

JOINT PLANNING COMMITTEE
UPDATE SHEET

Correspondence received and matters arising following preparation of the agenda

Item A1

WA/2017/2362

LAND AT FIRETHORN FARM & 44 AND 45 LARKFIELD, THE GREEN, EWHURST

Additional representations

Since the drafting of the agenda report, 5 additional letters have been received raising objection to the proposal on the following grounds:

- There is no indication as to who would own the public open space and who would bear responsibility for its use and ongoing management.
- The application is invalid on the basis that incorrect notice has been given under Certificate B.
- No special circumstances exist for the development to comply with the NPPF or saved Policies C2, D1 and D4.
- The density still remains at odds with the majority of the built up area in Ewhurst – comparison with Larkfield cannot be made as national and local policies have changed over the past 25 years and Larkfield has always appeared incongruous with the village setting.
- It would set an undesirable precedent.
- The site would be visible from public vantage points.
- Limited services within Ewhurst.
- The development would create unsustainable pressure on the village infrastructure.
- Location of proposed entrance in relation to the dangerous corner.
- Increase in traffic.
- Development would be too big for the village.
- Character of the village would be lost.
- Increase in surface water and pollutant runoff.
- The neighbouring property, Firethorn House, is not shown on the submitted plans – the development would have a direct effect on the property.
- Loss of trees.
- Increase in light and noise pollution.

Officers note the additional representations which have been made, and would advise that the matters raised have been fully considered as part of the assessment undertaken within the agenda report and this update sheet.

Update to the report – Development Plan Policies and Proposals

At the time of the drafting of the Agenda Report, the Council was in the process of replacing the adopted 2002 Local Plan with a new two part document. However, since this time and as Members will be aware, the Waverley Borough Local Plan Part 1: Strategic Policies and Sites was adopted at a Full Council meeting on 20th February 2018. The Policies of the Local Plan 2018 (Part 1) now attract full weight for decision making purposes.

At the current time, therefore, the Council's development plan comprises:

- Waverley Borough Local Plan, Part 1, Strategic policies and sites (adopted February 2018)
- Waverley Borough Local Plan 2002 (retained policies February 2018)
- South East Plan (saved Policy NRM6)
- Farnham Neighbourhood Plan (made May 2017).

For the purposes of the assessment of the current application, both the South East Plan and Farnham Neighbourhood Plan are not of relevance.

In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) due weight has been given to relevant retained policies in the Waverley Borough Local Plan 2002.

The development plan policies relevant to the current application are now as follows:

Local Plan Part 1: Strategic Policies and Sites 2018

Policy RE1	Countryside beyond the Green Belt
Policy TD1	Townscape and Design
Policy NE1	Biodiversity and Geological Conservation
Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Spatial Strategy
Policy ICS1	Infrastructure and Community Facilities
Policy AHN1	Affordable Housing
Policy AHN2	Rural Exception Sites
Policy AHN3	Housing Types and Size
Policy LRC1	Leisure, Recreation and Cultural Facilities
Policy ALH1	The Amount and Location of Housing

Policy ST1	Sustainable Transport
Policy CC1	Climate Change
Policy CC2	Sustainable Construction
Policy CC3	Renewable Energy Development
Policy CC4	Flood Risk Management

Waverley Borough Council Local Plan 2002 (Retained Policies and weighting)

Policy D1	Environmental Implications of Development	Substantial weight
Policy D4	Design and Layout	Full weight
Policy D6	Tree Controls	Full weight
Policy D7	Trees, Hedgerows and Development	Significant weight
Policy D8	Crime Prevention	Full weight
Policy D9	Accessibility	Substantial weight
Policy HE8	Conservation Areas	Substantial weight
Policy HE14	Sites and Areas of High Archaeological Potential	Full weight
Policy M5	Provision for Cyclists	Substantial weight
Policy RD1	Rural Settlements	Substantial weight
Policy RD9	Agricultural Land	Significant weight

The following policies of the Waverley Borough Council Local Plan 2002 which are referred to in the Agenda report have not been retained and therefore no longer form part of the development plan

Policy C2	Development in the Countryside
Policy D5	Nature Conservation
Policy D13	Essential Infrastructure
Policy D14	Planning Benefits
Policy H4	Density and Size of Dwellings
Policy H10	Amenity and Play Space
Policy M1	The location of Development
Policy M2	The Movement Implications of Development
Policy M4	Provision for Pedestrians
Policy M14	Car Parking Standards

Update to the report – Assessment of Development Plan Policies and Proposals

At the time of drafting the Agenda Report, the Council did not have an up to date Development Plan. As such, the presumption in favour of sustainable development as set out within paragraph 14 of the NPPF was applicable and a ‘tilted balance’ was applied in the assessment of the application.

