

To: All Members and Substitute Members of  
the Joint Planning Committee  
(Other Members for Information)

When calling please ask for:  
Ema Dearsley, Democratic Services Officer

**Policy and Governance**

E-mail: [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)

Direct line: 01483 523224

Calls may be recorded for training or monitoring

Date: 20 March 2017

**Membership of the Joint Planning Committee**

Cllr Peter Isherwood (Chairman)	Cllr Stephen Hill
Cllr Maurice Byham (Vice Chairman)	Cllr Nicholas Holder
Cllr Brian Adams	Cllr David Hunter
Cllr Mike Band	Cllr Jerry Hyman
Cllr Carole Cockburn	Cllr Anna James
Cllr Kevin Deanus	Cllr Stephen Mulliner
Cllr David Else	Cllr Jeanette Stennett
Cllr Mary Forsyszewski	Cllr Stewart Stennett
Cllr Pat Frost	Cllr Chris Storey
Cllr John Gray	Cllr John Ward
Cllr Christiaan Hesse	Cllr Nick Williams

**Substitutes**

Appropriate Substitutes will be arranged prior to the meeting

Dear Councillor

A meeting of the JOINT PLANNING COMMITTEE will be held as follows:

DATE: TUESDAY, 28 MARCH 2017

TIME: 7.00 PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,  
GODALMING

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR  
Head of Policy and Governance

Agendas are available to download from Waverley's website  
([www.waverley.gov.uk/committees](http://www.waverley.gov.uk/committees)), where you can also subscribe to

updates to receive information via email regarding arrangements for particular committee meetings.

Alternatively, agendas may be downloaded to a mobile device via the free Modern.Gov app, available for iPad, Android, Windows and Kindle Fire.

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact [committees@waverley.gov.uk](mailto:committees@waverley.gov.uk) or call 01483 523351.

**This meeting will be webcast and can be viewed by visiting  
[www.waverley.gov.uk/committees](http://www.waverley.gov.uk/committees)**

---

## **NOTES FOR MEMBERS**

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

### **AGENDA**

1. **MINUTES**

To confirm the Minutes of the Meeting held on 15 March 2017 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND DECLARATIONS OF SUBSTITUTES**

To receive apologies for absence.

Where a Member of the Committee is unable to attend a meeting, a substitute Member from the same Area Planning Committee may attend, speak and vote in their place for that meeting.

3. **DECLARATIONS OF INTERESTS**

To receive from Members declarations of interests in relation to any items included on the Agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS BY MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public of which notice has been given in accordance with Procedure Rule 10.

5. APPLICATION FOR PLANNING PERMISSION - WA/2016/1261 - FORMER WEYBURN BARTEL WORKS, SHACKLEFORD ROAD, ELSTEAD GU8 6LB

Proposal

Erection of 61 new dwellings including 9 affordable and a 60 bed Care Home; provision of a Suitable Alternative Natural Greenspace (SANG), alterations to accesses and associated works following demolition of existing buildings (as amplified by additional information received 29 September 2016) (revision of WA/2015/0789); this application is accompanied by an Environmental Statement.

Recommendations

**RECOMMENDATION A**

That, having regard to the environmental information contained in the application, the accompanying Environmental Statement, together with the proposals mitigation and subject to the completion of a Section 106 agreement to secure appropriate contributions towards off site highway works, early years and primary education, recycling, provision of 15% affordable housing , the setting up of a Management Company for open space, play space, landscaping, SuDS and SANG management within 6 months of the date of the committee resolution to grant permission, conditions and informatives, permission be GRANTED.

**RECOMMEDATION B**

That, in the event that a Section 106 Agreement is not completed within 6 months of the date of the resolution to grant planning permission, then permission be REFUSED.

6. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman (if necessary):-

Recommendation

That pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it is likely, in view of the nature of the business transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

7. LEGAL ADVICE

To consider any legal advice relating to any application in the agenda.

**For further information or assistance, please telephone  
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by  
email at [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)**

# Agenda Item 5.

A1	WA/2016/1261 MMC Developments Ltd 13/06/2016	<u>Erection of 61 new dwellings including 9 affordable and a 60 bed Care Home; provision of a Suitable Alternative Natural Greenspace (SANG), alterations to accesses and associated works following demolition of existing buildings (as amplified by additional information received 29 September 2016) (revision of WA/2015/0789); this application is accompanied by an Environmental Statement at Former Weyburn Bartel Works, Shackleford Road, Elstead GU8 6LB</u>
	Committee:	Joint Planning Committee
	Meeting Date:	28/03/2017
	Public Notice:	Was Public Notice required and posted: Yes
	Grid Reference:	E: 492023 N: 143723
	Parish:	Peper Harow and Elstead
	Ward:	Elstead and Thursley
	Case Officer:	Gemma Paterson
	16 Week Expiry Date:	02/10/2016
	Neighbour Notification Expiry Date:	19/08/2016
	Time Extension Agreed	Yes
	Extended Expiry Date:	To be confirmed
	RECOMMENDATION A	That, having regard to the environmental information contained in the application, the accompanying Environmental Statement, together with the proposals mitigation and subject to the completion of a Section 106 agreement to secure appropriate contributions towards off site highway works, early years and primary education, recycling, provision of 15% affordable housing , the setting up of a Management Company for open space, play space, landscaping, SuDS and SANG

management within 6 months of the date of the committee resolution to grant permission, conditions and informatives, permission be GRANTED.

RECOMMEDATION B

That, in the event that a Section 106 Agreement is not completed within 6 months of the date of the resolution to grant planning permission, then permission be REFUSED.

Contents

Introduction .....	3
Location Plan .....	4
Site Description .....	4
Proposal .....	5
Proposed Site Layout (including SANG area).....	6
Proposed Site Layout.....	6
Proposed Street Scene Elevations .....	7
Proposed Care Home elevations .....	8
Proposed Care Home floorplan .....	9
Proposed Floorplan and Elevations (example 3 bed).....	9
Proposed Floorplan and Elevations (example 3 bed).....	10
Proposed Floorplan and Elevations (example 4 bed).....	11
Proposed Affordable Housing Floorplan and Elevations .....	12
Heads of Terms .....	13
Details of Community Involvement .....	14
Relevant Planning History.....	15
Planning Policy Constraints .....	16
Development Plan Policies and Proposals .....	16
Consultations and Parish Council Comments.....	18
Representations.....	44
Submissions in Support .....	47
Determining Issues .....	48
Planning Considerations .....	49
Principle of development.....	49
Planning history and differences with previous proposal.....	51
Prematurity.....	54
Environmental Impact Assessment.....	55
Lawful Use of the Site .....	61
Loss of Agricultural Land .....	62
Loss of Suitably Located Industrial and Commercial Land .....	62
Location of Development .....	67
Housing land supply.....	70
Housing Mix .....	70
Affordable housing .....	72
Highway Considerations .....	74

Public Rights of Way .....	80
Impact on Green Belt .....	81
Impact on Landscape Character .....	84
Impact on Trees .....	89
Impact on Visual Amenity .....	91
Impact on Residential Amenity .....	94
Heritage Impacts .....	95
Provision of Amenity and Play Space .....	98
Provision of Community Facility .....	100
Flood Risk and Drainage Considerations .....	101
Land Contamination .....	110
Air Quality Impact .....	111
Archaeological Considerations .....	113
Crime and Disorder .....	114
Infrastructure contributions .....	114
Financial Considerations .....	117
Effect upon the SPA .....	117
Biodiversity and Compliance with Habitat Regulations 2010 .....	120
Health and Wellbeing .....	121
Accessibility and Equalities Act 2010 and Human Rights Implications .....	122
Very Special Circumstances .....	122
Development Management Procedure Order 2015 - Working in a positive/proactive manner .....	123
Representations .....	124
Cumulative/In-Combination Effects .....	124
Conclusion/Planning Judgement .....	124
Recommendation .....	126

## Introduction

The application has been brought before the Joint Planning Committee because the proposal does not fall within the Council's Scheme of Delegation

## Location Plan



## Site Description

The site is located on the west side of Shackleford Road and measures 10.40 ha. The site is generally flat, but with a marked drop in level towards the northern boundary, which is defined by a network of streams and associated water-filled ditches which flow into the River Wey, which runs a short distance northward of the site.

Land to the north is in agricultural use or pasture; to the west of the site is an area of open grassland currently used as a clay shooting ground.

The western section of the south boundary abuts a horse-grazing paddock, although the majority of this boundary borders a neighbouring development of offices/commercial premises to the south (Tanshire Park). To the east of Shackleford Road, the land is predominantly in equestrian-related uses.

The majority of the site area is occupied by disused and derelict factory buildings, and associated former offices and facilities, surrounded for the most part by extensive areas of concrete hardstanding. Generally, trees are



confined to the perimeters of the site and indeed in many cases lie outside the fenced boundaries. A public footpath runs westwards across the northern section of the site, coinciding over its initial section with the more northerly of the two existing vehicular access points. The path then passes between the presently fenced boundary of the former works site and a pumping station.

North of the footpath, which is at a lower level than the main part of the site, the land is occupied by an irregularly-shaped area of hardstanding/car parking, partially encircled by an area of unmanaged undergrowth, scrub and trees associated with the various watercourses.

### Proposal

The application seeks full planning permission for the demolition of existing industrial/commercial units and the construction of 61 residential units, of which 15% (9 units) are to be provided as affordable homes, and the erection of a 60 bedroom Class C2 (residential institutions) use care home.

The proposed mix of housing would comprise:

Unit Type	1 bed	2 bed	3 bed	4+ bed	Total
Market	0	3	26	23	52
Affordable	5	4	0	0	9

The proposal also includes the provision of on-site open space, an open water culvert, surface water drainage features and a formal central green space, incorporating a children's play space. The site would also provide 6.83 hectares of Suitable Alternative Natural Green Space (SANG).

The main vehicular and pedestrian access to the site would be formed via the existing two access points from Shackleford Road, which would be upgraded to simple 'T' junctions.

A new footway link between the site and the existing footways on the B3001 Milford Road is proposed as well as improvements to Public Footpath No. 61 between the site and Elstead village centre.

Proposed Site Layout (including SANG area)



Proposed Site Layout



## Proposed Street Scene Elevations

### Care Home from Shackelford Road



Care Home

### Plots fronting Shackelford Road



---

### Plots within the site

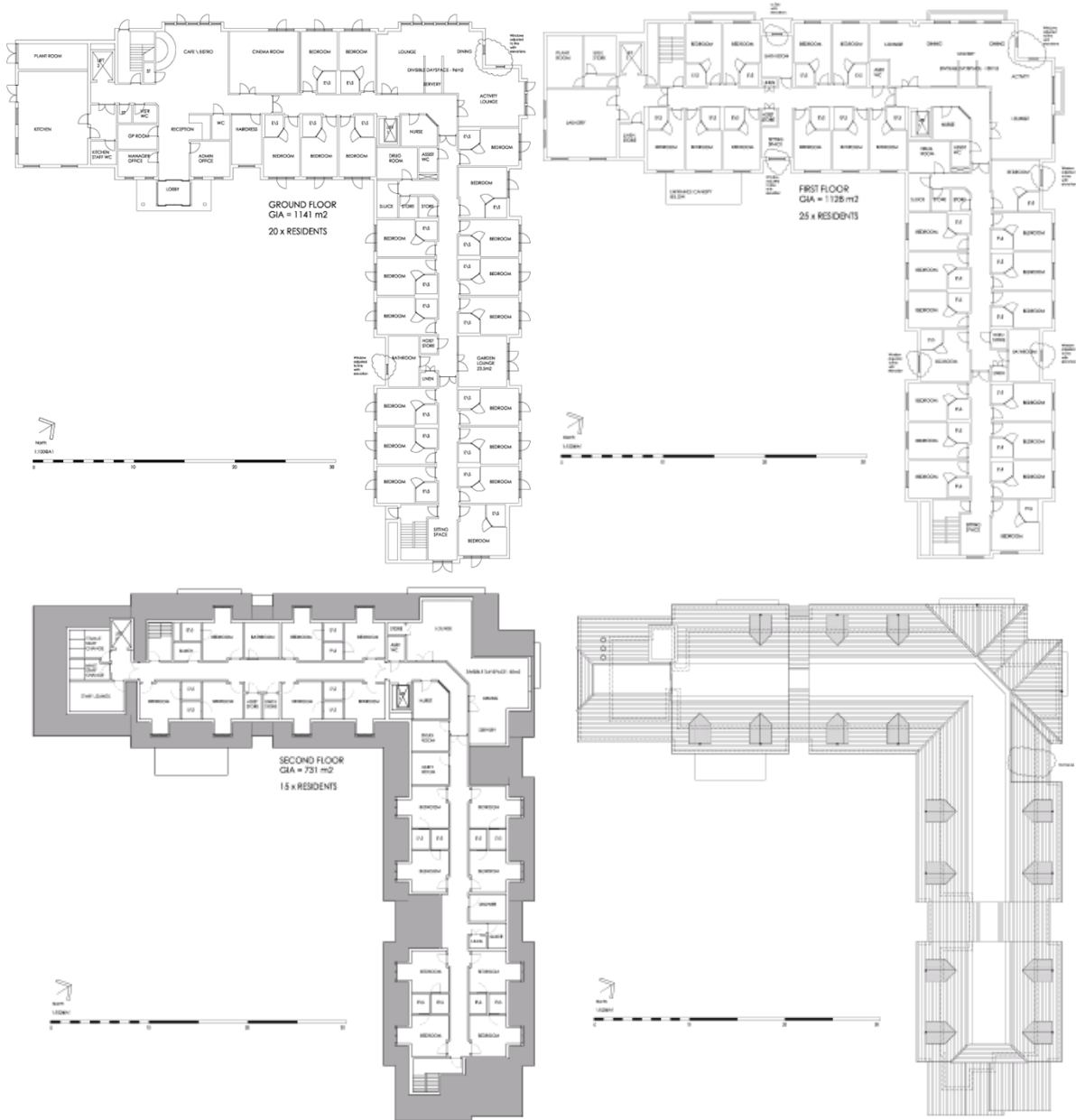


# Proposed Care Home elevations

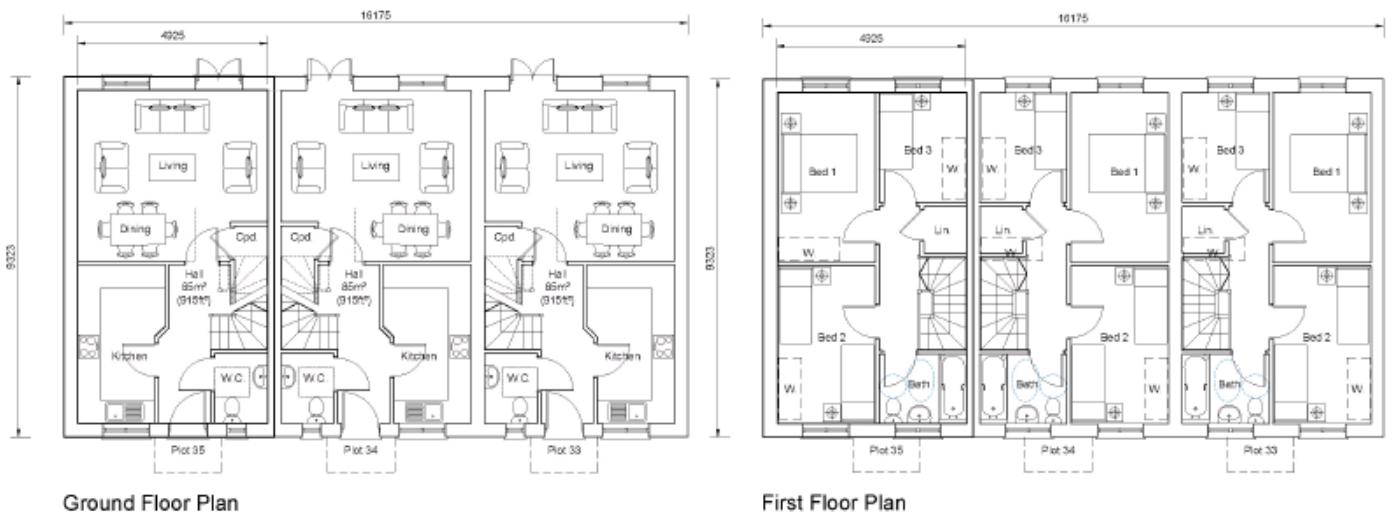


EL 4

## Proposed Care Home floorplan



## Proposed Floorplan and Elevations (example 3 bed)



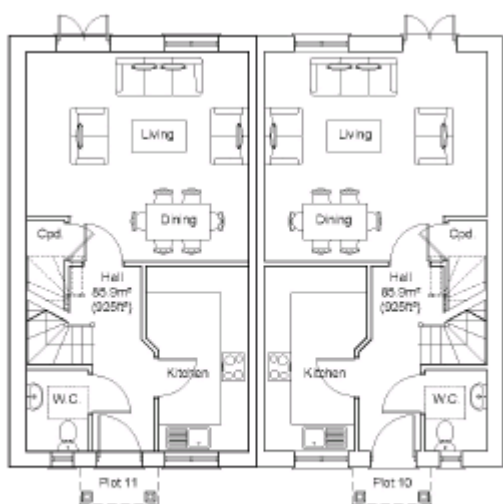


Front Elevation

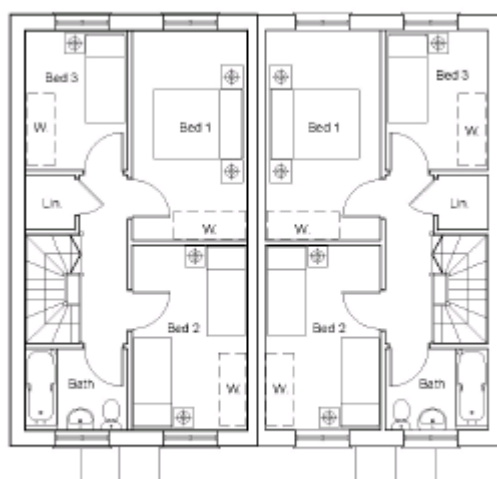


Rear Elevation

Proposed Floorplan and Elevations (example 3 bed)



