

## AREA PLANNING COMMITTEE UPDATE SHEET

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Correspondence received and matters arising following preparation of the agenda

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### Item A1

WA/2017/0512

LAND AT STURT FARM, STURT ROAD, HASLEMERE

#### Amendments to the report

There was an error on page 11 of the report with regard to the date application WA/2014/1054 was granted. This should read 30/03/2015 instead of 11/06/2014.

On pages 37, 39 and 41 of the Agenda Report, reference is made to an additional 11 units (including 4 affordable homes) that could be delivered with the new access above those which could be delivered with the consented access (WA/2014/1054). To clarify, the approved scheme granted outline planning permission for up to 135 dwellings. Work which has been carried out by the applicants suggests this number isn't realistic and if the consented access is implemented approximately 121 dwellings could be delivered. If however the access proposed as part of this application is implemented, approximately 132 dwellings could be delivered. The 11 homes referred to are therefore within the up to 135 already granted, and not in addition to that number.

#### Additional representations

Six additional letters of representation have been received.

One representation raises objection to the proposal. The letter raises no new comments over those set out in the Agenda Report.

Three letters have been received (from two addresses) withdrawing their previous objections to the application.

Two letters of representation have been received from the Campaign to Protect Rural England. The first letter requests that the Joint Planning Committee is deferred for at least a month to allow the consideration of additional information. They also request that the Officer Recommendation should be reconsidered in light of any additional comments.

Officer comment:

The additional information did not change the proposal, but instead gave further clarifying information on what the developer considered to be the public benefits of the proposal. An assessment of the information is set out in the "Public Benefits" section of the Agenda Report.

Officers are satisfied that no additional consultation needed to take place, however, in the interests of good will, a 7 day consultation letter was sent out. Any additional representations not already set out in this update will be updated orally to the Committee.

In addition to this, the following legal advice has been received:

"The Campaign to Protect Rural England ("CPRE") is not a statutory consultee. The Council should consider whether there are planning policy reasons to engage other consultees who, whilst not designated in law, are likely to have an interest in a proposed development. My understanding is that officers are satisfied, for the purposes of this application, that there are no planning policy reasons to have consulted the CPRE. There is no suggestion that the Council has not complied with the ordinary publicity requirements for this application and, although the Council may re-consult on the submission of further information, there is no requirement for it to do so. There is therefore no reason why the Joint Planning Committee cannot determine this application on Wednesday night.

The obvious risk of deferring this application is the applicant appealing against non-determination. In considering whether to defer this application, Councillors should consider the views of the applicant and the time it will take to reach a decision. On appeal, the risk is an Inspector finding the Council's reasons to defer were unreasonable (for the above reasons) and consequently awarding costs to the appellant."

The second letter objects to the proposal for the following reasons:

- Harm to Listed Buildings which would result from this entrance cutting straight through the complex, and the consequential hundreds of daily traffic movements
- Harm acknowledged in Officers report but no mention of whether there is substantial harm to the Listed Buildings
- No access to Heritage Officers advice
- Any financial gain from a new entrance would be a benefit to the developer, not the public. It is argued that this gain could translate into more houses being built than would otherwise be the case. However, the numbers are very far from clear.
- Not clear whether the lost units would be affordable ones
- Public benefit must be tangible, secure and sufficiently certain to be capable of being weighed in the balance against the acknowledged harm
- The irrevocable harm to this group of statutorily protected Historic Buildings is demonstrably not outweighed by the claimed public benefit, and this application should therefore be rejected

In response, the expert views of the Councils Conservation Officer were sought and he is satisfied that the proposal would not result in substantial harm to the Heritage

Assets identified. The proposal would, however, result in less than substantial harm to the Heritage Assets, as identified in the Agenda Report. It is a matter of judgement for the decision maker to weigh up the public benefits of the proposal against the less than substantial harm to the Heritage Assets. The public benefits that Officers consider weight should be given to are set out on pages 36-37 of the Agenda Report. Officers have given no weight to any financial gain to the developer from the amended proposal. In addition the applicants have not provided any robust evidence to demonstrated that the existing access would not be viable. As such, no weight has been given to the benefit of a more viable scheme. For clarity, the weight given to the additional housing is based on the developers demonstration that a more efficient layout could be achieved with the proposed access, resulting in 11 more (of the up to 135 houses) being delivered, than those which could be delivered if the consented access is implemented. The section 106 agreement on the consented scheme secured 40% affordable housing. This application does not propose to alter this figure and any amendment to this would require a further application. Officers are satisfied that the public benefits given weight in the Agenda Report are realistic and sufficient to outweigh the less than substantial harm identified.

### **Revised Recommendation**

**Recommendation A – That permission be GRANTED, subject to a legal agreement to secure the SANG requirements and the implementation of the access proposed as part of the consent instead of the previous consented access being completed, and subject to conditions 1-10 and informatives 1-2 set out on pages of the Agenda Report.**

**Recommendation B – That permission be REFUSED in the event a Section 106 Agreement is not completed within 6 months of the resolution to grant planning permission for the following reasons:**

1. The proposal, in the absence of a completed legal agreement and as a result of providing a second access to the proposed residential dwellings at Sturt Farm (consented access under WA/2014/1054) would in combination, result in an unacceptable urbanising impact which would harm the landscape character of the area. The proposal would cause material harm to the intrinsic character, beauty and openness of the Countryside beyond the Green Belt and the AGLV, contrary to Policies D1, D4, C2 and C3 of the Waverley Borough Local Plan 2002, paragraphs 17 and 109 of the NPPF 2012, Policies RE1 and RE3 of the Pre-Submission Local Plan Part 1: Strategic Policies and Sites and Policies 2017.
2. The proposed access as a result of the increased width and formalisation of the access road, together with the provision of a second access to the proposed residential dwellings at Sturt Farm (consented under WA/2014/1054) would dilute the setting of the historic farm complex, failing to preserve the setting of the Listed Buildings and Building of Local Merit and

resulting in less than substantial harm to the designated and non-designated Heritage Assets. In the absence of a completed legal agreement to prevent the consented access (access approved under WA/2014/1054) also being delivered, the public benefits would not outweigh the less than substantial harm. The proposal would therefore conflict with Policies HE2 and HE3 of the Waverley Borough Local Plan, paragraphs 134 and 135 of the NPPF 2012, Policy HA1 of the Pre-Submission Local Plan Part 1: Strategic Policies and Sites and Policies 2017.

3. In the absence of a completed legal agreement, the proposed public open space could not be secured as SANG (Suitable Alternative Natural Greenspace). As such, there would be benefit to outweigh the loss of the agricultural land. The proposal would therefore conflict with Policy RD9 of the Waverley Borough Local Plan 2002 and paragraph 112 of the NPPF 2012.
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