of conditions, and would comply with the NPPF and the relevant policies of the Development Plan accord with the NPPF.

### **Cumulative Effects**

The cumulative effects of the current application with the Riverside and main East Street development have been assessed by the applicant.

The applicant has explained that, from an EIA point of view, an inter-relationship may exist between the proposed East Street development and the Riverside and new bridge developments. It is further explained that both developments have been previously assessed as advance works that are required to facilitate the construction of the main East Street development.

In respect of Riverside, this was assessed in 2006/2008 as a committed development at that time and was reported upon in both the ES and TA submitted with the original 2008 planning application. The TA concluded that the Riverside proposal would not be significant in traffic terms, noting the loss of parking at East Street could be accommodated elsewhere in Farnham. The situation would be eased further with construction of the Riverside car park. The Riverside development therefore effectively acts to replace the car parking and tennis courts lost at the East Street site. Therefore, from an environmental perspective, the applicant argues that the resultant change in traffic flow volumes would not be high enough to warrant further consideration, thus no cumulative effect.

With regard to the temporary bridge construction, the applicant argues this is not a 'separate development' or 'other project', but a necessary requirement for construction of the East Street development, and a condition of planning permission WA/2008/0279. As this may have a temporary construction effect, it was fully assessed as part of the separate planning application WA/2010/1650. The individual assessments considered the new bridge both on its own and as part of the main East Street development and were considered acceptable by the Council. There has been no change to these development proposals.

Officers have had regard to the new information contained within the supporting letters dated 25<sup>th</sup> January and 25<sup>th</sup> May 2012, the Review of the Environmental Statement Baseline Information and Assessments, the new EIA Regulations and the comments of the statutory consultees.

It is considered that the review of the ES has adequately explained the environmental implications of the proposed development and the proposed mitigation measures are acceptable. Officers are therefore satisfied that the likely cumulative effects of the various developments have been satisfactorily addressed.

## Trees/Landscape

Paragraph 118 sets out that local planning authorities should aim to conserve and enhance biodiversity when determining planning applications. It states that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

An Arboricultural Report has been submitted with the application. The report concludes that the proposal would require the removal of 39 trees from the wooded belt along the side of the bypass (5 of high quality and value, 26 of moderate quality and value, 6 of low quality and value and 2 trees that should be removed irrespective of development due to their condition).

The following principal points are made in the Arboricultural Report:

1. The proposal would result in an opening in the belt of trees along the bypass of between approx. 44m-60m. (The 44m width is measured from Borelli Walk and the 60m width from the A31).
2. The retained trees can be protected by a scheme of protective measures.
3. The diversion of the Borelli Walk through the underpass and back to the existing path would pass across the root protection area of retained trees. To ensure the rooting environment is protected the footpath would be constructed above the existing soil levels.
4. To mitigate the loss of the trees, on the removal of the access bridge and associated works, a scheme of new tree planting is proposed including a mix of heavy standard and transplant sized trees that are most likely to establish quickly to replace the screen.

The Council's Tree and Landscape Officer considers that the Tree Survey and Arboricultural Impact Assessment are a fair assessment of the tree species, size and condition within the construction zone and provide a realistic scale of direct tree loss alongside the A31. He states that the diverge-taper and associated embankment involve less direct tree loss than the previously mooted deceleration lane. The tree belt along the dual carriageway provides a relatively dense screen which effectively buffers noise/pollution associated with traffic. It is a valuable shield to the road and an important 'green corridor' for wildlife. The value of the trees is their collective contribution to the landscape as a feature within an ASVI. He states that the proposal will have a significant negative impact on the landscape in the short to medium term from a visual and acoustic perspective, due to opening up of a section of road and impact of this on views from the town to the north and to users of the verdant open space along the river corridor. He concludes that the proposed mitigation plan on completion of the project is acceptable in terms of providing trees of an appropriate species mix, in keeping with the landscape vernacular and recommends conditions and an informative.

The Farnham Design Statement states that "the green corridor along the A31 should be preserved and enhanced.....planting of trees and hedging must be increased along the A31 and elsewhere in the town".

In considering planning application WA/2010/1650 the Council concluded that the proposed tree loss would result in a negative impact on the character of the area and appearance of the ASVI. In addition, the removal of a substantial section of tree belt would be contrary to the expectation of the Farnham Design statement for this part of the A31.

However, it was acknowledged that the proposal would result in less direct tree loss than the fallback scenario described under planning application WA/2010/0372 (which included a deceleration lane), which would have resulted in the loss of 69 trees and an opening in the tree belt of 84m, and that this loss would be for a temporary period.