Ground Floor Plan



First Floor Plan



Front Elevation



Rear Elevation

Proposed Floorplan and Elevations (example 4 bed)



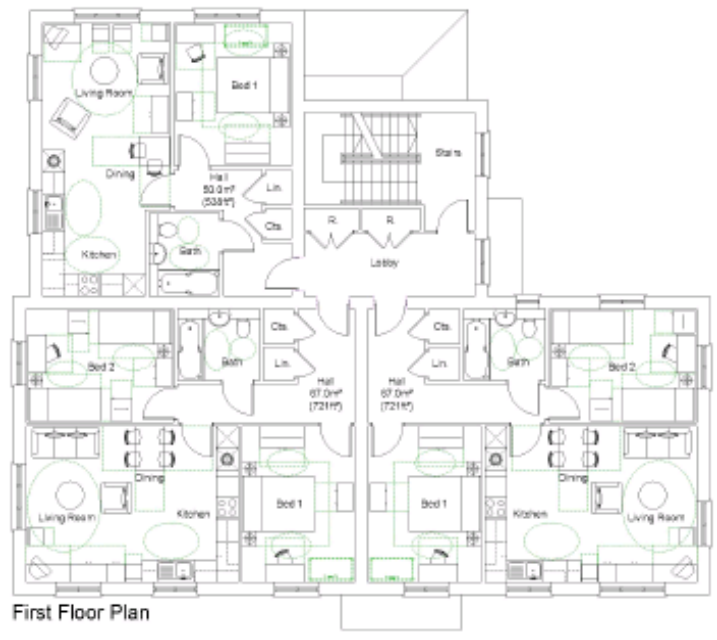
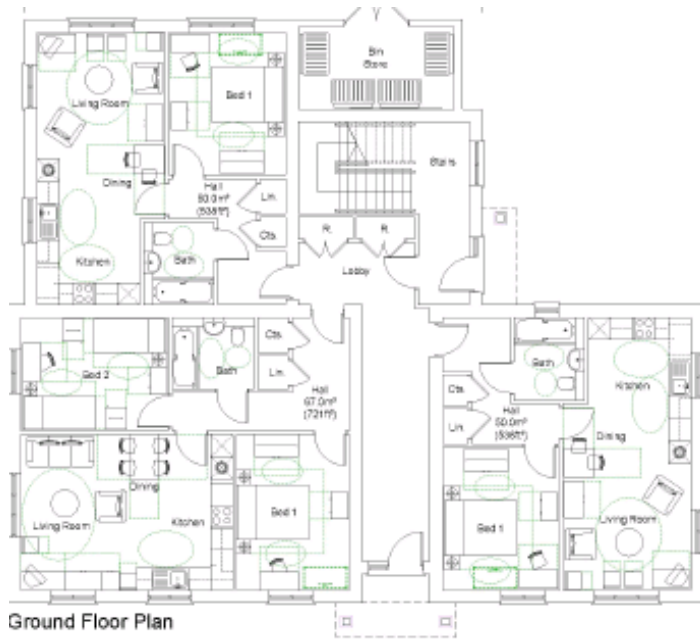
Ground Floor Plan



Front Elevation

Rear Elevation

# Proposed Affordable Housing Floorplan and Elevations



Front Elevation

Rear Elevation



## Heads of Terms

The following matters are offered to be subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended):

### Highways:

- Improvements to the pedestrian route on Shackleford Road and Milford Road.
- Improvements to Public Footpath No. 61 between the site and Elstead village centre
- New bus stops on Shackleford Road, providing access to bus route No. 46 which serves Aldershot, Farnham, Godalming and Guildford.
- A sum of £15,000 for bus stop Infrastructure and Real Time Passenger Information (RTPI) improvements on bus route No. 46
- All households, upon first occupation, shall be offered a voucher for the purchase of a bicycle (up to a maximum value of £100) or a bus pass (up to a maximum value of £100) and thereafter the developer shall monitor and report to the Highway Authority the uptake of the vouchers by each household, all in accordance with a scheme to be submitted to and agreed in writing by the Highway Authority.
- It is proposed that such works, together with any other improvements/works deemed necessary by the County Highway Authority, would be secured through a S278 Highways Works Agreement.

### Services, Facilities and Environmental Contributions:

- £41,056 towards early years
- £254,929 towards primary education
- Contributions towards provision of recycling containers
- Provision of a Class C2 (Residential Institution) 60 bed Care Home
- 15% (9) of the homes to be provided as affordable to be provided in the following mix:

1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
5	4	0	0
56%	44%	0%	0%

- Affordable homes to be 100% shared ownership tenure
- Provision of 6.83 hectares SANG land and a SANG Management Plan
- Public Open Space, landscaping and provision of LEAP and an Open Space/ Land Management Plan
- Future ownership, management and maintenance of SuDS

#### Details of Community Involvement

The applicant has provided a Statement of Community Consultation which sets out details of the public and stakeholder consultation which took place prior to the submission of the application.

Community consultation comprised a presentation to the Members of Elstead Parish Council on 19 January 2015, followed by a question and answer session. Topic of questions from members of the public in attendance included:

- Post industrial contamination and proposed remediation
- Access to the site
- The impact on local highways
- The possibility of retaining some onsite employment space
- The need to improve car parking availability for Tanshire Business Park occupants
- The number of affordable units
- The proposed SANGS

Following amendments to the scheme, a meeting was held with the previous Ward Councillor on 04 February 2016, with the following topics of discussion:

- Proposed amendment to the scheme including the addition of a Care Home
  - The employment opportunities the care home would create
  - The parking situation and Tanshire Business Park
  - The SANG land
  - Pedestrian access along Shackleford Road
  - Contamination of the site and the cost of remediation
  - Position of Elstead Parish Council

On 16 February 2016, a meeting was held with the Weyburn Works Neighbourhood Plan Working Group. The meeting was attended by

- Members of the Working Plan Group
- Chair of the Peper Harow Parish Meeting
- Chair and Members of Elstead Parish Council
- A team comprising of representatives of the application, Boyer Planning and Remarkable Engagement

Throughout the consultation process, access to a telephone enquiry line was offered to those who wished to find out more about the proposals, or register their comments via telephone.

A project website was also set up for those who wanted to find out about the proposals, which included a form that allowed visitors to send questions or comments to the team. A consultation email address was also set up for enquiries.

#### Relevant Planning History

WA/2015/0789	Erection of 69 new dwellings including 21 affordable and a 60 bed Care Home, provision of a Suitable Alternative Natural Greenspace (SANG), alterations to accesses and associated works following demolition of existing buildings. This application is accompanied by an Environmental Statement (as amended by plans and documents dated 29/7/2015 and 22/9/2015 and additional Regulation 22 EIA information received 25/8/2015)	Refused  Appealed	04/12/2015  Appeal Decision Pending
SO/2015/0001	Request for Scoping Opinion for residential redevelopment of 80 dwellings and associated works	Scoping Opinion issued	02/03/2015
SO/2010/0001	Request for Screening Opinion for proposed development to comprise of a mix of private sector housing, affordable housing, retirement accommodation	EIA Required	13/04/2010
WA/2008/1869	Erection of an extension to existing workshop area to provide approximately 2200 sq metres of floor	Details Pursuant Approval	12/12/2008

	space.		
WA/2005/1867	Outline application for the erection of an extension to existing workshop area to provide approximately an additional 2200sqm of floor space.	Outline Permission	03/11/2005
WA/1998/1239	Erection of extension to workshop - provision of additional loading bay, additional car parking	Full Permission	11/12/1998
WA/1988/2077	Display of non-illuminated wall sign.	Withdrawn	18/06/1990
WA/1988/2411	Erection of bridge, construction of pathway, provision of seats and alterations	Withdrawn	11/09/1989
HM/R20653	Demolition of existing buildings and erection of 400 houses	Refuse	21/09/1972
HM/R18809	One non-illuminated sign "Weyburn" - 11'3" overall x 1'6" high for five year period	Full Permission	04/11/1970
HM/R17893	Extension to packing shed for new phosphate plant.	Full Permission	15/07/1969
HM/R3577	Precast concrete for material store	Full Permission	15/01/1949

### Planning Policy Constraints

Green Belt – outside any defined Settlement  
Surrey Hills Area of Outstanding Natural Beauty  
Area of Great Landscape Value  
Suitably Located Industrial and Commercial Land  
Wealden Heaths I SPA 400m Buffer Zone  
Wealden Heaths I SAC 2km Buffer Zone  
Flood Zones 2 and 3 (northern part of the site)  
Within 20 Metres of Riverbank (northern part of the site)  
Common Land (south eastern part of the site)  
Public Footpath (No.61)  
Potentially Contaminated Land

### Development Plan Policies and Proposals

Saved Policies of the Waverley Borough Local Plan 2002:-

C1, C3, IC2, D2, D3, D4, D5, D6, D7, D8, D9, D13, D14, H4, H10, M1, M2, M4, M5, M14, LT11

Policies of the Waverley Borough Draft Local Plan Part 1: Strategic Policies and Sites (2016) :-

Policy RE2	Green Belt
Policy RE3	Landscape Character
Policy TD1	Townscape and Design
Policy NE1	Biodiversity and Geological Conservation
Policy NE2	Green and Blue Infrastructure
Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Spatial Strategy
Policy ICS1	Infrastructure and Community Facilities
Policy AHN1	Affordable Housing on Development 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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Local Plan (2002) therefore remains the starting point for the assessment of this proposal.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this case. In line with paragraph 215 due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The report will identify the appropriate weight to be given to the Waverley Borough Local Plan 2002.

The Council is in the process of replacing the adopted 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Non-Strategic Policies and Site Allocations) will follow the adoption of Part 1.

The new Local Plan builds upon the foundations of the Core Strategy, particularly in those areas where the policy/approach is not likely to change significantly. The Council approved the publication of the draft Local Plan Part 1 for its Pre-submission consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on 19 July 2016. The consultation period commenced in August 2016 and closed on 3

October 2016. On the 21<sup>st</sup> December 2016 the Council submitted the draft Local Plan Part 1 for Examination. In accordance with paragraph 216 of the NPPF, weight can be given to the draft Plan, but the degree to which it can is determined by the stage the Plan has reached and the extent to which there are any unresolved objections to it. It is considered that significant weight can be given to the Draft Plan following its publication on Friday 19 August, given its history of preparation thus far, the iterations of it and the extent of consultation and consideration on it to date. The weight afforded to the Draft Local Plan will increase as the Plan progresses through Examination and onto its adoption in 2017.

Other Guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Strategic Housing Land Availability Assessment (2014 update)
- Land Availability Assessment (2016)
- West Surrey Strategic Housing Market Assessment (2015)
- Infrastructure Delivery Plan (2012)
- Climate Change Background Paper (2011)
- Open Space, Sport and Recreation (PPG17) Study 2012
- Statement of Community Involvement (2014 Revision)
- Strategic Flood Risk Assessment (2015)
- Affordable Housing Viability Assessment (Addendum 2010 and update 2012)
- Planning Infrastructure Contributions SPD (2008)
- Surrey County Council Cycling Plan SPD (April 2005)
- Waverley Borough Council's Parking Guidelines (2013)
- Density and Size of Dwellings SPG (2003)
- Waverley Borough Council's Residential Extensions SPD (2010)
- Surrey County Council Vehicular and Cycle Parking Guidance (2012)
- Waverley Local Plan Strategic Transport Assessment (Surrey County Council, September 2014)
- Surrey Design Guide (2002)
- Surrey Hills AONB Management Plan (2014-2019)
- Employment Land Review (Update 2016)
- Council's Economic Strategy (2015-2020)
- Elstead Village Design Statement (1995)

Consultations and Parish Council Comments

Elstead Council	Parish	Object to the proposal.
-----------------	--------	-------------------------

The application replaces that submitted by Linden Homes in 2015 and is broadly similar in scope, except that the number of dwellings proposed is 61 rather than 70. The comments set out repeat many of those made in the Parish Council's observations on the earlier application.

Although most of the land subject to the application lies just outside the Parish Boundary (in Peper Harow Parish), the Parish Council views it as a site of great significance to the village. Along with the adjacent Tanshire Business Park, it is the last important available employment site in or near the village, which over the last 15 years or so has seen the loss to residential development of 5 other major employment sites (Mays Motors; Hillbrow Motors; Elstead Builders; Tracy's Builders; the Croft Nursery). For this reason, the future use of the land accommodating the former Weyburn works has featured prominently in the deliberations of the Elstead and Weyburn Neighbourhood Plan team and its working groups. The Neighbourhood Plan team has accordingly prepared a comprehensive document setting out its views on the current application, which has been sent separately. Elstead Parish Council fully supports and endorses this document and would ask that it be considered as a supporting document to these comments

The land subject to the application is classified in the current Local Plan as brownfield, with its use restricted to industrial/commercial purposes. It lies within the Green Belt, the AoNB and the AGLV. It is also within 400 metres of the neighbouring Special Protection Area. It is an isolated site, well separated from any residential area and from any local services. Currently, there is no public transport serving the site, nor is there any easy access on foot or by cycle from the site to the available services in the village of Elstead.

Road access to the site from the A3 to the east via the Milford Road is reasonably good. Road access from the west (Farnham) is more problematic owing to the increasing congestion in Elstead itself. Access from the north is limited by the capacity of the single-track carriageway over Somerset Bridge, which is an ancient monument.

The land concerned is, the Parish Council understands,

heavily contaminated with heavy metals and other potentially harmful substances. Large scale remediation would need to be undertaken in order to make it suitable for residential (as opposed to industrial commercial) use.

Part of the site, at its northern perimeter, is subject to frequent flooding; there is much evidence locally that serious flooding occurs over the whole of the former Weyburn car park area at least once in every 10 years and probably more frequently.

Current application (MMC2 application)

A small part of the site would be allocated for use as a 60-bed care home, but no details have been supplied of who would build or manage the home, nor indeed whether there would be any commercial interest in such a venture, or how MMC2 would look to market such an opportunity.

Owing to the site's proximity to the SPA, the applicants have agreed to provide nearly 7 ha of Suitable Accessible Natural Greenspace (SANG) from adjacent land within the ownership of the applicants. This land is currently bisected by a public footpath. Much of it is low-lying and subject to winter flooding in most years. The applicants propose that the SANG land should be managed by a company funded by charges on the residents of the homes built on the site. It is not clear if these charges would extend to occupants of the affordable homes. Nor have any details been provided of how the management of the SANG would be ensured in perpetuity.

The application suggests that parking provision for the new residential development would more than meet WBC's parking guidelines by the provision of 148 off-street parking places, compared to the WBC requirement of 141. This is however achieved by the over-provision of parking spaces for the 4/5 bed homes, leaving the smaller homes short of parking spaces in view of the rural and isolated nature of the site, the lack of suitable public transport and the much higher level of car ownership in Peper Harow and Elstead parishes, there are strong arguments for requiring a much larger parking provision.

The application recognises that the site is remote from the



neighbouring services in Elstead and elsewhere. It proposes to mitigate these effects by the provision of a pavement linking the site with the current pavement along the Milford Road. No provision is proposed for dedicated cycle access from the site to the village.

