

JOINT PLANNING COMMITTEE

MONDAY 6 AUGUST 2012

UPDATE SHEET

Correspondence received and matters arising following preparation of the agenda

Item A1

WA/2012/0453

Land at Flambard Way, Catteshall Lane and Woolsack Way, Godalming, GU7 1JN

Update to the report

Revised description (amendment is to include reference to the ecological report received 31/07/2012 (underlined)):-

Erection of 137 dwellings comprising 35 houses and 102 apartments together with associated highway access and landscaping following demolition of existing buildings (As amplified by additional information received 16/0/2012; additional plan and letter received 01/06/2012; additional information received 02/07/2012 and 10/07/2012; emails received 18/07/2012 and additional information received 31/07/2012). This application is accompanied by Environmental Impact Assessment (EIA).

Responses from Consultees

County Highway Authority (in summary) - The proposed application includes 137 residential units, and no commercial floor space. Previous applications for development of the site have included a larger quantity of residential units and commercial floor space. The application immediately before the current proposal included 182 residential units and 1,259 m² of commercial floor space. The Highway Authority was satisfied that traffic generation would not have an adverse impact upon safety and congestion on the adjoining highway network. It was also satisfied that the traffic signal junctions at Flambard Way with Woolsack Way and Brighton Road would not be adversely affected by the proposed development. Under previous two proposals (WA/09/1674 and WA/11/0281) for development on the site, the Highway Authority objected on ground of insufficient crossing facilities between the site and Godalming town centre. The developer is now proposing a pedestrian phase at the western most end of Woolsack Way at the junction with Flambard Way, where there is currently no such crossing facility. The developer is also proposing a Toucan Crossing at the Flambard Way junction with Brighton Road. The Highway Authority has assessed the impact of the development at the junctions of Flambard Way with Brighton Road and Woolsack Way.

With regards to the pedestrian phase across the western most end of Woolsack Way, there is unlikely to be any impact on traffic flows as the proposed pedestrian phase is parallel with the existing north and southbound vehicle movements along Flambard Way. Modelling shows this junction is operating satisfactorily.

In terms of car parking, the developer is proposing 199 spaces, this is equivalent to 1.45 spaces per unit. This is considered acceptable. Conditions recommended.

Natural England (in summary) - Natural England considers that this application does not pose any likely or significant risk to those features of the natural environment for which NE would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

Recommends apply Standing Advice.

Surrey Wildlife Trust - Having reviewed the application documents and studied our records we have the following comments and recommendations.

We note the contents of the Ecological Survey and Protected Species Assessment Report dated July 2012 by The Adams Loxton Partnership Ltd. We would advise that to help prevent adverse effect to legally protected species and the biodiversity value of the site, that should the development proposal proceed the applicant should be required to undertake the actions detailed in Section 5.0 of the Report (Conclusions and recommendations) to help protect breeding birds from development works (5.2.a)). Nesting wild birds are protected under the Wildlife and Countryside Act 1981 (as amended).

We would also advise that the applicant undertakes the recommended "Biodiversity Enhancements" detailed in Section 5.3.

The Natural Environment and Rural Communities (NERC) Act (2006)(Section 40) states, *"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*. Section 40(3) also states that, *"conserving biodiversity includes, in relation to a living organism, or type of habitat, restoring or enhancing a population or habitat"*.

We further note the Adam Loxton Partnership's recommendation for further bat survey work (5.2.b)), as they have identified a risk that elements of the site may provide roosting opportunities for bats. This further information is likely to be required to help ensure that bat species are not adversely affected by the proposed development.

All species of British bats are protected under the Wildlife and Countryside Act and under Regulation 40 of The Conservation of Species and Habitats Regulations 2010. Together this legislation makes it an offence to kill, capture or disturb the animal, or to damage or destroy a breeding site or resting place of such an animal.

Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005) 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 the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.

Further survey work should provide the information required to inform the need for any mitigation works required to help prevent adverse effect to bat species, allow these to be included in the development proposal and provide the required information for any Method Statement which would be needed to accompany an application for a European Protected Species (EPS) Licence, should one be required to allow proposed works to proceed lawfully.