The impact was considered to have been minimised by the use of a diverge-taper from the A31 and it would be further mitigated by conditions. It was acknowledged that the loss of the trees would enable the construction access to be achieved to the main East Street site in preference to use of alternative town centre accesses which were previously rejected by the Council under the earlier planning application (WA/2010/0372). It was considered that the loss of trees and resultant opening up of the screening tree belt adjacent to the A31 would not be so harmful as to outweigh the benefits of achieving the proposed construction access.

The impact of the loss of the trees upon the wildlife corridor is discussed under 'Ecology'.

Officers have had regard to the NPPF and the relevant policies of the Development Plan officers. The relevant policies of the Development Plan are considered to accord with the NPPF. It is considered that there have not been any material changes in planning circumstances to warrant a different decision being made under the current application.

### **Climate Change**

Paragraph 93 of the NPPF states that planning has a key role in helping shape places to secure radical reductions in greenhouse gas emissions.

Paragraph 95 states that to support the move to a low carbon future, local planning authorities should plan for new developments in locations and ways which reduce greenhouse gas emissions.

Under planning application WA/2010/1650 the council considered that the development may give rise to an increase in CO<sub>2</sub> emissions in comparison with the existing situation in consequence of the use, construction traffic, removal of trees and emissions from the construction process. Nevertheless, it was recognised that the development and construction traffic would be for a temporary period to facilitate the building of development with planning permission. Following completion, the removed trees would be replaced.

In view of the above, it was considered that there was no overriding objection to the temporary development on climate change grounds.

The sentiments of the NPPF are supported by the relevant Development Plan policies. Officers consider that there have been no material changes in planning circumstances to justify taking a different view to this issue under the current proposal.

### **Effect upon Special Protection Areas**

The proposal to create a construction access/bridge from the A31 would not create any more dwellings over that previously approved under WA/2008/0279.

Having regard to the distance to the Wealden Heaths SPA and the standing advice from Natural England, it is considered that there would be no likely significant effect on this SPA

due to the availability of alternative recreational opportunities in the area to divert people from its use.

The applicant states in the submitted Design and Access Statement that the site is located approximately 2.5km south of the Thames Basin Heaths SPA and that the impacts of the proposed development were fully assessed as part of the previous application and those findings apply equally to the consideration of the current application.

Under planning permission WA/2010/1650 further information was submitted under the Regulation 19 of the 1999 Regulations Request Response. This assessed the proposed development in combination with the main East Street development in terms of likely significant effect upon the SPA. It was concluded that, at its closest point, the proposed development would be 2.5 km from the TBH SPA and there would be no direct effects during construction or operation. There would not be any likely significant effect caused in combination with the main East Street development. It was therefore considered that an appropriate assessment under Article 6(3) of the Habitats Directive was not necessary.

Natural England has not raised any objection on this particular ground.

Officers have taken into consideration the NPPF, the relevant policies of the Development Plan and the Conservation of Habitats and Species Regulations 2010. The Development Plan policies are considered to conform with the NPPF. It is not considered that there have been any changes in planning circumstances to warrant a different decision under the current application.

### **Summary of Alternatives Considered for this Development:**

The applicant has provided a summary of the alternatives considered to this development within the Regulation 19 Request Response, originally submitted under planning application WA/2010/1650. EIA Further Information sets out the alternatives to the initial proposal that were considered and the main reasons for the choice of proposal taking into account the likely environmental effects. These were as follows:-

- 1) No bridge – alternative use of local road network
- 2) Two narrow lanes on the A31– Would not leave sufficient working and safety space for construction.
- 3) Night closure to avoid busiest hours of the day – disturbance from construction unacceptable.
- 4) Other alternatives – access A31 had significant constraints.

The applicants have come to the conclusion that the current proposal is the optimum solution in terms of construction access to the site. The officers concur with this conclusion.

As has been summarised under the individual headings, taking into account all of the likely environmental effects of this application from the submitted and known information, and taking into account the likely effects in combination with the main East Street development, it is considered that the proposal would not cause a significant environmental impact.

## **Letters of representation**

The concerns raised in the letters of representation have been very carefully considered. Most material points raised have been addressed within the main body of the report.

Officers note the concerns raised in relation to the Ecological Assessment/impacts. However, the application is considered to have included appropriate survey information in respect of all recognised protected species and the coverage of these has not been disputed by the statutory consultees.