The Parish Council's concerns about the proposal are summarised below under the relevant headings:

#### 1. Employment

Elstead has encountered the loss of 5 major employment sites to residential development over the last 15-20 years. The Weybum site is the last remaining available employment site in or close to the village. Its conversion to large scale residential use would mean that Elstead and the surrounding area would increasingly become a dormitory area for the major neighbouring conurbations, with adverse consequences for the environment and the social fabric of the village.

Perhaps even more importantly, WBC has itself identified a current and forecast shortage of employment land in the borough. The loss of the Weybwn site would only make this worse, as the site is currently included in WBC's estimates of available employment land.

The available evidence suggests there is a strong and currently unmet demand locally for small to medium sized business, warehouse and office units. The success of the neighbouring Tanshire and Peper Harow Park business units clearly demonstrates this.

There is no evidence of a local need for such a large care home close to the village in addition to the current care home sited in Elstead itself at Bridge House, nor indeed have MMC2 identified a commercial provider for the facility. A new care home would moreover do nothing to meet the demand from local businesses for office/warehouse light industrial space.

The Parish Council notes that in its new draft Local Plan WBC states (pars 10.21) that 'The limited supply of

employment land and premises and the limited pipeline of future development are likely to constrain business growth and the ability to attract new investment in the Borough'. It goes on to propose in para 10.32 new policy, EE2, to protect existing employment sites, as follows: "The Council will protect existing employment sites against alternative uses unless it can be clearly demonstrated that there is no reasonable prospect of the site being used for employment use".

The Parish Council would argue that the available evidence (in particular the success of the neighbouring Tanshire site) demonstrates that there exists a strong demand locally for new business premises. The failure of the owners of the Weyburn site effectively to market the site for such use should not be taken as evidence that such demand does not exist.

The Parish Council therefore believes that there is a strong, indeed overwhelming, case for the Weyburn site to be retained for mixed employment use, both to retain employment in or close to the village and to meet the identified needs of small to medium sized businesses in the immediate locality.

## 2. Sustainability

The Planning Authority needs to be satisfied that the proposals for a 61-home development together with a 60-bed care home are sustainable in the terms of the NPPF. The site is well separated from Elstead village and its services, and also from the more limited settlements and services in Peper Harow and Shackleford. Residents of the new homes would need to run cars both to access services (schools, shops, medical care, recreation etc.) and to get to and from work. This would add significantly to traffic volumes through the village and along the adjacent country lanes, notably the narrow Shackleford Road and over the single-carriageway Somerset Bridge.

A review of the plans for car parking provision on the development shows that overall there is a shortfall of parking spaces when compared to the WBC parking provision

guidelines. The Parish Council would however argue that these guidelines, while adequate for those parts of the Borough with reasonable public transport provision, are quite inadequate for a major residential development in an isolated rural area with little public transport provision. It therefore suggests that a more appropriate parking provision for this site should be that set out in the Neighbourhood Plan Team documents, which contains a detailed supporting analysis for the level of provision.

The parking allocated for the proposed care home is also too low when compared to care home parking guidelines. This is an isolated development with no good transport access and therefore anyone coming to work will need a car as will any visitors to the care home. Lack of sufficient parking provision will not just create local issues, but any overspill will create issues on the local roads and will negatively impact the open nature of the green belt area.

Public transport locally is poor and limited to an hourly bus service which terminates at around 6.00pm. The proposed pedestrian access to the village is circuitous, hazardous (the need to cross the busy Milford Road) and uncertain (it is not clear that the necessary consents from the landowner and from the common land authorities can be obtained). No dedicated cycle access has been proposed, which is a major defect.

The size of the proposed development would add significantly to the pressure on local services, in particular the availability of school places at both primary and secondary level. Already, children from the village have in the recent past found it difficult to obtain places both at the village primary school (St James) and at the main secondary school (Rodborough),

For all these reasons the Parish Council does not believe that the MMC2 application can be considered sustainable.

### 3. Environmental and Landscape Impact

The proposals for a 61-home residential development would have a major impact on the local environment. It would

mean that the residential footprint of Elstead/Peper Harow, with the associated urbanisation resulting from the installation of street lighting and pavements, would be extended several hundred metres to the east, into an area classified as Green Belt, AONB and AGLV. The proposed density of housing would also be much greater than that for similar recent developments on isolated former brownfield sites, e.g. the Mushroom. Farm at Shackleford. For these reasons the application should be regarded as inappropriate and intrusive development in the Green Belt.

The proposed development would also take place within 400m of the neighbouring SPA, with adverse consequences for the nature conservation interest of the SPA and the immediately surrounding area. The applicants' proposals to mitigate these effects by the provision of nearly 7 ha of SANG are inadequate. There must be serious doubt about how much the proposed SANG contributes as an additional resource as it is already bisected by a public footpath. In addition, the land concerned is low-lying and subject to flooding, which both reduces its attractiveness and its accessibility as an informal public recreation area. The neighbouring SPA, with its extensive tracts of open country, would be likely to provide a much more attractive recreational environment both for humans and for the predatory domestic animals associated with a large adjacent residential development.

The Parish Council does not have the expertise to evaluate the applicants' proposals for the decontamination of the site but is it likely that the scale of decontamination needed to meet the standards for residential occupation would be expensive and intrusive, and considerably more extensive than those required to facilitate continued business use.

In terms of landscape and design impact, the development would be much more dense than the developments in the neighbouring settlements. This would be in conflict with the Elstead Village Design Statement, which states that new development should 'remain within the settlement area of the village', 'retain the existing pattern of density' and 'avoid the inappropriate use of urbanising features'.

	<p>The Parish Council also has several additional more detailed concerns related to the environmental impact of the proposed development, e.g. the impact on on-site wildlife, the potential long-term impact on the agricultural land located between the development site and the village, which it would wish to discuss with the Planning Authority should it be minded to approve the application.</p> <p>4. Housing Mix</p> <p>The applicants' proposals for the mix of residential development on the site are not in accord with WBC's own policies as set out in current Policy H4. This recommends that at least 50% of the dwelling units within a proposal should be 2 bedroomed or less. MMC2's plans would provide less than 20% of 2 bedroomed or less homes, all but 3 of which would be affordable. Survey information collected by the Elstead and Weyburn Neighbourhood Plan team indicates a strong preference locally for 1, 2 and 3 bedroom homes, as opposed to larger homes.</p> <p>In the new draft Local Plan (pars 9.39), WBC are again proposing that at least 50 % of new homes should comprise 1 and 2 bedroom dwellings. It also proposes that 30% of new homes on developments of over 6 dwellings should be affordable. MMC2's proposals would provide for only 15% of homes to be affordable.</p>
Peper Harow Parish Council	<p>Object to the proposal.</p> <p>The majority of the site in question does lie within the Parish of Peper Harow which, if approved, would effectively double the number of residential dwellings within the small rural and totally unsustainable Parish.</p> <p>The Parish Council would agree with all of the views submitted in the letter of objection from Elstead Parish Council, specifically those as set out within Elstead and Weyburn Neighbourhood Plan document.</p> <p>The issues the Parishioners are most concerned about include the following:</p> <ul style="list-style-type: none"> <li>• The site should be used for high quality employment</li> </ul>

	<p>e.g. for skilled professionals.</p> <ul style="list-style-type: none"> <li>• There should be a much lower density of development with high quality homes, certainly less than 25 in total.</li> <li>• Parking provision with the site and the adjoining Tanshire Park complex are totally inadequate and any provisions must include additional spaces to accommodate the same.</li> <li>• Any development should be in keeping with the site situation in the Green Belt, AONB, AGLV and open countryside.</li> <li>• The development of a large number of homes would have an enormous impact on the totally inadequate road system especially taking into consideration the bottle neck at Somerset Bridge which would inevitably cause long queues and probably require a traffic light system.</li> <li>• Within Peper Harow, there are no shops, public houses, schools and lanes are already overcrowded and are being used as a rat run/escape from the regularly congested A3.</li> </ul>
<p>Shackleford Parish Council</p>	<p>Object to the proposal.</p> <p>The application is a revision of a previous application WA/2015/0789. Shackleford Parish Council objected to the previous application. Despite certain revisions, the Parish Council concerns about the application and development at the site remain unchanged.</p> <p>The site lies within a designated Area of Outstanding Natural Beauty, an Area of Great Landscape Value and within 400m of a Special Protection Area. In addition, the site is situated within the Green Belt. Most development within the Green Belt is deemed inappropriate, and any that is allowed is strictly controlled to 'minimise impact'. Despite a reduction in the number of dwellings from 70 to 61, Shackleford Parish Council believes that the nature of the proposed development is still so large that it would be impossible to minimise its impact.</p> <p>The proposed development would be unsuitable for, inter alia, the following reasons:</p>

	<ul style="list-style-type: none"><li>• The density of housing is still too great for the site. The Parish Council has experience of another former brownfield site of similar size and profile in Shackleford, which is next to Peper Harow Parish where the site is situated. A planning application submitted in 2009 for 25 homes at the site of the former mushroom farm in Shackleford, was withdrawn and a revised application (12/P/00767) was submitted for the erection of 18 dwellings with good provision of green space and parking. This second application was approved and, at that time, the Officer's Report stated that the first application for 25 houses "<i>was withdrawn following concerns raised by officers regarding the number of dwellings and the impact of the proposal on the Green Belt</i>". The Parish Council believes that the density of the proposed development at the site is too great (contrast 61 homes in Peper Harow, that has no infrastructure against 18 in Shackleford) and would be of detriment to the Green Belt, the AONB and the rural landscape.</li><li>• The lack of transport links and good roads around the site (as residents and Care Home works will rely heavily on cars). There is no public transport serving the site and no easy access of foot or bicycle. Residents and car home workers would rely heavily on cars and there would be an unacceptable increase in traffic on the unsuitable surrounding rural roads. In particular, the Parish Council notes problems with the local bridge that is a scheduled ancient monument and Grade II Listed. There have been numerous accidents there in recent months (one including a bus) and there is currently a large crack in the brickwork.</li><li>• The site is situated on a flood plain and within a flood zone and the local road and bridge become impassable on a number of occasions each year.</li><li>• Lack of adequate parking provisions for residents, visitors and Care Home workers. The Parish Council notes that the parking for the adjacent Tanshire Business Park is still on a meadow opposite and this is clearly unacceptable.</li><li>• The detrimental effect and impact on the openness of</li></ul>
--	---

	<p>the Green Belt and local protected wildlife.</p> <ul style="list-style-type: none"> <li>• Loss of the site as a potential employment premises, particularly when the Council itself forecasts a shortage of employment land within the Borough. Evidence from Elstead Parish Council suggests that there is a strong and unmet demand locally for small and medium sized businesses, warehouse and office units.</li> <li>• Lack of local infrastructure including school places and NHS services. Furthermore, the site is within the Peper Harow Parish which is the only Parish in the county without a shop or pub. The Parish Council notes that in 2014/2015, St Mary's School in Shackleford was the third most oversubscribed school in Surrey.</li> <li>• The proposal suggests a new play space in a food area situated between a river and a busy road. The Parish Council would question the safety of this location.</li> </ul>
<p>County Highway Authority</p>	<p>No objection, subject to an appropriate agreement being secured before any grant of planning permission to secure a highway and transport mitigation package and recommended conditions and informatives.</p> <p>The Highway Authority is satisfied that the proposed package of transport mitigation measures does improve accessibility to the site by non-car modes of travel, therefore the planning application does meet the transport sustainability requirements of the National Planning Policy Framework.</p> <p>The Highway Authority is satisfied that the proposed access and movement strategy for the development would enable all highway users can travel to/from the site with safety and convenience.</p> <p>The Highway Authority is satisfied that the traffic impact assessment undertaken by the applicant provides a robust and realistic assessment of the likely cumulative impact of development on the highway network.</p> <p>Local Policy: The Highway Authority is satisfied that the proposed development is in accordance with the relevant</p>



'movement' Local Plan policies.

Overall Access Strategy:

The site has been designed to maximise accessibility by non-car modes of travel and includes links between the application site and Public Footpath No 61. The development also includes a scheme to provide pedestrian access between the site and Milford Road (B3001). The Highway Authority is satisfied that all new access points provide safe and suitable access for all highway users. The new footway and crossing point on Milford Road has been subject to an independent Road Safety Audit. The audit raised four comments, three relating to the interference of vegetation with the proposed footway and the fourth relating to signage obstructions. Each of the auditors comments have been considered and addressed by the applicant and the auditors have confirmed that the amendments satisfy their comments. The Highway Authority considers this robust assessment demonstrates that the proposed footway and uncontrolled crossing on Milford Road would provide safe and suitable access to the site for all highway users.

There is another potential pedestrian route between the site and Elstead village via land owned by the Parish Council. The Highway Authority considers that as this route requires third-party land that is outside the control of the applicant, it would not be reasonable in planning terms for a condition to be imposed on any permission granted to deliver this pedestrian route. The Highway Authority considers this route is not necessary to make the development acceptable on highway safety grounds.

Proposed Traffic Generation:

The Highway Authority has assessed the assumptions used by the applicant to calculate the trip rates and is satisfied that they are fit for purpose. The assessment demonstrates the proposed development is likely to result in the following net traffic impact, taking into consideration the existing number of vehicular movements that could be generated by the lawful industrial and commercial use of the site.

Time	Morning Peak			Evening Peak		
	In	Out	Total	In	Out	Total
Existing Use	61	10	71	5	50	55
Proposed Use	13	34	47	27	19	46
Net change	-48	+24	-24	+22	-31	-9

Source: TRICS

The proposed use is shown to generate less vehicular travel demand than the existing permitted uses on the site. The morning peak period would generate around 24 fewer vehicles with 9 fewer vehicles in the evening peak period. The residential use of the site would also generate significantly fewer movements by large vehicles (e.g. lorries). The industrial use would generate around 47 lorry trips each day whereas residential uses would generate around 3 large vehicles each day. This is a significant reduction, which will provide benefits in terms of safety and operation of the local network, and also residential amenity.

#### Development Traffic Distribution/Assignment:

The distribution of development generated traffic has been calculated using Journey to Work data from the 2011 Census. The development trip distribution is based on car journeys to employment generated by residents of the Elstead Super Output Area, because these journeys represent the majority of journeys by car during the AM and PM peak periods on the local highway network. The Highway Authority has assessed the trip distribution methodology and is satisfied that it is robust, realistic and suitable for modelling the impact of the proposed development on the surrounding highway network. The trip distribution calculation informs how development generated trips have been assigned to the highway network. From the proposed site access it is estimated that 50% of vehicles would travel north from the site and 50% south on Shackleford Road. Of the vehicles travelling south to the Milford Road (B3001), 30% route east towards the A3 and 20% west towards Elstead village centre.

#### Traffic Flow Data:

Automatic Traffic Counts and Manual Classified Turning Counts have been undertaken to establish speeds and volumes of traffic on Shackleford Road and Milford Road.

Assessment of this data confirms that the peak periods of the network are 0800-0900 (the AM peak period) and 1700 - 1800 (the PM peak period).

The Highway Authority has interrogated the applicant's traffic survey methodology and is satisfied that the data is robust for the purposes of assessing the impact of development generated traffic on the local highway network.

#### Traffic Impact Assessment Scenarios:

The results of the traffic modelling assessment of the proposed site accesses and the Shackleford Road/B3001 Milford Road junction demonstrate that the impact of the development will be negligible and that all junctions will operate within capacity. Consideration has also been given to the impact of the proposed development on the Somerset Bridge, where it is shown that the development would have an indiscernible impact on the operation of the bridge.

When considered against the critical policy test (paragraph 32 of the NPPF) it is demonstrated that the proposed development will not result in a significant detrimental impact on the local network. The impact of the development falls far short of a severe impact as described by the NPPF.

#### Development Layout and Parking Provision:

The Highway Authority considers the internal layout of the site is acceptable on highway safety grounds.

The construction of the site access and the off-site pedestrian access works will be done via a S278 agreement with the county council.