Thames Water – Previous comments unchanged

County Archaeological Officer – Previous comments unchanged

Additional representations

2 additional letters of representation have been received raising the following points:

- The Key Site's original light industrial ecosystem was destroyed by the previous applicants and that it now needs to be redeveloped
- The proposed scheme is an improvement on previous applications by Flambard Development
- The applicant and their agents have made much more of an effort to engage with residents and we acknowledge this with gratitude
- The density is a bit lower than previous applications and more family friendly
- The design is less aggressively unsympathetic than previous applications
- However, still remain concerned regarding routing of traffic in and out of development along Catteshall Lane and past the junction with Victoria Road – concern regarding safety
- Query regarding alternative entrances and exits from site – was entrance via Woolsack Way over Council car park considered?
- Traffic levels predicted by RGP low and does not reflect true movements to and from site – impression that the increased number of trips will barely alter is false
- Proposal for shared space should be investigated further
- Concern regarding cumulative impact of Windsor Wurth site
- Response to Technical Note from RGP – reiterate concern regarding trip data and accuracy
- Cycle parking – no above ground provision
- Alignment of cycle path and footway not clear – consultation with Waverley Cycle Forum requested
- Concern regarding drainage issues – welcome assurance that the proposals would prevent flooding

Officer comment

The comments of the County Highway Authority are noted and are considered commensurate with the officers' conclusions in this respect. The conditions recommended should be included if permission is granted.

Similarly, the comments received from Natural England and Surrey Wildlife Trust are noted. Officers consider that taking into account these comments there is no overriding objection on ecological grounds to the proposals. It is considered that the requirements for enhancements proposed should be carried out on site and a further condition is recommended in this respect.

Officers note the concerns of some local residents for access to the site to be achieved from Flambard Way and not Catteshall Lane. Whilst these comments have been carefully considered, including during pre-application discussions, officers consider that given the acceptance of the access arrangements in the 2008 appeal decision it would not be reasonable to insist on any other arrangement to that proposed. Importantly, the Council

accepted this arrangement in the 2009 and 2011 schemes. Moreover, there is no objection from the County Highway Authority in this respect. The Council's car park is not part of the application site and therefore could not have been used to facilitate access.

The issue of a shared surface and parking improvements on Catteshall Lane have been carefully considered by officers and discussed with the County Highway Authority. However, given the constraints of the site, together with the overriding benefits that the scheme would bring to the area and the conclusions reached in the previous schemes for the site, it is considered that to request such improvements would render the scheme unviable. The County Highway Authority has assessed the scheme in light of the submitted information and have raised no objection on the basis of highway safety or capacity. Similarly, the County Highway Authority has raised no objection to the scheme in terms of cycle parking or the design and alignment of the cycle way along Flambard Way.

The comments in respect of the cumulative impact of the Windsor Wurth House site are noted. However, at the time of the submission the application for the proposed development at Windsor Wurth House was neither current nor reasonably foreseeable and as such was not taken into account in the Scoping Opinion adopted by the Local Planning Authority or the Environmental Statement submitted by the applicant. However, the cumulative impact of the development at Windsor Wurth House with the impact of the Goldaming Key Site development has been taken into account in the Environmental Statement submitted with the Windsor Wurth House scheme.

Finally, as set out in the Agenda, the issue of flooding, and in particular increased ground water flood risk to the residents of Victoria Road has been robustly assessed. Officers are satisfied, on the basis of expert advice, that the proposals would not result in an increase in ground water flood risk to these properties.

Amendment to conditions

Condition 22 should be amended to read as follows:

Prior to occupation of the development the applicant shall:

- (a) Submit for the written approval of the Local Planning Authority a Travel Plan statement in accordance with Surrey County Council's Travel Plan Good Practice Guide July 2010.
- (b) The applicant shall then implement the approved Travel Plan Statement upon commencement of development and for each subsequent occupation of the development, thereafter maintain and develop the Travel Plan Statement. No variation to the agreed details shall take place unless otherwise first agreed in writing by the Local Planning Authority.