The concerns that the traffic modelling is unreliable are noted. Having regard to the comments of the County Highways Authority, officers are satisfied that sufficient information has been provided in order to assess the likely impact of the proposed development. It should be noted that lane closures on the A31 will occur during off peak times only, in order that the effects upon traffic flows and air quality are within acceptable limits. It is recommended that this is the subject of a condition.

It should be noted that the comments raised in relation to the main East Street regeneration scheme, including comments on the loss of the theatre/recreational facilities, the potential for a new swimming pool and the use of Brightwell House, are not material to the current application.

In relation to the comment that the Woolmead should be regenerated, no such scheme is before the Council and it is for members to assess the proposal before them.

Officers have carefully considered the objections raised on the grounds that the application is unacceptable under the EIA Regulations. Officers have had full regard to the requirements of the Regulations and associated leading case law in their interpretation. Officers consider that the information required for the Council to come to a conclusion regarding whether there would be a likely significant environmental effect has been submitted and evaluated. This is in relation to the relevant issues namely contamination, air quality, flood risk, ecology, noise and vibration. Case law does not rule out the use of conditions to mitigate such effects. This is the approach that has been taken. Officers are not recommending conditions to obtain information to inform that conclusion. The conditions recommended secure the mechanism for mitigation of any effects and the monitoring of site circumstances to ensure any effects subsequently identified and unforeseen at application stage can be properly controlled and mitigated against.

Finally, it should be noted that concerns raised in relation to the impact upon the economic climate of the town are not material considerations.

## **Time Period for Permission**

Members will be aware that the default time period for implementation is 3 years. The planning permission granted under WA/2010/1650 was time limited to tie in with the extant time period of the main East Street permission under WA/2008/0279. The Government advises that planning authorities should consider longer than 3 year time periods if justified on planning grounds. The concurrent application under WA/2012/0912 is subject to a recommendation that a 5 year time period be included. If that position is agreed, it is appropriate that the current application for the access be subject to the same time restriction.



## Conclusion

In March 2011 permission WA/2010/1650 was granted for the provision of a temporary construction access to the A31, comprising a bridge across the River Wey, pedestrian underpass and other supporting infrastructure to enable the implementation of the East Street regeneration scheme permitted under planning permission WA/2008/0279.

Works in relation to planning permissions WA/2008/0279 and WA/2010/1650 have not commenced to date, and therefore the permissions will expire on 6<sup>th</sup> August 2012.

The current application seeks permission for the same development again.

The principle of the provision of an access from the A31 was accepted under planning permission WA/2010/1650. This permission is an important material consideration in the assessment of the current proposal.

Having regard to the time which has lapsed since the original ES data were collected, the applicant has reviewed the information and provided updated assessments where required.

Since the time of the previous permission, there have been material changes in planning circumstances, including changes in planning policy with the publication of the NPPF 2012 and the publication of the emerging local policy in the form of the Pre-Submission Core Strategy (July 2012). The changes in circumstances are not considered to be significant.

The application has raised a number of material planning issues, namely in respect of visual impact, traffic and highway impact and likely environmental effects. The most notable impacts on the proposal would be the opening up of the mature tree belt along the A31 and the effect upon traffic flows and air quality. These have been carefully considered.

Officers consider that the development is acceptable and that the identified effects upon trees, landscape, air quality, traffic flows and neighbour amenity could be controlled and mitigated through planning conditions if permission is granted.

Officers recognise that the proposal does have environmental impacts, but these need to be seen in the context of the wider benefits of the scheme. In relation to this, the overall timescale for the impact of this application is related to the construction period of 18-24 months on the main East Street development. The bridge would, in the longer term, be removed and the land/environment returned and rejuvenated to a more acceptable form. Moreover, any short-term impacts are considered to be outweighed by the benefits of facilitating access to the approved East Street development onto the main strategic highway network and away from the existing town road network.

In relation to environmental impact, and having regard to the assessments submitted, officers are satisfied that the proposals have been designed to either avoid or control adverse environmental effects or to provide measures to alleviate or compensate for them, where they would occur. The likely effects of the proposed redevelopment on people, as well as on the built and natural environment, in isolation and in combination with other developments, are therefore acceptable.

It is considered, for the reasons set out in the above report, that the change in circumstances since the time of the previous permission, do not lead officers to reach a

different conclusion on the merits and acceptability of the proposal. Permission should therefore be granted, subject to conditions.