However, following the adoption of the Local Plan Part 1 (2018), the Council now has an up to date Development Plan and a 'tilted balance' approach is no longer applicable. Instead, a planning balance weighing the harm against the benefits of the proposal is applicable.

Policy SP1 (Presumption in favour of sustainable development) of the Local Plan 2018 (Part 1) sets out that applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SP2 (Spatial Strategy) of the Local Plan 2018 (Part 1) sets out the Council's Spatial Strategy to 2032 and refers to the allocation of strategic sites under Policies SS1 – SS9 to meet the majority of the housing needs for the Borough. Additional sites will be identified and allocated through Local Plan Part 2 and neighbourhood plans.

Policy ALH1 of the Local Plan 2018 (Part 1) identifies the need for 100 homes to be delivered in Ewhurst.

The application site does not comprise an allocation within the Local Plan 2018 (Part 1) and it was not put forward as a potential housing site for assessment in the Council's LAA 2016.

The Ewhurst and Ellen's Green Neighbourhood Plan is at an early stage and officers understand that the Plan is not yet at the Regulation 14 (pre-submission consultation and publicity) stage. Weight cannot be afforded to a Neighbourhood Plan until it reaches the Regulation 15 submission stage. Notwithstanding this, as conveyed within paragraph 49 of the Inspector's Report (February 2018), the Inspector is "confident that the housing requirement will be delivered over the plan period, with the assistance of Part 2 and neighbourhood plans". The Council is therefore in a position where it can be satisfied that the housing requirement will be provided within an acceptable timeframe in the Plan period and in a deliverable way.

Within the original Agenda Report, officers concluded that the development would give rise to identified harm to the character and beauty of the Countryside. Within the 'conclusion' section of the Agenda Report (Page 64), this impact is stated to not significantly and demonstrably outweigh the benefits of the scheme. However, this reflects the conclusion of officers at a time when a tilted balance approach was applied.

In now assessing the proposal against the adopted Local Plan Part 1 (2018), it remains the case that the proposal would provide for new dwellings in a location close to the Rural Settlement of Ewhurst, 30% of which would be affordable. This would provide social benefits and economic gains. However, to grant approval for a development which is neither identified through Local Plan Part 2, nor a

Neighbourhood Plan, would be contrary to adopted Policy SP2: Spatial Strategy. Furthermore, in that the development would result in identified harm to the countryside, officers are of the view that the harm would outweigh the benefits.

In conclusion, officers are of the opinion that the proposal would conflict with the Development Plan and the Spatial Strategy set out therein. There would, in officers' view, be no material considerations which would indicate otherwise. As such, a new recommendation is now put forward.

The revised recommendation also takes account of the fact that the necessary S106 Agreement has not yet been completed in respect of relevant infrastructure requirements, developer contributions and affordable housing requirements associated with the development.

Revised Recommendation

That permission be REFUSED for the following reasons:

- 1. The proposal, by virtue of the number of dwellings, scale, density, urbanising impact, loss of trees and harm to the character and appearance of the open field, would fail to preserve the intrinsic character and beauty of the Countryside. Furthermore, the proposed development would be in conflict with the Council's Spatial Strategy. As such, the proposal would be contrary to Policies RE1, SP2 and TD1 of the Waverley Borough Local Plan 2018 (Part 1), retained Policies D1, D4, D6 and D7 of the Waverley Borough Local Plan 2002 and paragraph 17 of the National Planning Policy Framework 2012. Within these areas the Countryside is to be recognised and safeguarded in the interests of protecting its intrinsic character and beauty. The proposed development does not comply with the requirements of these policies and there are no material considerations which would indicate otherwise.**
- 2. The applicant has failed to enter into an appropriate legal agreement to secure a programme of highway improvement works to mitigate the impact of the traffic generated by the development. As such, the proposal would fail to limit the significant impacts of the development on the surrounding highway network. The application therefore conflicts with Policy ST1 of the Local Plan 2018 (Part 1) and fails to meet the transport requirements of the NPPF 2012.**
- 3. The applicant has failed to enter into an appropriate legal agreement to secure contributions towards education infrastructure; recycling**

containers; off-site leisure facilities; play space provision and maintenance; environmental enhancements and SuDS. The proposal therefore conflicts with Policy ICS1 of the Local Plan 2018 (Part 1) and paragraph 17 of the NPPF.

4. The applicant has failed to enter into an appropriate legal agreement to secure the provision of affordable housing within the meaning of the NPPF, appropriate to meet Waverley Borough Council's housing need. The proposal would therefore fail to create a sustainable, inclusive and mixed community, contrary to the requirements of Policy AHN1 of the Local Plan (Part 1) and paragraph 50 of the NPPF.
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