#### Road Safety:

The Transport Assessment has analysed Personal Injury

	<p>Accident (PIA) for the latest five year period, for the highway network in the vicinity of the site.</p> <p>The analysis has demonstrated that there are no inherent safety issues or patterns of accidents on the local highway network.</p> <p>Sustainable Transport</p> <p>In accordance with the requirements of the NPPF and Waverley Borough Council’s Local Plan 2002, the Highway Authority considers the applicant has demonstrated that the development will maximise opportunities to travel by sustainable transport modes.</p> <p>Construction Management Strategy</p> <p>The construction of the development will need to be carefully managed, and the Highway Authority has recommended that a construction management strategy is submitted as part of any reserved matters application.</p> <p>Conclusion</p> <p>As detailed above, the Highway Authority considers the proposed development accords with paragraph 32 of the NPPF and the Local Plan ‘movement’ policies. The site is in a sustainable location in transport terms and seeks to maximise opportunities for sustainable travel. Safe and acceptable access can be provided for all highway users. The two priority junctions onto Shackleford Road meet the relevant design standards and will provide sufficient capacity to ensure they operate efficiently in the future. Pedestrian access is being maximised and enhanced by improvements to Public Footpath No. 61 and provision of a new footway link to Milford Road. The Transport Assessment has reviewed the residual cumulative impact of the development and the Highway Authority is satisfied that this assessment is robust and fit for purpose. The assessment demonstrates that against the lawful use of the site for industrial purposes, the proposed development would have a net beneficial transport impact and would not result in a severe residual cumulative impact.</p>
County Rights of Way	The Countryside Access Office notes the affect of the

Officer	<p>proposed development to Peper Harow/Elstead Public Footpath 61. No objection is raised; however the applicant's attention is drawn to the following:</p> <p>The route of Public Footpath 61 Peper Harow/Elstead would be affected by the development and specifically the 4 new car parking spaces. A condition is recommended, should planning permission be granted, to require that, prior to completion of the development, an application under Section 256 of the Town and County Planning Act 1990 would be required to divert the footpath onto the new alignment along the newly constructed pavement/walkway. As long as the good visibility between the path and the parking spaces in this location is provided, the Countryside Access Office has no objection to the proposed development.</p> <p>A number of informatives are also recommended.</p>
Environment Agency	<p>No objection, subject to recommended conditions and informatives.</p> <p>The Environment Agency would confirm that the sequential test would need to be passed in accordance with paragraphs 101 and 103 of the NPPF and it would need to be confirmed that there are no reasonably available sites at a lower probability of flooding.</p> <p>The Environment Agency notes that two of the proposed residential plots (plots 18 and 19) are located in Flood Zone 2. It is recommended that, where feasible, all built development is located in Flood Zone 1, but it is assumed that this has been considered as part of the masterplan for the development.</p> <p>The report identifies the need to design development using a 1% Annual Exceedance Probability (AEP), AKA 1 in 100 year, flood level including an appropriate allowance for the impact of climate change. The report also acknowledges that the allowances for the impacts of climate change have recently been amended and that the data provided by us uses the old allowances. We would normally expect that an</p>

	<p>assessment using the current allowances if carried out. However the report does confirm that freeboards to finished floor levels will be used to allow a degree of resilience against the impacts of flooding. Additionally, the finished floor levels are set above the 0.1% AKA 1 in 1000 year flood level which has been used to delineate flood zone 2 in this location.</p> <p>It is also noted that the area around these units may be flooded during a 0.1% AEP flood, which appears to be broadly equivalent to the 1% plus climate change flood based on new guidance. Other than that described in the flood risk assessment there shall be no raising of existing levels on the site.</p> <p>The Environment Agency notes that the proposal includes boardwalks within the SANG area which would be raised above the design flood level. To ensure that these do not affect flood flows, the Environment Agency would require these boardwalks to be either raised above the design flood level and designed to allow the free passage of water beneath them, or, if this is not practicable, they should be constructed at existing ground level, although this will not necessarily mean that they could be accessed in times of flood.</p> <p>It should be ensured that the development is appropriately flood resilient and resistant, including safe access and escape routes.</p>
Natural England	<p><u>Initial comments received (16/09/2016)</u></p> <p>The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Thursley, Hankley and Frensham Commons and Thursley, Ash, Pirbright and</p>

Chobham Special Protection Area (SPA) and Special Area of Conservation (SAC) , respectively, which are European sites. The site is also notified at a national level as the Thursley, Hankley and Frensham Commons Site of Special Scientific Interest (SSSI).

Natural England raises an objection to the proposal on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which the above sites have been notified.

Natural England would advise that further information is sought from the applicant to ascertain the impact on the SPA.

Amended comments received following submission of additional information

Following receipt of further information from Ecology Solutions on 29/09/2016 regarding the proposal, Natural England is satisfied that the specific issues raised in previous correspondence relating to the development have been resolved. Natural England therefore considers that the identified impacts on the Wealden Heaths Phase II SPA could be appropriately mitigated with measures secured via planning conditions or obligations as advised.

The following mitigation measures are required:

- A condition to ensure that the care home residents will have limited mobility and require full-time nursing.
- A condition to ensure that staff accommodation will not be allowed on site.
- A condition that a SANG management company is created in advance of the establishment of the SANG.
- Step in rights to be provided in the S106 to allow the Council to manage the site appropriately and in line with the SANG Management Plan, in the event that the proposed management company fails to do so.
- A condition to ensure that car parking will be restricted exclusively to staff and visitors.
- A covenant to prevent the keeping of pets on the premises (with the exception of assisted living dogs)

	<ul style="list-style-type: none"> <li>• A covenant to ensure that if residents do not make their SANG contribution payments, the amount owed will be recovered at the time when the house is sold on.</li> </ul>
Historic England	<p>Historic England does not wish to comment in detail, but would offer the following general observations:</p> <p>The proposal is for the development of an industrial site into a residential development at the former Weyburn Works site. The northern boundary of the development lies c.90 metres south of Somerset Bridge which is both Grade II* Listed and a Scheduled Ancient Monument (National Heritage List nos. 118935 and 1005956). Historic England provided comments on a previous version of this application in 2015, expressing concern that new buildings might be seen through or above the vegetation boundary, particularly with regard to the northern end of the site, and that this could cause harm to a designated heritage asset by causing diminishing appreciation of the bridge within its rural setting.</p> <p>Historic England is pleased to see therefore that development has been withdrawn from the northern part of the site, and a leisure and meadow area created here instead. It is thought that this will significantly reduce potential harm from visibility of the development, particularly when combined with enhancement of the existing vegetation boundary at the north and north east end of the site. Historic England therefore suggests that the Council may now find the proposals acceptable with regard to the impact of the development on the setting of designated heritage assets. It is noted however that the council would need to be satisfied that there would be no adverse impacts on the bridge from increased traffic movements both during and after construction.</p>
Thames Water	No objection, subject to recommended informatives.
Surrey AONB Board Officer	The proposed number of dwellings has been reduced from 70 to 61 plus, in both schemes, a 60 bedroom care home by the deletion of previously proposed dwellings in the northern open part of the site. The previous scheme was strongly criticised from an AONB aspect as introducing conspicuous built form into the AONB where none currently exists. This amendment is welcome.



However, the other AONB concerns set out in the previous report still remain. Additional comments are as follows.

The proposal probably does not constitute “major development” for the purposes of NPPF paragraph 116. This is because it is an existing substantially developed site where the building volume is greater than that proposed.

No attempt has been made to meet the previous criticisms of the suburban layout, form and design of the proposed development. This was previously explained and reference was made to the Surrey Hills design guide entitled “Building Design into the Surrey Hills “. The publication is not listed in the list of design documents set out in the submitted Design and Access Statement.

Concern is expressed at the proposal to introduce a large built play area with fixed equipment into the open northern part of the site. This would be another suburban feature that ought to be located more within the body of the proposed housing development. An additional advantage of so doing would be to increase natural surveillance of children from neighbouring houses.

If notwithstanding the continued AONB concerns the Council is minded to grant permission for this latest application it is suggested that further informal native tree and shrubbery planting be carried out to the north of the proposed play area in order to mitigate, to a degree, the visual harm to the AONB even though it would not overcome it.

Objection submitted under WA/2015/0789:

The principle of a suitable residential redevelopment of the former Weyburn Works is supported from an AONB aspect. However, the submitted scheme is inappropriate for this AONB setting. The scale of the proposed development is excessive, it would spread beyond the footprint of the existing buildings and it would be visually intrusive. The layout, form and design of what would be a standard housing estate, have insufficient regard to its AONB setting and are not sensitive to the defining characteristics of the

local area.

The local plan designation of the site as being an Area of Suitably Located Industrial and Commercial Land is noted. However, from an AONB aspect and having regard to more recent circumstances, the site is more suitable for a well designed housing scheme to include a substantial proportion of affordable housing. The Council will no doubt wish to consider whether the need and availability of housing land in the Borough has sufficiently changed since adoption of the local plan in 2002 to suggest that housing might now be preferable.

The proposed housing along the east side of the spine road would come too close to the site boundary resulting in the backs of houses and flats together with fencing being visible from Shackleford Road through the existing trees outside the site boundary. Whilst some of the existing buildings can be glimpsed from the road, a well designed redevelopment, bearing in mind the site is within an AONB, should be set further back from the road. On site native tree and shrubbery should be planted outside domestic gardens that would in time form an effective screen. Experience suggests that if a new tree screen is planted within domestic gardens many of the trees will not remain after the 5 year maintenance and replacement requirement of a landscaping planning condition.

If there is to be a 60 bed care home on the site the proposed site is too small. The result would be a cramped urban form of development comprising a single substantial building mass with accommodation on 3 levels. The existence of large buildings to the south west does not negate the AONB case for a better form of care home in a landscaped setting.

The proposed standard form of housing estate on the remainder of the site would be out of place in this location detached from the village of Elstead. The road layout would result in an uninteresting form of development and its suburban character would be reinforced by the form and design of the housing and the nature of the spaces between buildings. Much more imagination and appreciation of rural housing design is needed for a lesser residential

redevelopment to be acceptable from an AONB aspect.

There would be no sense of place other than being within a standard housing estate dominated by parked cars with no meaningful space left for native tree and shrubbery planting in order for the development to be assimilated into this nationally protected landscape. The form and design of the poorly proportioned narrow fronted and deep detached houses would be unattractive and not capable of creating a proper village or rural form of development. The standard formula of detached house, short driveway and attached garage in short open plan frontages does not allow for attractive place making in this AONB.

The proposal fails to take the opportunity to improve the character and quality of this AONB. Whilst Elstead displays many different building styles this part of the Surrey Hills AONB is most associated with the combined use of Bargate stone and brick with plain clay tiles on the roofs and for tile hanging. There are also many good examples of Arts and Crafts buildings. They include a greater concentration of Lutyens designed houses than anywhere elsewhere in the world due to his growing up in the neighbouring village of Thursley. The redevelopment of this site offers the opportunity to achieve a housing scheme of strong local character resulting from the application of a modern interpretation of this local distinctive characteristic. Superficial and poorly informed “vernacular Surrey” house styles often promoted in new development needs to be avoided.

It does not appear that those submitting the application were aware of the Surrey Hills publication “Building Design into the Surrey Hills – Guidance on the preparation of Design Statements for new development”.

Rather than, as proposed, to widen the existing vehicular access to the north and the possibility of opening to public view housing from Shackleford Road, the northern access could be reduced in scale merely to serve a few public parking spaces related to the SANG and, if necessary, an emergency access link to housing. A better context for the public footpath that passes through this area should be

	<p>achieved than currently proposed through a housing estate.</p>
Council's Agricultural Consultants	<p>Raised no objection to the proposed development under WA/2015/0789 and provided the following comments:</p> <p>Whilst the Planning Statement indicates that 3.6ha of the site is previously developed land, 6.8ha of the site is woodland and pasture. Cannot see any assessment having been undertaken on the quality of agricultural land that would be affected, and whether the proposal would be likely to lead to the loss of best and most versatile land.</p> <p>The Provisional Agricultural Land Classification (ALC) map shows the undeveloped parts of this site as Grade 4 which is poor quality agricultural land. Although Natural England's Technical Information Note 049 explains that these maps are not suitable for classifying the quality of individual sites, other published information, such as the National Soils Map, supports the contention that the land is not best and most versatile agricultural land (Grades 1, 2 and 3a). The soils are shown as Fladbury 3 association which are described as stoneless, clayey, fine silty ad fine loamy soils affected by groundwater. They are found on river alluvium, and are commonly at risk of flooding, usually restricted to permanent pasture and usually, when surveyed in detail, would be Subgrade 3b at best.</p> <p>The evidence is therefore that the application will not result in the loss or alienation of best and most versatile agricultural land. In terms of the second part of Policy RD9, there is no information presented within the application on the current arrangements for managing the land but it would be highly unlikely if an agricultural holding were reliant on 6.8ha of poor quality permanent pasture for its continued economic viability.</p>
Surrey Wildlife Trust	<p><u>Initial comments (03/08/2016)</u></p> <p>The Trust notes that the submitted reports include a disclaimer which states in part that the information provided in the assessment is only valid for a period of six months and if the scope of the works or timing of the project is altered, the advice given in the reports may not be valid. As all of the reports are over 6 months old, the Trust would advise that the applicant consults with their ecologist to</p>

	<p>determine whether the assessment and recommendations are still valid.</p> <p>It would be advisable that species survey work on the proposed SANG site would inform the SANG Management Plan.</p> <p><u>Amended comments (29/09/2016) following submission of an Environmental Statement</u></p> <p>The Trust would advise that the Environmental Statement, section 6 'Ecology and Nature Conservation Impact' dated 3<sup>rd</sup> June, appropriately addresses the concerns raised in the Trust's letter of 3<sup>rd</sup> August concerning the date of their reports and the possibility that the project had been subsequently altered.</p> <p>It is noted that the surveys have been updated this year and recommendations made are therefore likely to reflect current site conditions. It is also noted that the area of SANG is included in the surveys.</p> <p>The Trust would recommend a condition be imposed should planning permission be granted, to require the applicant to undertake all of the recommended actions in the 'Mitigation Measures' section of the Ecology section of the statement. Such measures should be included in the applicant's SANG Management Plan.</p>
RSPB	<p>Objects to the proposal.</p> <p>There remains insufficient assessment of recreational disturbance and sufficient uncertainty that the mitigation measures proposed to address recreational disturbance are likely to be effective. Concern is raised with regard to the likely impacts on the integrity of the nearby Thursley, Hankley and Frensham Commons Special Protection Area (SPA).</p> <p>Whilst the provision of SANG is helpful, it is not likely to remove the new residents' desire to visit the SPA. This is because the SPA is nearby, and the SANG does not offer long walks in an attractive setting. Future development proposals for housing may come forward utilising the</p>

	<p>proposed SANG as mitigation, which would further concerns. Without targeted access management measures on the SPA, such as warden and education projects aimed at reducing the impact of these additional visits, an adverse effect on the integrity of the Wealden Heaths SPA cannot be ruled out.</p>
Lead Local Flood Authority (SCC)	<p><u>Initial comments (25/07/2016)</u></p> <p>The Lead Local Flood Authority is satisfied that the proposed drainage scheme may be suitable to discharge the site but for full planning permission to be granted, further supporting evidence would be required to show that the proposed solution would be feasible. The Lead Local Flood Authority therefore cannot recommend that planning permission be granted because there is insufficient information provided at present to support the proposed drainage strategy.</p> <p><u>Amended comments (12/10/2016)</u></p> <p>At present, there is not currently a full design submitted that is compliant with the standards (Non Statutory Technical Standards for Sustainable Drainage).</p> <p>In general, the Lead Local Flood Authority is reluctant to remove an objection until a design that is compliant with these standards is submitted. The Lead Local Flood Authority do not normally recommend that requested items be covered by conditions if they are fundamental to drainage design, and without them the applicant has not proved that adequate drainage can be supplied on site.</p> <p>However the Lead Local Flood Authority understands that advice given is only one aspect of the application; that sometimes not all information can be supplied, and that ultimately the decision making rests with the LPA.</p> <p>If the Council is minded to grant planning permission, a condition is recommended by the Lead Local Flood Authority to secure full details of the design of a surface water drainage scheme and the carrying out of a verification report prior to first occupation of the development.</p>
County	No objection, subject to recommended condition.