### **Recommendation**

That, having regard to the environmental information contained in the application, the accompanying Environmental Statement and responses to it, together with proposals for mitigation of environmental effects, permission be GRANTED subject to the following conditions:

1. Condition

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended)

2. Condition

The temporary construction bridge, hereby permitted, shall be removed within three years of the commencement of the development hereby permitted or within an alternative timescale to otherwise be agreed in writing by the Local Planning Authority.

Reason

In the interest of the character and amenity of the area in accordance with Policies D1, D4 and C5 of the Waverley Borough Local Plan 2002.

3. Condition

On completion of the development permitted under WA/2012/0912 the temporary construction access/bridge shall be removed and replaced with the permanent footbridge in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such details shall include reinstatement of the land to a condition that is first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason

In the interest of the character and amenity of the area and pedestrian convenience in accordance with Policies D1, D4, C5 and M4 of the Waverley Borough Local Plan 2002.

4. Condition

The plan numbers to which this permission relates are 13512, TPN-TCA-001A, 002D, 003D, 004E, 005C, 006C, 007, 010B, 011B, 012B, 013B and 1005/120E, 1005 121C. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority. The bridges shall be clear spanning structures with the abutments set back from the watercourse on both banks to provide natural banks beneath the bridge.

Reason

In the interest of the character and amenity of the area in accordance with Policies D1, D4, D5 and C12 of the Waverley Borough Local Plan 2002.

5. Condition

No development shall take place until a scheme for the protection of the River Wey and its corridor has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include all of the recommendations in the submitted Ecological Assessment (Aspect Ecology, May 2012) set out at paragraphs 6.3.6 - 6.3.12, 6.5.15, 6.5.16 and 6.5.22 and within the East Street Ecological Verification Walkover report (RPS letter, 25th January 2012). Thereafter the development shall be implemented in accordance with the approved scheme. The scheme details shall include provision for the protection of protected species as detailed in the attached letter from Surrey Wildlife Trust dated 18/07/12 and the measures shall be carried out in strict accordance with the approved details.

Reason

In the interest of the visual amenity and ecology of the River Wey and its river corridor in accordance with Policies D1, D5, C5 and C12 of the Waverley Borough Local Plan 2002, the NPPF paragraphs 109 and 118 and ODPM circular 06/2005.

6. Condition

Prior to the commencement of development, a detailed method statement for the removal or long-term management of Japanese Knotweed and Himalayan Balsam on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981 (as amended). Development shall proceed in accordance with the approved method statement.

Reason

In the interest of the visual amenity and ecology of the River Wey and its river corridor in accordance with Policies D1, D5, C5 and C12 of the Waverley Borough Local Plan 2002.

7. Condition

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

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
  - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

#### 8. Condition

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

#### 9. Condition

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

#### 10. Condition

No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of the construction and deconstruction of the temporary construction access and bridge and construction of the permanent footbridge, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of the re-instatement of the land following deconstruction of the construction access and bridge; and shall consider and provide for the cumulative impact on the construction and deconstruction of the temporary construction access and bridge in combination with the demolition and construction works taking place on the main East Street redevelopment site, permitted under planning permission WA/2012/0912. The scheme shall include:

- i control of noise;
- ii control of mud, grit, dust, NOx, smell and other effluvia;
- iii control of surface water run-off;
- iv details of all screen, fences, site security arrangements including hoardings and other means of enclosure (to include any noise attenuation proposals);
- v proposed method of piling for foundations;
- vi construction and demolition working hours;
- vii hours during the construction and demolition phase, when delivery vehicles or vehicles taking away materials are allowed to enter or leave the site;
- viii parking for vehicles of site personnel, operatives and visitors;
- ix loading and unloading of plant and materials;
- x storage of plant and materials;
- xi effects on traffic flows and air quality on the A31 and in the adjacent AQMA. This will include real time monitoring to demonstrate the expected outcomes, as modelled, are achieved and to inform appropriate mitigation, if necessary.
- xii details of vehicle Euro standards and fuel and exhaust treatments for plant and machinery.

The development shall be carried out in accordance with the approved Working Method Statement scheme unless first varied in writing by the Local Planning Authority.

#### Reason

To ensure that the potential environmental impact arising from the development does not give rise to an unacceptable intrusion on the amenities of nearby residential property, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

#### 11. Condition

Prior to commencement of any works on site, demolition or other development activities, a scheme of tree protection (in line with BS 5837:2012, Trees in relation to design, demolition and construction) shall be submitted to and agreed by the

Local Planning Authority in writing. Where relevant, such scheme shall also take "off site" trees into consideration. The Local Authority Tree and Landscape Officer shall be informed of the proposed commencement date a minimum of two weeks prior to that date to allow inspection of protection measures before commencement. The agreed protection to be kept in position throughout the development period until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without written consent of the Local Planning Authority.