Reason

The condition above is required in order that the development should accord with the National Planning Policy Framework 2012 and to promote sustainable modes of travel in compliance with Policies M1 and M2 of the Waverley Borough Council Local Plan 2002.

Condition 4 should be amended to include details of the boundary treatment between properties and should read as follows:

Condition

No development shall take place until a detailed landscaping scheme to include hard and soft landscaping, street tree planting and boundary treatment between residential properties has been submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after commencement of the development 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 5 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.

Condition 26 repeats the requirements of Condition 7 and should be removed.

The reason for Condition 35 should be amended to read:

In order to protect the residential amenities of nearby residents and to accord with Policies D1 and D4 of the Local Plan 2002.

The reason for Condition 36 should be amended to read:

The further extension of these dwellings or the erection of detached outbuildings requires detailed consideration to safeguard the amenities of the surrounding area, in accordance with the requirements of Policies D1 and D4 of the Local Plan 2002.

The reasons for Condition 37 and 38 should be amended to read:

In the interests of the visual amenities and character of the area in accordance with Policies D1 and D4 of the Local Plan 2002.

Additional conditions and informative

The following additional conditions should be read in addition to those on pages 76 to 87 of the Agenda:-

Condition

Before any other operations are commenced the proposed vehicular access to Catteshall Lane shall be designed and constructed and provided with vehicle visibility zones of 43 metres in both directions from a set back distance of 2.4 metres back along the middle of the exit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority, all to be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction between 0.6 metres and 2.0 metres high above the ground.

Reason

The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and Policy M2 (Movement Implications) of the Waverley Borough Local Plan 2002.

Condition

No new development shall be occupied until the proposed lay-by on south east side of the Flambard Way junction with Woolsack Way for the purposes of servicing, deliveries and refuse collections to and from the site has been designed and constructed and provided with parking restrictions in accordance with the approved Russell Giles Partnership drawing numbered 2011/1402/004 Rev B dated March 2012.

Reason

The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and Policy M2 (Movement Implications) of the Waverley Borough Local Plan 2002.

Condition

No new development shall be occupied until one trickle charging point has been provided for each of the 37 town houses and 20 trickle charging points have been provided for the 100 flats in accordance with a scheme (incorporating the manufacturers maintenance regime) to be submitted to and approved in writing with the Local Planning Authority after consultation with the Highway Authority. The development shall be completed in accordance with the agreed details and retained and maintained in perpetuity.

Reason

The condition above is required in order that the development accords with the National Planning Policy Framework 2012.

Condition

The development shall be carried out in strict accordance with the recommendations set out in the submitted Ecological Survey and Protected Species Assessment by the Adam Loxton Partnership Ltd dated July 2012.

Reason

In the interests of the ecology of the site and to accord with the Wildlife and Countryside Act 1981 and Regulation 40 of the Conservation of Species and Habitats Regulations 2010 and to comply with Policies D3 of the Local Plan 2002, Policy NRM5 of the South East Plan 2009 and the guidance contained within the NPPF 2012.

The following informatives should be read in conjunction with those set out on pages 88 to 92 of the Agenda:-

1. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that it must enter into a Section 278 Agreement with the Highway Authority under Section 278 Agreement before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority Local Transportation Service before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded

vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

4. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
5. The applicant is advised that it must meet the cost of the County Highway Authority in obtaining the necessary Traffic Regulation Orders for the lay-by on the southeast side of the Flambard Way junction with Woolsack Way.
6. The applicant's attention is drawn to the letter from Surrey Wildlife Trust dated 02/08/2012 which is attached to this decision notice.
7. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
8. 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.

9. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail waverley.snn@waverley.gov.uk

Revised Recommendation

That having regard to the environmental information contained in the application, the accompanying Environmental Statement and response to it, together with the proposals for mitigation of environmental effects, and to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) planning permission be GRANTED subject to the conditions set out in pages 76-87 of the Agenda and the updated conditions set out above.