Archaeologist	
Crime Reduction Advisor	No objection was raised by the Crime Reduction Advisor in relation to application WA/2015/0789. A planning condition was recommended in relation to achieving the full Secured by Design (SbD) award.
Council's Air Quality Officer	No objection, subject to recommended conditions and informatives in respect of the suppression of mud, grit, dust and other emissions; burning of materials on site and provision of an Electric Vehicle Charging Point.
Council's Environmental Health Officer – contaminated land	<p>It is noted that the site walkover and assessment does not cover the proposed SANG area. It is considered that an assessment of this area, which is to be significantly 'opened up' to a public open space use, is required to assess the potential presence/extent of any historical tipping/land raising in the area. Further, it is also considered that the potential historical use of lead shot by the clay pigeon shooting activities in the north of the site has not been assessed.</p> <p>On this basis, conditions are recommended on any grant of planning permission.</p>
Council's Environmental Health Officer – noise and lighting	No objection, subject to recommended conditions and informatives.
Council's Waste and Recycling Officer	<p>The 52 houses would each require the following containers, which would be presented for collection on the appropriate day:</p> <p>1 x 140 litre black refuse bin  1 x 240 litre blue recycling bin  1 x 240 litre brown garden waste bin (Optional subscription service)  1 x 23 litre food waste green kerbside caddy</p> <p>The apartments (Plots 1 – 9) would require the following – if communal facilities are to be utilised:</p> <p>Refuse – 2 x 1100 litre black flat lidded 4 wheeled bins.</p> <p>Dry Mixed Recycling – 8 x 240 litre blue recycling bins (240 litre blue bins, are supplied free of charge by Waverley Borough Council). If 1100 litre or 660 litre bins are to be</p>

	used for recycling, then these must be provided at the developer/ management expense.  Food Waste - 1 x 140 litre communal food waste bin.
Council's Estates and Valuation Manager	The Council's Estate and Valuation Manager concluded under WA/2015/0789 that the site has been adequately marketed at an appropriate price to reflect the Lawful use of the site, for an appropriate length of time and in the appropriate way. The issue conveyed by the Council's Estate and Valuation Manager is that the buildings on site are no longer attractive to modern occupiers and are therefore obsolete.
British Horse Society	An objection is raised because it would exacerbate the traffic problems of the area (horses and traffic don't mix well), proposes an illegal use of FP 61, and offers no mitigation at all to the problems it would cause horse riders.

### Representations

In accordance with the statutory requirements and the 'Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014' the application was advertised in the newspaper on and site notices were displayed around the site and neighbour notification letters were sent on 04.07.2016.

39 letters have been received raising objection on the following grounds:

### Sustainability

- A 60 room care home in close proximity to an existing care home will result in unnecessary competition and potentially threaten the viability of a long standing business.
- The care home will not provide employment for local people and employees driving in from further afield would only add to the traffic and parking challenges.
- Lack of local interest in having another care home in the area.
- Residents will be reliant on cars.

### Employment

- Loss of key employment land.



- The area would be better utilised for business developments like Smithbrook Kilns and extending the parking for Tanshire Business Park.

#### Highways

- Shackleford Road is a narrow country lane with a poor visibility bridge.
- Traffic survey numbers seem low.
- Shackleford Road is particularly busy when the A3 is blocked at Guildford, as is often the case. A further 100 or so cars would only add to the congestion.
- There is already a substantial lack of parking at the adjacent offices and extra cars parking in a field is not ideal.
- Parking for care home residents, staff and visitors is inadequate.
- Somerset Bridge is narrow and increased traffic could lead to more accidents.

#### Landscape Impacts

- The proposal would represent an overdevelopment of the site.
- Loss of scenic view.

#### Visual Impact/Design

- The proposal would represent an overdevelopment of the site.
- The proposal represents creeping urbanisation.
- Dwellings are predominantly family homes with little or no homes for older people wishing to downsize.

#### Heritage Features

- Impact on Somerset Bridge, due to increased traffic, which is a scheduled ancient monument.

#### Flooding

- The northern end area proposed to be used as a children's play area floods and even when not flooded remains boggy.
- Building on this flood plain could divert larger volumes of water downstream and increase the risks of flooding in Godalming and other areas.
- The approach to Somerset Bridge from both directions can be underwater during high water.
- The local area has serious flood issues.

## Ecology

- The proposed SANGS area seems inadequate for a site of such high density.
- The proposed walk is not long enough to deter people from walking on the nearby SPA.
- Contravenes Green Belt, AONB and AGLV policies.
- Local Wildlife will be affected.
- What will happen to the building where the bats lived.

## Amenity

- Light pollution will alter the local environment.

## Infrastructure

- Already a long wait at Doctors surgery for appointments.
- Both schools are also over subscribed.
- Transport and other local facilities in Elstead, Peper Harow and Shackleford are beyond capacity.
- Rubbish collection, waste and water services will suffer.
- Impact on internet facilities in a already problematic area.
- This is an urban development set in the country side.
- There will be water pressure issues.

## Other Matters

- Childrens play area situated out of sight and next to a river is dangerous.
- Nearby Shackleford Mushroom Farm Development of a similar size was limited to 18 homes with a large green space more in keeping with the rural setting.
- A mixed use including mixed/light industry promoting local employment and housing would be more beneficial.

1 letter has been received expressing support for the following reasons:

- Additional housing is needed in the area. The brown field site is ideal for adding to the housing stock without eating into the local green areas.

1 letter has been received raising the following general observations:

- This proposal is very similar to the previous proposal so shouldn't the previous proposals supports and objections apply to this proposal.

## Submissions in Support

In support of the application the applicant has made the following points:

- Weyburn Works is a vacant former industrial site within the Green Belt close to Elstead village and the Wealden Heaths SPA. The site is well screened from the surrounding countryside.
- The proposal is for the demolition of all existing buildings on the site and their redevelopment with a residential scheme to provide 61 dwellings and a 60 bed care home, alterations to the existing points of vehicular access, associated car parking and landscaping, and the creation of a SANG.
- The site has been marketed since 2008 and there has been no interest in using the site for business, industrial or storage purposes which largely reflects the council's own evidence on the demand for employment land. The loss of industrial land in this particular case would therefore be consistent with Policy IC2 of the Local Plan.
- The council does not have a 5 year housing supply and has identified the site as potentially suitable for residential redevelopment in its SHLAA.
- The proposals involve the redevelopment of a previously developed site within the Green Belt. The proposed scale and amount of development is not considered to result in a greater impact on the openness of the Green Belt in accordance with para 89 of the NPPF.
- The proposal would provide a mix of new housing that meets the housing need identified by the most up to date SHMA. The delivery of new affordable homes will significantly increase the level of supply of this type of housing in the Borough.
- The provision of an on-site SANG is considered to provide sufficient mitigation to ensure that the development would not lead to additional recreational pressure on the Wealden Heaths SPA.
- The proposed layout will optimise development at the site and include provision of a locally equipped area of play.
- The proposed car parking provision is consistent with the County Council's parking standards whilst traffic generation will, overall, be significantly lower than the existing use.

- The proposals will include extensive planting throughout the site whilst retaining existing landscaping around the edge of the previously developed part of the site. The proposal would have limited visual impact on the surrounding area and the proposed bollard lighting will minimise any light pollution.
- The site is contaminated and remediation will be necessary as part of the redevelopment. Any archaeological impacts can be successfully dealt with through the use of an appropriately worded planning condition.
- The proposals address the previous reasons for refusal and would generate significant economic, social and environmental gains consistent with the objectives of the NPPF and the statutory development plan.

#### Determining Issues

- Principle of development
- Prematurity
- Planning history
- Environmental impact assessment
- Lawful use of the site
- Loss of agricultural land
- Loss of suitably located industrial and employment land
- Location of development
- Housing land supply
- Housing mix
- Affordable housing
- Highway considerations
- Impact on Green Belt
- Impact on landscape character
- Impact on trees
- Impact on visual amenity
- Impact on residential amenity
- Heritage impacts
- Provision of amenity and play space
- Provision of community facility
- Flood risk and drainage considerations
- Air quality impacts
- Archaeological considerations
- Crime and disorder
- Infrastructure

- Financial considerations
- Biodiversity and compliance with Habitat Regulations 2010
- Health and wellbeing
- Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications
- Very Special Circumstances
- Development Management Procedure Order 2015 - Working in a positive/proactive manner
- Representations
- Cumulative/In-Combination Effects
- Conclusion/planning judgement

### Planning Considerations

#### Principle of development

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF 2012 states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and

pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF at paragraph 197 provides the framework within which the local planning authority should determine planning applications, it states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 of the NPPF defines the presumption in favour of sustainable development as 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: inter alia any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted. These policies include those relating to land designated as Green Belt and Areas of Outstanding Natural Beauty.

The site is located within the Green Belt outside any defined settlement area. Within the Green Belt there is a general presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

The loss of Suitably Located Industrial and Commercial Land will be resisted in accordance with Policy IC2 of the Waverley Borough Local Plan 2002. In giving consideration to applications which conflict with this policy, the Council will require the applicant to demonstrate that there is no need for the site to be retained for employment purposes.

Policy ALH1 of the Emerging Local Plan sets out that 150 dwellings are allocated to be accommodated in Elstead and Weyburn Neighbourhood Plan area. This allocation is in recognition of the available brownfield site at Weyburn Works and, therefore, the allocation assumes delivery of the residential development at the application site. Given the constraints on the locality, such as the Green Belt and AONB, it is considered that the delivery of 150 dwellings in Elstead and Weyburn Neighbourhood Plan area would otherwise be unreasonable without the redevelopment of Weyburn Works.

The proposal involves a substantial redevelopment of the site and as such the impact of the envisaged traffic movements on highway safety and capacity will be considered and the County Highway Authority will be consulted.

The proposal is for a substantial residential development and as such the Council's policies on housing density, size of dwellings and affordable housing are relevant.

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

The principle of re-development of the site is therefore considered acceptable, subject to assessment against relevant policies and assessment of all other material planning considerations.

#### Planning history and differences with previous proposal

The planning history of the site is a material consideration in the assessment of this current application.

In 2015, a planning application for the erection of 69 new dwellings including 21 affordable and a 60 bed Care Home, provision of a Suitable Alternative Natural Greenspace (SANG), alterations to accesses and associated works following demolition of existing buildings was refused (WA/2015/0789).

The reasons for refusal of WA/2015/0789 were as follows:

1. Reason

The proposal conflicts with national and local planning policies regarding Green Belts set out in Policy C1 of the Waverley Borough Local Plan 2002 and paragraphs 89 to 90 of the NPPF 2012. There is a general presumption against inappropriate development and development which adversely affects the openness of the Green Belt. The proposed development does not comply with the requirements of these policies.

2. Reason

The site lies within the Surrey Hills Area of Outstanding Natural Beauty within which the area's distinctive landscape character and natural beauty is to be conserved and enhanced. The proposal is inconsistent with this aim and conflicts with the national and local policy guidance and advice set out in Policy C3 of the Waverley Borough Local Plan 2002 and paragraph 115 of the NPPF 2012.

3. Reason  
The site lies within an Area of Great Landscape Value within which the landscape character is to be conserved and enhanced. The proposal is inconsistent with this aim and conflicts with national, strategic and local policies set out in Policy C3 of the Waverley Borough Local Plan 2002.
4. Reason  
The proposal, by reason of siting, scale and design would constitute inappropriate development in the Green Belt which would also harm the openness and visual appearance of the Green Belt and the natural beauty and landscape quality of the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value, contrary to Policies C1 and C3 of the Waverley Borough Council Local Plan 2002 paragraphs 89 to 90 of the NPPF 2012
5. Reason  
The proposal would result in the loss of suitably located industrial and commercial land, for which it has not been adequately demonstrated that there is no need for the site to be retained, at least in part, for employment purposes. The proposal therefore conflicts with Policies IC1 and IC2 of the Waverley Borough Local Plan 2002 and guidance contained within paragraphs 18, 19, 22 and 37 of the National Planning Policy Framework.
6. Reason  
The proposal would fail to provide an appropriate mix of housing to meet local housing needs. The proposal would therefore fail to account for housing needs evidenced within the Strategic Housing Market Assessment (SHMA) 2015, Policy H4 of the Waverley Borough Local Plan 2002 and paragraph 50 of the NPPF 2012.
7. Reason  
The application does not provide a Local Equipped Area of Play and consequently is contrary to Policy H10 of the Waverley Borough Local Plan 2002, Fields in Trust 'Planning and Design for Outdoor Sport and Play' and paragraphs 69 and 70 of the National Planning Policy Framework 2002.
8. Reason  
Notwithstanding the objection in principle to the proposal under Reason for Refusal 1 and 2 and taking into account the absence of a signed legal agreement, the proposal would fail to provide affordable housing within the meaning of the NPPF, appropriate to meet Waverley Borough Council's housing need. The proposal is therefore contrary to paragraph



50 of the NPPF 2012 as the development does not provide a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

9. Reason

The proposal would fail to mitigate its impact upon infrastructure, therefore the proposal conflicts with Policies D13 and D14 of the Waverley Borough Local Plan 2002.

10. Reason

The applicant has failed to enter into an appropriate legal agreement to secure the provision of Suitable Alternative Natural Green Space (SANG), and therefore the Local Planning Authority considers that the proposals (in combination with other projects) would have a likely adverse effect on the integrity of the Wealden Heaths Special Protection Area (SPA) and Wealden Heaths Special Protection Area (SPA). Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations) applies in this case, it must refuse permission in accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE. The proposal conflicts with Policy NRM6 of the South East Plan 2009 and the National Planning Policy Framework 2012.

11. Reason

It has not been sufficiently demonstrated that protected species and their habitats would not be endangered by the proposed development. Therefore proposal conflicts with Policy D5 of the Waverley Borough Local Plan 2002 and the requirements of the National Planning Policy Framework 2012.

There have been no changes in site circumstances since the refusal of WA/2015/0789.

The differences between the current proposal and that of the previously refused scheme are:

- Reduction in the number of residential dwellings proposed from 69 to 61.
- Reduction in the number of affordable dwellings proposed from 21 (30% provision) to 9 (15% provision).
- Removal of proposed built form in the undeveloped northern part of the site and replacement with a soft landscaped area of public open space.

Since the refusal of WA/2015/0789, the Emerging Local Plan has been submitted for examination on 21 December 2016. Within the Emerging Local Plan, Policy ALH1 sets out an allocation for 150 dwellings to be accommodated within Elstead and Weyburn Neighbourhood Plan area. This allocation assumes delivery of the Weyburn Works site.

The test for Members is whether having regard to any material changes in planning circumstances; the current proposal has overcome the objections to the previously refused scheme and is acceptable in its own right.

### Prematurity

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans.

However, in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Whilst draft local plans and emerging neighbourhood plans are a material consideration, refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

The NPPG 2016 states that an emerging Neighbourhood Plan may be a material consideration in decisions on planning applications.

It adds, however, that refusal of planning permission on grounds of prematurity will seldom be justified, in the case of a neighbourhood plan, before the end of the local planning authority publicity period.

Officers conclude that while the Pre-submission Local Plan has been submitted to Government, this is still subject to examination by the Secretary of State for Communities and Local Government and the Elstead & Weyburn Neighbourhood Plan, joint with Peper Harow, is at a very early stage in its development, with the plan area approved June 2015.

Furthermore, officers conclude that the scale is not so significant, nor considered cumulatively with other development, that it would undermine the plan making process.

Having regard to the advice of the NPPG, and given the stage of preparation of the Council's Local Plan and the Elstead & Weyburn Neighbourhood Plan, it is considered that the proposal would not undermine the plan making process when considered against the tests set out above. Officers therefore consider that a reason for refusal on prematurity grounds could not be sustained.

### Environmental Impact Assessment

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 ES 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 the development is allowed to go ahead. An EIA must describe the likely significant effects and mitigating measures envisaged.

A request for a Screening Opinion was made by the developer under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, reference SO/2010/0001, which concluded that the proposed development schemes falls to be classed as a Schedule 2 Urban Project (paragraph 10b), and would constitute EIA development.

Subsequently, a request for a Scoping Opinion was made by the developer under Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; reference SO/2015/0001.

Matters identified in the Scoping Opinion as needing to be addressed in the Environmental Statement (ES) included:

- Soil and Ground Conditions
- Ecology and Nature Conservation Impacts
- Hydrology and Flood Risk
- Landscape and Visual Impact

An Environmental Statement has accompanied the planning application.

On conserving and enhancing the natural environment, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes;
- Recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible;
- 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.

Paragraphs 120 to 125 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, contamination, instability, lighting, noise and air quality.

On 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 adaption 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.

The main conclusions of the ES topics and the officers' response to them are set out below:

## I. Soil and Ground Conditions

A number of buildings on the site have asbestos roofs. In addition, in the northern part of the site, stacked under a parking shelter was a pile of asbestos cement sheeting.

The ES is supported by a comprehensive desk study and ground investigation report which identifies heavy metals and by asbestos as significant potential contaminated soils that pose a theoretical risk to nearby surface water resources.

In assessing potential impacts, the ES acknowledges that the heavy metals and asbestos in the made ground may present unacceptable risks to both construction workers and future occupiers, as well as surface water resources.

In general terms, the ES recommends that contaminants be remediated prior to construction. Remediation is likely to comprise on site remediation of organic contamination hotspots as well as the excavation and disposal of asbestos contaminated soils.

Preliminary calculations indicate that total excavated soil volumes could be up to 28,650m<sup>3</sup>, of which up to 10,800m<sup>3</sup> could be disposed of off site. At this stage, the timeframe estimated for the remedial programme runs to 14 weeks and could result in 23 lorries per day for waste disposal purposes.