Reason

In the interest of the character and amenity of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

12. Condition

The proposed landscaping scheme shall be carried out strictly in accordance with the submitted scheme and shall be carried out within the first planting season after the removal of the construction access/bridge or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 10 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

In the interest of the character and amenity of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

13. Condition

Prior to the commencement of development, those dwellings, which are sited within 25m of the development, should be the subject of an assessment of the impact of the vibration from the site. This assessment should include details of recommended remedial measures should vibration levels be found to be unacceptable. This assessment must be supplied to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in direct accordance with the agreed details.

Reason

To protect the amenities of neighbouring occupiers in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

14. Condition

Before development commences details of any external lighting, to include location, height, type, intensity of illumination, direction of light sources and spillage, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and shall not thereafter be altered without the prior written consent of the Local Planning Authority.

Reason

In the interest of the character and amenity of the area and highway/pedestrian safety in accordance with Policies D1, D4, M2 and M14 of the Waverley Borough Local Plan 2002.

15. Condition

No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority detailing the method of construction of the temporary bridge/access development hereby permitted. Details to include:

- a) the location of wheel washing facilities within the construction site, such that no extraneous matter is carried outside of the site area onto the A31;
- b) the provision of a suitably sized vehicle parking, turning and compound within the construction site to provide adequate space for the queuing and management of exiting vehicles;
- c) details for the safe management and control of inbound and outbound vehicles along the construction access, such that incoming vehicles do not queue back onto the A31;
- d) the submission and agreement of the proposed traffic management required during the construction and subsequent operation of the access in order to minimise traffic disruption to the A31;
- e) the provision of appropriate traffic management measures on the A31, in conjunction with vehicle activated signs, to ensure compliance with the proposed temporary 40mph speed limit;
- f) the provision of a hard standing within the existing verge on the A31 Farnham by-pass between South Street and the proposed access for the safe positioning of a mobile speed enforcement vehicle;
- g) the re-positioning, if necessary of the gates on the proposed access road.

The development shall be carried out in strict accordance with the approved details and adhered to throughout the construction period, unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policies M2 and M3 of the Waverley Borough Local Plan 2002.

16. Condition

The proposed road and vehicular access to the A31 Farnham Bypass, including the temporary vehicular bridge over Borelli Walk and the River Wey, shall be designed and constructed prior to the implementation of WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority. No development shall begin before that junction, the bridge, access road and site compound have been completed broadly in accordance with the application drawings and the requirements of the County Highway Authority. Once constructed the access and bridge shall be retained free of any obstruction to its use in accordance with a duration to be agreed in writing with the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policies M2 and M3 of the Waverley Borough Local Plan 2002.

17. Condition

The proposed access road, including its junction with the A31 Farnham by-pass, shall be closed upon completion of the development and prior to the occupation of the development approved by WA/2012/0912 or within an alternative timescale to be agreed first in writing by the Local Planning Authority. All kerbing, verges, replacement trees, landscaping and highway margins shall be fully reinstated by the applicant, in a manner to be agreed in writing with the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policies M2 and M3 of the Waverley Borough Local Plan 2002.

18. Condition

Prior to the commencement of development the applicant shall submit details of a 'Borelli Walk Management Plan', which shall identify and include the following:

- a) installation of CCTV monitoring and 24 hour recording;
- b) inclusion of appropriate drainage measures to prevent rainfall ponding in the subway;
- c) management details for the treatment of flood water and removal of graffiti;
- d) details for the decommissioning of the temporary bridge access upon its closure;
- e) details for the provision of the proposed footbridge following the decommissioning of the temporary construction access with the reinstatement of a footpath along the approximate route of the existing Borelli Walk.

Once agreed the plan shall be fully implemented by the applicants all at their own expense, including any necessary costs associated with making, securing and implementing any traffic orders or legal processes.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policies M2 and M3 of the Waverley Borough Local Plan 2002.

19. Condition

Prior to the construction of the proposed access or any other associated works on the highway, the applicants shall apply for and implement a temporary 40mph speed limit on the A31 Farnham by-pass and install two vehicle activated speed enforcement signs and other traffic management signage in accordance with details to be agreed with the County Highway Authority. All of which shall be fully implemented by the applicants all at their own expense, including any necessary costs associated with the making, securing and implementation of any traffic orders or legal processes.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policies M2 and M3 of the Waverley Borough Local Plan 2002.