In addition to remedial works undertaken during prior to construction, further actions during the construction period, such as covering of metal contaminated soils with certified clean soils in proposed gardens and soft landscaping and the installation of gas mitigation methods within the buildings would be carried out.

The main remedial activities would be beneficial to the environment in the long term. Whilst there would be adverse effects associated with remediation and demolition activities in the short term, such as increase in traffic flow and dust/vapours, together with increased infiltration through unsaturated soils, these could be mitigated by on-site treatment of contaminated material, to reduce the amount requiring export for disposal and the need to import clean materials as backfill, and the use of sheeting, wheel-washes and such other techniques to reduce the amount of dust and vapour generated by site traffic.

Surrey County Council's in-house Environmental Assessment Team has confirmed that the that the information set out in Chapter 5 and the supporting appendix 5 of the submitted Environmental Statement, in combination with

additional information and evidence compiled through consultation on the application, is sufficient for Officers to consider whether the proposal would have a significant effect on soil quality and ground conditions, and the risks to the scheme of contamination arising from past uses of the application site.

Subject to relevant mitigation conditions, the Council's Land Contamination Officer has raised no objection to the proposed residential development.

## II. Ecology and Nature Conservation Impact

The application site lies within 400 metres of the Thursley, Hankley and Frensham Commons (Wealden Heaths Phase I) SPA, the Thursley, Ash, Pirbright and Chobham SAC and the Thursley and Ockley Bog Ramsar site. The component SSSI that underpins the above designations in the vicinity of the application site is the Thursley, Hankley & Frensham Commons SSSI.

Chapter 6 'Ecology and Nature Conservation Impact' relates exclusively to consideration of potential effects on European/internationally designated sites of nature conservation interests. Potential effects on the proposed development on other ecological features (including habitats and protected/notable species) have been assessed separately and the detailed survey methodologies, findings and assessment of potential effects on other ecological receptors are appended to the ES.

The ES concludes that the assessments demonstrate that the ecological value of the site is low and that suitable mitigation methods can be incorporated to ensure that there is no adverse ecological impacts.

With regard to nature conservation impacts, the ES identifies that the impact of increased recreational pressure on the SPA, as a result of the additional housing, should be assessed. The assessment has taken the form of a desk study comprising background information on the application site and European/Internationally designated site in the local area, and visitors surveys, to assess a baseline level of recreational use of the SPA/SCA/Ramsar site. Natural England was consulted in relation to the scope and timings of the work.

From the evidence conducted from the desk top and visitors surveys the ES concludes that it is clear there is potential for increased recreational pressures on the SPA/SCA/Ramsar site as a result of the proposed residential development. However, given the scale of the proposed development and the distances between the application site and the European/Internationally designated site, the ES considers the effects to be of negligible significance;

however, there is potential for effects to act cumulatively in conjunction with other schemes in the local area, in the absence of any mitigation.

Subject to the delivery of an avoidance/mitigation package, which entails the provision of Suitable Alternative Green Space (SANGs), the ES concludes that the proposed residential development would have no effect on the SPA/SCA/Ramsar site.

Surrey County Council's in-house Environmental Assessment Team has confirmed that the information set out in Chapter 6, in combination with the additional information and evidence compiled through consultation on the application is sufficient for Officers to consider whether the proposal would have a significant effect on ecology.

Subject to relevant mitigation conditions, Natural England and Surrey Wildlife Trust raise no objection to the proposed development. Officers therefore consider that the proposal would not have significant effects on ecology, subject to conditions.

### III. Hydrology and Flood Risk

A Flood Risk Assessment and Surface Water Drainage Strategy form an appendix to the ES.

The ES considered the baseline conditions currently existing at the site, likely significant environmental impacts, and mitigation measures required to prevent, reduce or off set any significant adverse impacts and the likely residential impacts after these measures have been employed.

The ES identifies that the application site lies mostly within Flood Zone 1, representing less than 1 in 1000 annual probability of fluvial flooding (<0.1%) in any year, with the northern part of the site (including the proposed SANG area) lying within Flood Zones 2 and mostly 3 with a risk of flooding of more than 1 in 100 annual probability of fluvial flooding (>0.1%) in any year, indicating a high risk of flooding.

An unnamed tributary of the River Wey flows from south to north through the site, which is classified as an Ordinary Watercourse. This watercourse is culverted through the majority of the site in a pre-cast concrete pipe. There is a minor drainage ditch running along the eastern boundary of the site, close to the southern entrance. The ditch runs towards the north and is partially culverted beneath Shackleford Road.

The superficial geology of the site comprises Head/Alluvium (Clay/Silt/Sand/Gravel), over the base rock Sandgate Formation (Sandstone/Mudstone).

The site is underlain by a minor aquifer and is therefore not located within a Groundwater Protection Zone. The sites proximity to various watercourses and gravel soils means that shallow groundwater is present beneath the site.

The ES predicts the impacts of the construction phase, operational phase and mitigation methods of the development upon hydrology and flood risk and surface water and surface and ground water.

The construction phase of the development would to have the greatest potential impact to the water environment and is therefore considered to have moderate/minor (adverse) impact in terms of hydrology and flood risk due to material storage diverting existing drainage patterns, uncontrolled discharge from hard standing construction areas and the decommissioning of existing drainage connections to buildings, which could result in disruption to public network.

Surface water and ground water impacts are considered also to be moderate (adverse) as a result of construction risks as there is potential risk of contamination to the on site Ordinary Water Course, accidental spillage and leaking of substances. Furthermore, the impermeable Head superficial deposits underlying the application site may mean that any polluting substances could be transported to the watercourse via overland flow.

Surrey County Council's in-house Environmental Assessment Team has confirmed that the information set out in Chapter 7 and the supporting appendices, in combination with additional information compiled through consultation on the application, is sufficient for Officers to consider whether the proposal would have a significant effect on hydrology and flood risk

The Environment Agency has confirmed that it has no objection to the proposal, subject to conditions to secure flood mitigation methods, a contamination risk strategy and associated verification report and remediation strategy.

Surrey County Council Local Lead Flood Authority has recommended conditions to secure details and management of the proposed SuDS.

#### IV. Landscape



The ES contains a supporting Landscape and Visual Impact Assessment (LVIA), that has considered the predicated effects of the proposal during the construction phase, the first 1-4 years of the operational phase and 15 years + of operation upon development upon eight identified character areas and ten visual receptors in and around the site.

The ES identifies the existing landscape designations, landscape context, landscape features and character of the site.

The ES concludes the proposed development would retain and reinforce the existing strong landscape framework around the site. New planting treatments would be incorporated into the scheme to create an attractive living environment and year-round interest for residents and assist the integration of the development into the landscape.

The Surrey County Council's in-house Environmental Assessment Team has confirmed that the information set out in Chapter 8, in combination with additional information and evidence compiled through consultation on the application, is sufficient for Officers to consider whether the proposal would have a significant effect on landscape character and visual amenity.

Officers acknowledge that the proposal would result in a clear change in built form in terms of character, from industrial/commercial to residential. However, officers are satisfied that the overall mitigation, design and scale of the buildings is acceptable and that there would be no significant environmental effects.

### Lawful Use of the Site

Whilst the site has a history that extends back to World War I, the last known established use of the site was by Federal Mogul, a manufacturer of automotive components. The site was occupied by Federal Mogul until 2008 and has remained vacant since. The site contained a number of pre-1970's single storey buildings, the majority of which have since been demolished.

Part of the site also forms open countryside, comprising agricultural fields, fringed by native planting.

Officers are satisfied that planning history demonstrates that the site is currently in a lawful mixed Class B2 (general industrial) use and Class B8 (storage and distribution) use, with ancillary Class B1 (business) use.

### Loss of Agricultural Land

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Policy RD9 of the Waverley Borough Local Plan 2002 outlines that development will not be permitted which would result in the loss or alienation of the most versatile agricultural land unless it can be demonstrated that there is a strong case for development on a particular site that would override the need to protect such land.

On all grades of agricultural land, development will not be permitted which would result in the fragmentation of agricultural or horticultural holdings as to seriously undermine the economic viability of the remaining holding.

Under planning application WA/2015/0789, the Council's Agricultural Consultant was satisfied that the proposal would not result in the loss or alienation of the best and most versatile agricultural land and, as a result of the poor quality of the land, that it would not be economically viable for an agricultural holding and its loss therefore not result in the fragmentation of an agricultural or horticultural holding.

The circumstances on the site have not materially changed since the Council's Agricultural Consultant's assessment. Officers are therefore satisfied that the proposal would therefore accord with Policy RD9 of the Waverley Borough Local Plan 2002 and paragraph 112 the NPPF 2012.

### Loss of Suitably Located Industrial and Commercial Land

The NPPF 2012 establishes 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-taking.

These 12 principles include 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. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for

allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.

Paragraph 18 the NPPF 2012 highlights the Government's commitment to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

Paragraph 22 of the NPPF 2012 sets out that planning policy should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Paragraph 160 of the NPPF 2012 states that Local Planning Authorities should have a clear understanding of business needs within the economic markets operating in and across their area.

Paragraph 161 of the NPPF 2012 requires local planning authorities to assess the needs for land or floor space for economic development and assess the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs.

The Waverley Borough Local Plan 2002 is consistent with the NPPF 2012 with regards to securing economic growth.

The application is allocated in the Waverley Borough Local Plan 2002 as 'Safeguarding Suitably Located Industrial and Commercial Land'. Policy IC2 of the Waverley Borough Local Plan 2002 'Safeguarding Suitably Located Industrial and Commercial Land', states:

The loss of suitably located industrial and commercial land will be resisted by the Council. Sites will be regarded as being suitably located where they meet one or more of the following criteria:-

- (a) the continued use of the site for commercial or industrial purposes would not have a materially adverse impact on the local environment or the amenities of nearby residents;
- (b) they lie within or close to residential areas which can provide a source of labour;

- (c) they are conveniently located to customers/markets and to other firms;
- (d) they are located where the highway network can satisfactorily absorb the traffic generated; and
- (e) they are conveniently served by public transport and/or are conveniently accessible from nearby residential areas by walking/bicycle.

Areas of suitably located industrial and commercial land over 0.4 hectares (1 acre) are identified on the Proposals Map.

Officers are satisfied that the lawful use of the application site is for the mixed purposes of Class B2 (general industrial) use and Class B8 (storage and distribution) use, with ancillary Class B1 (business) use. Paragraph 7.3 of the Waverley Borough Local Plan 2002 advises that within this plan, industrial and commercial development includes uses within Class B1-B8 of the Town and Country Planning Use Class Order. There are currently no buildings on site.

As such, the site is considered to be an employment generating land use which Policy IC2 of the Waverley Borough Local Plan 2002 seeks to safeguard.

The Council's Employment Land Review (ELR), updated in 2016, provides an analysis of the Borough's employment land supply as well as an assessment of the likely demand for employment land and premises up until 2033. The ELR is a supporting document, which is to inform the emerging Local Plan.

The ELR includes three different scenarios; an Experian based scenario, a Higher growth scenario and a Trend based scenario, which all suggest a different need for the Borough. The ELR recommends that a scenario that is more realistic and better aligned to the Council's policies and aspirations lies between the Experian based scenario and the Trend based Scenario.

Taking the middle point between the Experian based scenario and Trend based scenario, the ELR found that there would be demand for some 16,000 sqm of additional B1 (a)/(b) floor space in the Borough by 2031. However, there would be limited demand for additional Class B2 and B8 uses.

The ELR found that the key challenge for Waverley will be to safeguard its good quality employment sites in order to be able to meet the needs of local businesses, while releasing surplus industrial and warehousing land that is not fit for purpose in order to help relieve the strong housing pressures. However, it does recommend that opportunities for bringing forward new employment land and the redevelopment/intensification of existing allocated sites should be considered.

In order to demonstrate that there is no interest in the site to be retained as industrial and commercial land, previous planning application WA/2015/0789 was supported by a Commercial/Marketing Report and prepared by Gascoigne's, dated 09 February 2015. This Report has been submitted to support this current application.

The Commercial/Marketing Report comments upon the viability of Weyburn Works, with particular emphasis on the scenarios of continuing of the existing use and alternative commercial development on the site.

The Report also advises on a Marketing/Letting Strategy, which commenced on June 2015, which sought to secure tenants and potential occupiers for the established use of the site.

The Report suggests that there was a very limited demand for the continued use of the site and its associated buildings in its established lawful use, due to the age of the existing buildings, the configuration of the site and the supply of better Industrial/Warehouse premises.

Furthermore, the Report advises that there has been a steady reduction in demand for conventional industrial/warehouse property, particularly in isolated sites, as there is a preference for more established industrial areas such as Slyfield Industrial Estates in Guilford and Dunsfold Park in Cranleigh.

The Report also explores and discounts the possibility of new build Class B2 (general industrial) use and Class B8 (storage and distribution) use, suggesting that the potential for such a redevelopment would be inappropriate for the surrounding area and that site costs, including demolition, decontamination and build costs, would give insufficient financial returns.

The Report also advises that the redevelopment of the site for Class B1a (Office) use is not financially feasible, given the weak level of demand for Class B1a (Office) use in the site's location and the likely rental values achieved.

Officers are aware that the site bounds an established Class B1a (office) business park (Tanshire Park), comprising approximately 3,623sqm of floor space, which is currently fully occupied.

During the assessment of the previous application (Ref: WA/2015/0789), new material considerations came to light following receipt of a planning application requesting temporary consent for the continued siting and use of open Green Belt land for the parking of vehicles associated with the operation of Tanshire Park (Ref: WA/2015/1295).

In response to the demand for additional parking to serve Tanshire Park, paragraph 6.9 of the Planning Statement supporting this current application advises that the business strategy being adopted by the owners of Tanshire Park to achieve full occupation (i.e. by offering significant incentives such as short-term leases and generous parking provision) has created and artificially inflated demand for parking which has not previously existed at the site. This is supported by the fact that, discounting the 37 spaces provided within the unlawful site at Blacklands Farm, Tanshire Park already has a high parking ratio of 1.0 vehicle parking space per 14 sqm. This level of provision is significantly above the range of 1.0 vehicle parking space per 30-100 sqm, the standard for offices set out within the Council's Parking Guidelines SPD.

The Planning Statement also advises at paragraph 6.10 that there is scope to provide the 37 vehicle parking spaces within Tanshire Park itself, through re-organisation of the existing car parking and by making use of the existing vacant bowling green within the site.

Whilst Officers will be discussing alternative proposals for the currently unlawful parking provision at Blacklands Farm with the owners of Tanshire Park in the future, in respect to this current application, there is an apparent demand for further employment land to serve Tanshire Park within this location, the evidence submitted in support of this application has not adequately demonstrated that the site has no reasonable prospect for other compatible employment uses. In Officers view, it cannot, on the basis of current submissions, be concluded that there is no further requirement for the application site to be retained for employment purposes, or at least in part.

There are outstanding enforcement issues in relation to the unlawful parking provision at Blacklands Farm. However, failure to address this is a matter to be balanced against other material planning considerations in the assessment of the proposal.

The applicants have outlined that the management approach at Tanshire Park is different to the funding of the construction of new offices or industrial use. The applicants have stated that banks would not lend to fund the speculative construction of traditional employment facilities, except for a covenant, with bank guarantees, by a tenant of institutional quality over a long term tenancy period. As the submitted marketing evidence demonstrates that this interest does not exist in the market place, the applicant retains the view that the site would not be viable for the proposal to include an element of Class B use within the scheme.

The site is derelict and has not been actively in use for several years. The site has been marketed for its lawful use for over 4 years, beginning June 2008, and there has been a distinct lack of interest in the site for its lawful industrial/commercial use.

Officers consider therefore, in consultation with the Council's Estates Team, the evidence of the ELR 2014 and NPPF's support for sustainable economic premises under paragraphs 19, 20 and 187, accept that the applicant has adequately demonstrated that the site is no longer required for its current use or for other compatible Class B1-B8 uses.

Having regard to the above, the loss of employment land is a material consideration to be weighed against other considerations for this application.

#### Location of Development

The site is located within the Green Belt outside any defined settlement area.

The Key Note Policy of the Waverley Borough Local Plan aims, amongst other matters, to make provision for development, infrastructure and services which meet the needs of the local community in a way which minimises impacts on the environment.

The text states that opportunities for development will be focused on the four main settlements (Farnham, Godalming, Haslemere and Cranleigh), mainly through the re-use or redevelopment of existing sites.

Paragraph 69 of the NPPF states, inter alia, that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It continues, that local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.