20. Condition  
The proposed gates across the access road shall be kept open at all times during construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policies M2 and M3 of the Waverley Borough Local Plan 2002.

21. Condition  
The construction access and bridge hereby approved shall not be used other than for the purposes of facilitating access to the main East Street site by construction traffic. They shall not be used for any other purpose unless otherwise first agreed in writing by the Local Planning Authority.

Reason

Having regard to the fact that the development hereby permitted is to serve the development under permission WA/2012/0912 and is not suitable or appropriate for a permanent site access in accordance with Policies D1, D4, and M2 of the Waverley Borough Local Plan 2002.

22. Condition  
Notwithstanding the detail shown in drawing numbers 13512-TPN-TCA 007 010B, 011B, 012B and 013B and 1005/120 the proposed position of the realigned Borelli Footpath shall be as shown on drawing numbers 13512-TPN-TCA 001A, 002D, 003D, 004E, 005C, 006C and 1005/121C unless otherwise first agreed in writing by the Local Planning Authority.

Reason

In the interests of the character and amenity of the area and pedestrian safety in accordance with Policies D1, D4, M2 and M14 of the Waverley Borough Local Plan 2002.

23. Condition  
Any traffic management requiring lane closures on the A31 Farnham by-pass shall not be implemented or take place before the hours of 9am or after 5pm Monday to Friday.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies M2 and M3 of the Waverley Borough Local Plan 2002.

#### SUMMARY OF REASONS FOR GRANTING PERMISSION

The development hereby granted has been assessed against policies CS1, CS3, CS11, CS14, CS15, CS16, CS17, CS18, CS19 and CS21 of the Pre-Submission Core Strategy (July 2012), policies CC6, CC7, T2, NRM1, NRM4, NRM5, NRM6, NRM7, NRM9, NRM10, W2, C4 and BE6 of the South East Plan (2009), policies D1, D2, D4, D5, D6, D7, D9, D13, C2, C5, C10, C11, C12, HE3, TC3, TC8, TC12, TC13, LT11, M1, M2, M3, M4, M5, M6, M7 and M19 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework. It has been concluded that the development would comprise an acceptable form of development to provide temporary construction access to facilitate the building out

of planning permission WA/2012/0912. It would cause some harm to the character of the area but any harm caused could be mitigated by way of appropriate conditions and is therefore considered to comply with Policies D1 and D4 of the Waverley Borough Local Plan 2002. The development would not cause material harm to residential amenity, or highway or pedestrian safety and is considered to be compliant with Policy M2 of the Local Plan. Regard has been had to the environmental information contained in the application (including upon, noise and vibration, air quality, flood risk, ecology and likely effect upon the Special Protection Area) and the Environmental Statement and responses to it, together with proposals for mitigation of environmental effects and material planning considerations, including consultee responses and third party representations. It has been concluded that the proposal would not result in any harm that would justify refusal in the public interest.

### **Informatives:**

1. On 6 April 2008 a new fee was introduced by the Town and Country Planning (Fees of Applications and Deemed Applications) (Amendment) (England) Regulations 2008. This fee relates to requests to discharge a condition on a planning consent. The fee payable is £85.00 or a reduced rate of £25.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

2. The applicant is advised to note the contents of the attached letter from the Environment Agency dated 19<sup>th</sup> July 2012.
3. Notwithstanding the submitted information, the permission hereby granted purports to the construction of the temporary access and bridge and permanent footbridge. It does not grant approval for traffic management proposals etc. in relation to construction of the main development. These details are required to be submitted under Condition 37 (e) of Planning Permission WA/2012/0912.
4. The applicant is advised that under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under or over or within 8 metres of the top of the bank of the Wey, designated a 'main river'. In addition, the surface water ditch is classified as an 'ordinary watercourse'. As such, under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority (Surrey County Council) is required for any proposed works or structures, in the watercourse.
5. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Protection Team of Waverley Borough Council.

6. The applicants are advised that in seeking the approval of the Highway Authority in regard to condition 16 above for the provision of the new access to the A31, they will first be required to submit and agree with the Local Planning Authority the Method of Construction Statement and secure the approval from the Highway Authority for the implementation of the temporary 40mph speed limit. All works will need to be carried out under the terms of a Section 278 Agreement to be entered into with the Highway Authority and subject to Stage 1, 2 and 3 Road Safety Audits and achieve full technical approval. It is advised that the applicant commences this process a minimum of 6 months prior to the intended commencement of construction of the access.