Paragraph 55 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Paragraph 55 of the NPPF advises that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances such as:

- The essential need for rural workers to live permanently at or near their place of work on the countryside or;
- Where such a development would represent the optimum viable use of a heritage asset or would be appropriate enabling development to secure the future heritage assets or;
- Where a development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting or;
- The exceptional quality or innovative nature of the design of the dwelling

In assessing compliance with paragraph 55 of the NPPF, officers consider isolated homes are those which would be located away from residential amenities, such as schools and shops, and as a result would be heavily reliant upon the private car to access amenities and would therefore be unsustainable.

It is noted that the site is identified in the Land Availability Assessment (LAA) 2016, as a site promoted for housing development (ID: 16). The LAA provides an initial assessment of the site, its characteristics and suitability for development, using a wide range of sustainability criteria of bespoke methodology, as set out in the Council's Interim Sustainability Report (2014).

The LAA sets out that the site is reasonably close to, but outside of, the Elstead settlement boundary. A large scale development would be a substantial addition to the village. The Green Belt Review suggests that there may be some potential to remove land in this area from the Green Belt, but the NPPF states that the partial or complete redevelopment of previously developed sites is not inappropriate in the Green Belt, provided that this does not have a greater impact on the openness than the existing development. A substantial part of the site is undeveloped; while the 30% of the area which is developed with commercial buildings is to the east of the site. The site is separated from the main settlement of the village; however, it is linked by a public footpath and the local road network.

The LAA goes on to state that any development potential may be focused around the part of the site that is brownfield land, subject to the Council being satisfied that it is no longer needed for employment.

The Council's Interim Sustainability Report (2014) identifies the site's accessibility to different services. It was identified that the site has 'moderate



good accessibility to a bus stop, moderate accessibility to a local centre and a GP/health facility, and poor accessibility to a town centre, a secondary school, a primary school and a train station'. However, Officers accept that the methodology used to inform the Council's Interim Sustainability Report service appraisal is at a high level intended to inform the Local Plan and is therefore not site specifically detailed.

The Waverley Settlement Hierarchy Factual Update (2012) refers to the level of different services available in Elstead, comprising a doctor's surgery (Springfield Surgery), a dentist surgery (Elstead Dental Surgery), two public houses (Woolpack Pub and Golden Fleece Pub), a takeaway, a number of shops (Spa/Teasles/Michelle Renee Hair/Pharmacy), two churches (United Reform Church and St James), a primary school (St James Primary School), two nurseries (Rainbow Nursey and Peter Pan Nursery), village hall and two recreation grounds (one with a large multi use pavilion).

In terms of public transport provision, Elstead is served by Bus Service 46 which provides a broadly hourly service throughout weekdays and Saturdays until approximately 19:00, providing connections to Aldershot, Farnham, Godalming and Guildford.

The Transport Assessment submitted in support of this application calculates walking and cycling distances to services and amenities in Elstead village by using guidance set out in the Government's 'Manuals for Streets' (2007) and The Highways Agency 'Provision for Non Motorised Users' (2005).

The Transport Assessment calculates a 'comfortable' walking distance of 800m, a 'reasonable' walking distance as 2km (1.2 miles) and a 'maximum' walking distance of 3.2 km (2 miles). For cycling distances, the Transport Assessment calculates a 'reasonable' cycling distance as 5km (3.1 miles) and a 'maximum' cycling distance of 8km (5 miles).

The site is shown as being located within a reasonable walking and cycling distance of the majority of Elstead and its local facilities and amenities.

Furthermore, the proposal would provide a package of mitigation methods, comprising of a new footway link between the site and the existing footways on the Milford Road and Shackleford Road, improvements to the Public Footpath No. 61 between the site and Elstead Village centre and the provision of new bus stops on Shackleford Road, providing access to bus route No. 46.

Therefore, whilst acknowledging that the site is outside of a defined village settlement, it is considered that the proposal would not result in isolated dwellings as a result of the provision of enhanced public transportation links

and pedestrian links to access to the facilities required to sustain inclusive, mixed communities. As such, the application is not required to demonstrate any special circumstances as set out in paragraph 55 of the NPPF 2012 and would not comprise an unsustainable location in terms of access to essential services and facilities.

### Housing land supply

Paragraph 159 of the NPPF states that Local Planning Authorities should have a clear understanding of housing needs in their area, they should, inter alia, prepare a Strategic Housing Market Assessment to assess their full housing needs; and prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

Paragraph 47 of the NPPF states that local planning authorities should use their evidence bases to ensure their Local Plan meets the full needs for market and affordable housing in the Borough, and should identify and update annually a five-year supply of specific and deliverable sites against their housing requirements. Furthermore, a supply of specific, developable sites or broad locations for growth should be identified for years 6-11 and, where possible, 11-15. LPAs should also set their own approach to housing density to reflect local circumstances and to boost significantly the supply of housing. Paragraph 49 of the NPPF continues that housing applications should be considered in the context of the presumption in favour of sustainable development.

On 1 February 2017, the Council published an updated five year housing supply position statement. The statement sets out the housing requirement for the next five years based on West Surrey SHMA figures and various components of housing supply that the Council expects to come forward in that period. As it stands, the supply of housing is 5.79 years worth of the housing requirement. Therefore, the Council can demonstrate in excess of the requirements of paragraph 47 of the NPPF.

Notwithstanding this point, the 61 dwellings proposed form a part of the above supply in the Council's most recent assessment and therefore make a significant contribution to housing supply.

### Housing Mix

The NPPF 2012 states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable,

inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends; identify the size, type, tenure and range of housing that are required in particular locations, reflecting local demand; and where it is identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified.

Policy H4 of the Waverley Borough Local Plan 2002, in respect of housing mix, is considered to be broadly consistent with the approach in the NPPF 2012. It outlines the Council’s requirements for mix as follows:

- a) at least 50% of all the dwelling units within the proposal shall be 2 bedroomed or less; and,
- b) not less than 80% of all the dwelling units within the proposal shall be 3 bedroomed or less; and,
- c) no more than 20% of all the dwelling units in any proposal shall exceed 165 square metres in total gross floor area measured externally, excluding garaging.

The West Surrey Strategic Housing Market Assessment (2015) (SHMA) provides an updated likely profile of household types within Waverley. The evidence in the SHMA is more up to date than the Local Plan, however, the profile of households requiring marking housing demonstrated in the SHMA is broadly in line with the specific requirements of Policy H4 of the Waverley Borough Local Plan 2002.

The density element of Policy H4 of the Waverley Borough Local Plan 2002 is given less weight than guidance in the NPPF 2012 which states that to boost significantly the supply of housing, local planning authorities should set their own approach to housing density to reflect local circumstances.

The West Surrey Strategic Housing Market Assessment (2015) (SHMA) sets out the likely profile of household types in the housing market area. The SHMA (2015) provides the follow information with regards to the indicative requirements for different dwelling sizes:

Unit type	1 Bed	2 Bed	3 Bed	4+ Bed
Market	10 %	30%	40%	20%
Affordable	40%	30%	25%	5%

The housing mix for the proposal is as follows:

Unit type	1 Bed	2 Bed	3 Bed	4+ Bed	Total

Market	0	3	26	23	52
	0%	6%	50%	44%	100%

Unit type	1 Bed	2 Bed	3 Bed	4+ Bed	Total
Affordable	5	4	0	0	9
	56%	44%	0%	0%	100%

On the basis of the housing mix as submitted, there is a clear conflict with the SHMA (2015) and with Policy H4 of the Waverley Borough Local Plan 2002, which requires 50% of housing to be 2 bedrooms or less and no less than 80% of all the dwelling units within the proposal shall be 3 bed roomed or less

The application therefore fails to provide appropriate provision of dwellings suitable for small households and thereby does not adequately responding to the evidenced market demand. It fails to meet local housing requirements as set out within the SHMA (2015), contrary to paragraph 50 of the NPPF 2012.

The applicant has submitted a Financial Viability Assessment, prepared by, dated Savills, dated August 2016, to demonstrate that it is not economically viable to offer a housing mix directly in accordance with Policy H4 of the Waverley Borough Local Plan 2002 and the SHMA (2015) in addition to the other planning gains and the provision of planning infrastructure contributions. The mix of dwellings proposed has been balanced with the viability of the scheme, when taking into consideration the S106 costs, S278 costs and affordable housing provision.

#### Affordable housing

The NPPF 2012 outlines that to deliver a wide choice of quality homes, local planning authorities should identify where affordable housing is needed and identify policies for meeting this on site, unless off-site provision or a financial contribution can be robustly justified.

Paragraph 50 of the NPPF 2012 states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, and should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

The Local Plan is silent with regard to the delivery of affordable dwellings in locations such as this. Specifically, there is no threshold or percentage requirement in the Local Plan for affordable housing on sites outside of settlements. This is because, within an area of restraint, housing

development under the current Local Plan is unacceptable in principle, including affordable housing.

However, were the Council to accept the principle of housing development on this site, in the interests of creating a balanced and mixed community, and meeting the identified need for affordable housing in the Borough, affordable housing would be required as part of the proposals.

There is a considerable need for affordable housing across the Borough and securing more affordable homes is a key corporate priority within the Waverley Borough Corporate Plan 2016-2019. As a strategic housing authority, the Council has a role in promoting the development of additional affordable homes to meet local housing need, particularly as land supply for development is limited. Planning mechanisms are an essential part of the Council's strategy of meeting local housing needs.

There is a local need for affordable housing in Waverley. Additionally, the SHMA (2015) indicates a continued need for affordable housing, with an additional 337 additional affordable homes required per annum.

The provision of a significant level of affordable housing could be regarded as a benefit of considerable weight which would need to be evaluated when considering whether to make an exception to planning policy.

The SHMA 2015 provides the follow information with regards to the indicative requirements for different affordable dwelling sizes.

Unit type	1 Bed	2 Bed	3 Bed	4+ Bed
Affordable	40%	30%	25%	5%

The proposal seeks to provide the following affordable housing mix:

Unit type	1 Bed	2 Bed	3 Bed	4+ Bed	Total
Affordable	5	4	0	0	9
	56%	44%	0%	0%	100%

In accordance with the figures above, the proposed scheme would provide 15% affordable housing.

The applicant has submitted a Financial Viability Assessment, prepared by Savills, dated August 2016, to demonstrate that it is not economically viable to offer more than 15% on site affordable housing in addition to the provision of the proposed planning gains and planning infrastructure contributions.

The Council's Independent Financial Viability Assessor has scrutinized the submitted information and has concluded that, in their opinion, the scheme is able to provide 40% affordable housing on the site along with SANG land, SANG Management and the Class C2 floor space.

The main area of disagreement between the viability assessors relates to the sites' existing use value. The Council's viability expert states that the existing site value is very low in comparison, whereas the applicants claim otherwise.

Notwithstanding the above, there is no emerging policy which would secure the provision of 40% affordable housing. Given the nature of the proposal, in that it would comprise the redevelopment of a brownfield site, and some affordable housing would be provided; officers consider that, on balance, the under provision of affordable housing against the Local Plan, or an appropriate tenure split and mix, would not outweigh the benefits of the scheme when assessed. The NPPF is clear in encouraging the effective use of land by re-using land that has been previously developed.

#### Highway Considerations

The National Planning Policy Framework 2012 outlines that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. In considering developments that generate significant amounts of movements local authorities should seek to ensure they are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Plans and decisions should take account of whether improvements can be taken within the transport network that cost-effectively limit the significant impact of the development.

Paragraph 32 of the NPPF 2012 states: "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on 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.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

The application is accompanied by a Transport Assessment (TA), prepared by i-Transport LLP; reference JCB/TW/ITB9332-004A R, dated 16 May 2016. The TA presents a review of the existing transport network and conditions in the vicinity of the site and provides an assessment of the traffic impact of the development proposals on the local highway network, as well as outlines a sustainable transport strategy for the site.

The existing highway network adjacent to the site comprises of Shackleford Road to the east, a two way single carriage derestricted road. To the south, Shackleford Road lie two priority T-junctions that join the B3001, a two way single carriage road subject to a 40mph speed limit. The east of the two junctions directs traffic towards the A3 and Milford. The west of the two junctions directs traffic towards Elstead Village and onto Farnham. Approximately 150m north of the site within Shackleford Road is the Somerset Bridge, which allows single file traffic to cross the River Wey.

The existing pedestrian network comprises of a footway to the south of the site, on the western side of Shackleford Road which varies in width, although this curtails some 65 metres from the site and is not a continuous connected route to Elstead Village Centre. Running through the north of the site is Public Footpath 61, which continues across fields to the west of the site before connecting to Lower Ham Lane. From this point Public Footpath 61 travels along Lower Ham Lane towards Elstead village centre.

Whilst there are no designated cycle routes in the vicinity of the site, cyclists travel on carriageway on Shackleford Road and Milford Road towards Elstead village centre.

With regards to public transport, Service 46 routes directly past the site on Shackleford Road.

This service travels between Aldershot and Farnham in the west, and Godalming and Guildford in the east on an hourly service throughout weekdays and Saturdays.

The TA demonstrates that existing traffic conditions on the local highway have been assessed using automatic traffic count surveys, carried out in November 2014. The collected data identifies that peak traffic flows on the B3001 and

Shackleford Road on a five day weekday average to be between 08:00 – 09:00 and 17:00 – 18:00.

The automatic traffic count surveys demonstrate that Shackleford Road currently carries a total of 476 two-way vehicles in the morning peak, with 271 two-way vehicle movements in the evening peak. The heaviest single direction flow is northbound during the morning peak period where a total of 346 vehicles were recorded.

The site benefits from a lawful industrial and commercial use. The Traffic Generation Assessment section of the TA indicates the traffic levels that could be generated from the existing use has been made through the TRICS database, based upon weekday surveys of industrial units in England, (excluding those in town centres), ranging up to 20,000sqm.

A further assessment has been made of the likely traffic that could be generated from the proposed residential development, calculated from the TRICS database, considering weekday surveys of mixed private/affordable residential sites in England, located in villages similar to the more rural nature of Elstead. To consider the vehicular travel demand of the proposed Care Home, the TRICS database has assessed Care Home sites in England that are not within or on the edge of the town centre.

The traffic generation calculations demonstrate that the proposed residential use would generate less travel demand than the existing lawful use. The morning peak period would generate around 24 fewer vehicles and the evening peak period would generate 9 fewer vehicles. The proposed residential development would also generate significantly fewer movements by larger vehicles (e.g. lorries) than the existing lawful industrial and commercial use.

The County Highway Authority has assessed the methodology used in the TA to calculate the trips rates and is satisfied that they are fit for purpose.

The TA has also considered the distribution of the traffic generated by the proposed residential development, using Journey to Work data from the 2011 Census.

The calculations are based on car journeys to employment generated by residents of Elstead, as these journeys represent the majority of journeys by car during the AM and PM peak periods on the local highway network.

The trip distribution calculation informs how development generated trips have been assigned to the highway network. It is estimated that 50% of vehicles



from the site would travel north and 50% would travel south on Shackleford Road. Of the 50% of vehicles traveling south towards the Milford Road (B3001), 30% route east towards the A3 and 20% route west towards Elstead village centre.

The Highway Authority has assessed the trip distribution methodology and is satisfied that it is robust, realistic and suitable for modelling the impact of the proposed development on the surrounding highway network.

The TA also presents an assessment of the traffic impact of the proposed development upon the local highway network, taking into account the trips associated with the proposed development only, not the traffic generated by the lawful use of the site.

The assessment concludes that there would be a maximum impact of an additional 17 additional vehicles travelling northbound in the morning peak and southbound. This equates to one additional vehicle every three minutes.

With regards to the traffic impact on the B3001, the assessment concludes there would be a maximum increase of 10 vehicles in the morning peak travelling on the B3001 eastbound to the A3 and Milford. An additional 10 vehicles are expected to route to and from the west towards Elstead village centre in morning and evening peaks. This results in an increase of one additional vehicle every six minutes.

Overall, the TA concludes that the proposed development will generate significantly less traffic than the permitted uses of the site, and the development would generate only modest levels of traffic with some 45 traffic movements expected to be generated in each peak period, less than one vehicle trip each minute. Officers consider these increases in traffic impact would be negligible within existing traffic flows on the surrounding highway network.

The site would be served by the existing accesses from Shackleford Road, which would be upgraded to a simple priority junction. Visibility splays of 2.4m x 59m would be provided from these priority junctions. The amendments to the southern access results in minor works within the designated common and as such require consent under the Commons Act 2006. An application for these works was made to the Secretary of State for Environment, Food and Rural Affairs who, having considered the amendment, approved the works under Section 38 of the Commons Act (Decision dated 1 December 2015).

The results of the traffic modelling assessment of the proposed site accesses/Shackleford Road junction demonstrate that the impact of the

development would be negligible and that both junctions will operate within capacity.

With regards to the three priority junctions at Shackleford Road / Milford Road, the traffic modelling assessment demonstrates that in the future scenario (with background traffic growth and development traffic), all three junctions would operate comfortably within capacity:

Consideration has also been given to the impact of the proposed development on the Somerset Bridge, where it is shown that the development would have an indiscernible impact on the operation of the bridge.

The County Highway Authority is satisfied that the Traffic Impact Assessment undertaken and reported within the TA provides a robust and realistic assessment of the likely impact of the development on the highway network.

When considered against the critical policy test of paragraph 32 of the NPPF 2012, the County Highway Authority is satisfied that it has been demonstrated that the proposed residential development would not result in any significant detrimental impacts on the local highway network.

The County Highway Authority is satisfied that the proposed access and movement strategy for the development would enable all highway users to travel to/from the site with safety and convenience.

Having regard to the expert views of the County Highway Authority, Officers are satisfied that the proposal is acceptable in terms of highway safety and operational capacity.

In addition to highway safety and operational capacity, the scheme must also be acceptable in terms of sustainability.

The Highway Authority considers the proposed development is sustainable in transport terms, being within a reasonable walking and cycling distance to services and amenities in Elstead village. The package of mitigation measures to be provided by the applicant includes a new footway link between the site and the existing footways on Shackleford Road and improvements to the surfacing of Public Footpath No. 61 between the site and Elstead village.

The proposal also seeks to provide two bus stops to serve the Service 46, adjacent to the southern junction of the site. Furthermore, in order to encourage sustainable transport choices, and build upon the opportunities offered by the infrastructure improvements, travel information would be distributed in Welcome Packs provided to each new household and to staff at

the Care Home comprising available walking routes, including information of distance and times, bus and rail timetable information to key locations, such as facilities and schools, an offer of £100 sustainable travel voucher to each dwelling which can be used for purchase of cycling equipment or a bus taster ticket, information about car sharing and information of home delivery services offered by local supermarkets.

The NPPF 2012 supports the adoption of local parking standards for both residential and non-residential development.

The Council has adopted a Parking Guidelines Document that was prepared after the Surrey County Council Vehicular and Cycle Parking Guidance in January 2012. Development proposals should comply with the appropriate guidance as set out within these documents. The Council's Parking Guidelines require the following residential parking provision to be made within the site to serve the residential development sought.

No. of units	Dwelling Type	Recommended WBC parking guidelines
5	1 bedroom	1 space per unit
7	2 bedroom	2 spaces per unit
49	3 +bedroom	2.5 spaces per unit
	<b>Total</b>	<b>141.5 total spaces</b>

The proposal seeks to provide 144 vehicle parking spaces, would exceed the level of parking indicated by the Waverley Borough Parking Guidelines 2013 by 2.5 vehicle parking spaces.

A further 21 vehicle parking spaces are proposed to serve the Care Home.

The Council's Residential Parking Guidelines require 1.0 vehicle parking space per 2 residents. The proposed Care Home would have 60 bedrooms. At maximum capacity, 60 residents could be accommodated within the Care Home which could generate a parking provision for 30 vehicle parking spaces.

The provision of 21 vehicle parking spaces to serve the proposed Care Home would therefore fall short of the Council's Parking Guidelines.

The TA suggests that the proposed Care Home would be for the delivery of nursing care, where residents are fully dependent on the care received at the Care Home. The residents themselves would not be independently mobile, and instead they would rely on visitors and staff visiting the Care Home. Travel Demand would therefore relate to visitors and staff and the Council's

Parking Guidelines therefore would be likely to lead to an over provision of parking.

An analysis using TRICS data for the travel demand associated with the proposed Care Home has concluded that the maximum car parking accumulation on site is expected to reach 17 vehicles. The provision of 21 spaces would therefore be ample to cater for expected car parking demand.

However, there is no indication within the documentation submitted in support of this application to identify the specific type of care proposed to operate from the proposed Care Home.

It is understood that an open C2 (Residential Institutions) Care Home use is sought, in order to allow for flexibility to respond to the demands of the market with regards to the specific type of care being provided. Officers can therefore not be confident that the proposed Care Home would provide fully dependant care. However, the shortfall in parking spaces on site (9 spaces) is not considered to be significant.

Furthermore, it is noted that the County Highway Authority has not objected to the level of parking provision proposed within the development in respect on highway safety.

Having regard to the expert views of the County Highway Authority, Officers are satisfied that the proposal is acceptable in terms of highway safety, capacity, parking provision and policy considerations. Subject to a legal agreement to ensure that the appropriate highway mitigation would be secured and appropriate safeguarding conditions the proposal would not cause severe residual cumulative impacts in transport terms, Officers raise no objection to the proposal on highway grounds.

In light of the above, Officers are satisfied that the proposal would accord with Policies M2, M14, D1 and D4 of the Waverley Borough Local Plan 2002, the Council's Parking Guidelines (2013) and the requirements of the NPPF 2012.

#### Public Rights of Way

Policy M4 of the Waverley Borough Local Plan 2012 requires developments to include safe, convenient and attractively designed pedestrian routes linking to existing or proposed pedestrian networks, public open space, local facilities and amenities or, public transport.

Policy LT11 of the Waverley Borough Local Plan 2012 states that the Council, in consultation with Surrey County Council, will seek to ensure that designated

rights of way are safeguarded, protected and enhanced to encourage use by walkers, cyclists and horse riders.

As Public Footpath 61 runs through the site, the County Rights of Way Officer has been formally consulted on the application.

The Senior Countryside Access Officer advises that on the basis that a footpath diversion order is made to divert the existing public footpath onto the new alignment along the newly constructed pavements/walkway, their original objection to the scheme would be overcome.

As part of the proposal, improvements to the existing public footpath would be secured.

Therefore, in the event permission is granted and subject to a condition to ensure that an application for a footpath diversion order is made prior to completion of the development, Officers raise no objection to the proposal in terms of impact on the Public Right of Way, in accordance with Policies M4 and LT11 of the Waverley Borough Local Plan 2002.

#### Impact on Green Belt

The site is located within the Green Belt outside any defined settlement area. Within the Green Belt there is a general presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF sets out that the construction of new buildings should be regarded as inappropriate development, exceptions to this include:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

The proposal has the potential to fall within one of the exceptions of paragraph 89 listed above: the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, subject to the relevant assessment.

The NPPF defines previously developed land as:

“...land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

Officers are satisfied that the history of the site demonstrates that the site is previously developed land that accords with the definition of the NPPF 2012, and comprises the curtilage of the developed land and includes the siting of the previous built form, hardstanding and car parking areas associated with the previous commercial use of the site. The area of the site proposed for SANG land is not considered to fall within the definition of previously developed land as it is undeveloped agricultural land.

There is no policy definition of the term ‘openness’ as referred to under Green Belt policy. Case law, however, indicates that openness may be best thought of as the freedom or absence of development.

In assessing appeal APP/R3650/D/13/2199065 (‘Oldwicks Copse, Godalming’), the Inspector considered the meaning of openness:

‘The term ‘openness’ is not defined but can be taken to mean the absence of visible development. The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage. That is to say its quantum and its physical effect [on the appeal site] rather than any visual or other impact on its surroundings’.

The following table provides a comparison of the footprint and volume of the built form associated with the current use of the site with that proposed for the residential development of the site:

	Built Form Existing	Built Form Proposed	Comparison
Footprint (m <sup>2</sup> )	11,395	4,288	-62%
Volume (m <sup>3</sup> )	52,353	42,575	-11.8%

Officers note that the Planning Statement submitted in support of the application also includes the footprint and volume for built form that were granted planning permission, but not implemented on the site under reference WA/2008/1869. Officers have not given weight in their assessment to the built form of this unimplemented development within the assessment of the Green Belt, particularly since the permission is no longer extant.

The above table demonstrates that the built form of the proposed residential development would be a considerable reduction in both footprint and volume of the built form historically erected on the site.

Officers raised concerns under planning application WA/2015/0789 that as a result of the siting of a significant proportion of built form on undeveloped land to the north of the site, the proposal would spread permanent built form into

an area of previously undeveloped land, which would have a greater impact on the openness of the Green Belt, contrary to paragraph 89 of the NPPF 2012.

Under this current application, however, the built form to the north of the site has been removed and Officers are now satisfied that the proposed residential built form would be contained within the parameters of the site that previously contained the commercial built form.

The 2 and 2.5 storey height of the proposed buildings is considered acceptable and there would be sufficient spacing between the buildings. Whilst officers acknowledge that there would be uplift in built form from that historically existing, in terms of height, it is considered that the proposed residential dwellings and care home development would not have a materially greater impact upon the openness of the Green Belt. The residential development, including the care home, would therefore fall comprise an acceptable form of development within the Green Belt in accordance with paragraph 89 of the NPPF.

Notwithstanding the above, the proposal would also involve the change of use of agricultural land associated with the provision of SANG to the north of the site. Officers consider that this element of the proposal would comprise inappropriate development in the Green Belt, as the change of use would not fall within one of the exceptions under paragraphs 89 and 90 of the NPPF. Very Special Circumstances must therefore be considered in coming to a conclusion on the acceptability of the proposal.

Pursuant to paragraphs 87 and 88 of the NPPF 2012 and Policy C1 of the Waverley Borough Local Plan 2002, Officers will consider in the 'Very Special Circumstances' section of this report whether very special circumstances exist to outweigh the harm caused by this inappropriateness and any other harm.

#### Impact on Landscape Character

Section 85 of the Countryside and Rights of Way Act 2000 states that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Paragraph 115 of the NPPF 2015 says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB).

In accordance with this, Policy C3 of the Local Plan 2002 requires development within the AONB to conserve or enhance the character and



beauty of the landscape.

Policy RE3 of the Draft Local Plan Part 1 states that new development must respect and where appropriate, enhance the distinctive character of the landscape in which it is located.

The Surrey Hills Management Plan 2014 – 2019 sets out the vision for the future management of the Surrey Hills AONB by identifying key landscape features that are the basis for the Surrey Hills being designated a nationally important AONB.

The site also lies within the locally designated Area of Great Landscape Value (AGLV).

Paragraph 116 of the NPPF 2012 states that 'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

Whilst on the face of it the proposal for 61 residential units and a care home could be regarded as a 'major development' proposal within the AONB, the site is previously developed land and many of the tests set out in paragraph 116 of the NPPF 2012 are inapplicable. As such, Officers are satisfied that the site does not comprise 'major development within the AONB' for the purposes of Paragraph 116 of the NPPF 2012 and the statutory tests. This approach has been supported by the Surrey Hills AONB Board.

County guidance 'The Future of Surrey's Landscape and Woodland' (1997) advises that the site is situated within the Wealden Greensand Regional Countryside Character Area and at a more local level, within in the Valleys of the Upper Wey – Greensand Hills Landscape Area.

The landscape is described as 'open valley floors, virtually treeless, meadows with valley sides heavily wooded with ancient species rich woodland. Roads

cross the valleys and picturesque villages are located at these crossing points in the valleys. 13<sup>th</sup> Century stone bridges and wooden bridges on stone plinths are distinctive’.

The Council has commissioned external consultants AMEC to carry out a Landscape Study of the countryside around the four main settlements and the 5 largest villages within Borough. This study was formally published in August 2014 and was used to inform the 2014 SHLAA.

With regard to the site (which lies within the segment identified as EL05B in the Landscape Study assessed as being of low visual character and landscape sensitivity but of medium landscape value) it is noted that ‘the disused works to the east on Shackleford Road could be developed as a brownfield site, but otherwise development in this segment would potentially have a negative impact on the character of the setting of the village in the rural landscape’.

The site is generally flat, but with a marked drop in ground level towards the northern boundary, which is defined by a network of streams and associated water-filled ditches. The land to the north of the site comprises open agricultural land and to the west lays open grassland.

The south of the site is bounded by Tanshire Business Park. To the east lies Shackleford Road, the boundary of which is defined with perimeter trees.

The Surrey Hills AONB Board has raised concerns with the impact of the proposals on the landscape. Although welcoming the removal of the built form to the north of the site, the majority of the concerns raised by Surrey Hills AONB Board under WA/2015/0789 have been raised. The Surrey Hills AONB Board are concerned that the form and layout of the proposed residential development would be out of place and detached from the village of Elstead and that the form and design of the proposed built form would be unattractive and not capable of creating a proper village or rural form of development.

The supporting Landscape and Visual Impact Assessment (LVIA), which forms part of the Environmental Statement, has considered the temporary, operational and residual impacts of the proposed residential development upon eight identified character areas and ten visual receptors in and around the site.

Officers generally agree with the conclusions of the LVIA in that there would be limited long distance views from some visual receptors as a result of intervening fields and verdant boundary treatments. Therefore, views of the proposed residential development achievable from Burford Lodge Recreation

Ground, End Bungalow, No.4, 5, 6 Burford Lea/Stable House/1-4 Burford Lane and Somerset Farm and Footpaths 487 and 295a would be well filtered and restricted.

The majority of the views of site would therefore be more localised, particularly from Tanshire Business Park, Shackleford Road and Footpath 61 where views of the proposed built form would be achievable through the two accesses to the site and through the thinning boundary treatment aligning the highway.

The LVIA considered the effects of the proposal on the character of Shackleford Road to be low and could be mitigated by strengthening the existing boundary planting at the vehicle entrances, to soften views and preserve the semi rural character of Shackleford Road.

There would be views of the proposed residential dwellings from Shackleford Road. Whilst the presence of urbanised built form located centrally within the site is not a new situation in this location, the built form associated with the industrial/commercial site was predominantly single storey.

The proposed residential built form would be predominantly two storeys in scale, which would result in additional uplift and height in comparison to the industrial/commercial associated built form. Furthermore, Plots 01 – 18 would also bring built form closer to the boundary of the site shared with Shackleford Road.

However, Officers consider that the overall significant reduction in footprint and volume of built form associated with the proposed residential development would reduce the overall extent of development on the site from that associated with the industrial/commercial, allowing for a greater sense of space between the built form and provision to provide softening landscaping.

The proposal to provide semi rural residential boundary rear treatment to Plots 1 – 18 in the form of post and rail fencing, along with the retention and strengthening of established planting along the Shackleford Road boundary, is important from a visual and ecological view point and is welcomed.

From Footpath 61, the LVIA suggests that views of much of the SANGs area would remain unchanged, whilst views of the proposed residential development would replace those of the former disused industrial works.

There would be clear and direct views of the proposed residential development from Footpath 61, which runs from east to west through the site.

Currently, when entering the site from the footpath in either direction, there are clear and direct views of the industrial/commercial built form established on the south of the site.

Whilst there are clear and direct views of the hard surfacing to the north, this area is free from any built form and acts as a transitional buffer from the open countryside to the west and the semi rural appearance of Shackleford Road to the east, which softens the sudden impact of the urban built form of the industrial/commercial site.

Views of the residential built form to the south of the site from this footpath would also be clear and direct. However, the proposed residential development would result in a reduction of built form from that currently existing on the site, which would result in more spacious character, interspersed with landscaping to soften the impact. This could be considered to be a visual improvement to the denser, utilitarian form of the existing commercial/industrial built form.

Whilst officers previously raised concern under WA/2015/0789 in respect of the proposed built form in the undeveloped northern part of the site and the associated views of this area; this element has since been removed and replaced with a soft landscaped area of public open space.

The LVIA suggests that open views of the former industrial works from Tanshire Park would be replaced with open views of the proposed Care Home and residential development. Whilst the visual appearance of the site from Tanshire Park would change significantly, given the reduction in built form resulting from the proposed residential development from that currently existing on the site and the more spacious and verdant setting proposed, it is considered that such a change in landscape character from this visual receptor would not be significantly adverse.

The LVIA also considers residual landscape impacts of the proposed residential development from 15 + years, suggesting that at maturity, the established planting treatments within the development and adjacent to the SANG would continue to enhance the overall appearance and amenity of the site and its setting. Officers acknowledge that at maturity, the planting would be established, providing screening and contributing to the verdant, semi rural character of the area.

The immediate character of the area would change from industrial/commercial to residential. However, this is considered to not result in planning harm.

Having regard to the above, officers are satisfied that the current scheme would conserve the landscape and scenic beauty of the AONB and AGLV and accord with Policy C3 of the Waverley Borough Local Plan 2002, Policy RE3 of the Draft Local Plan Part 1 and paragraph 115 of the NPPF 2002.

### Impact on Trees

The NPPF 2012 states that planning permission should be refused for development resulting in the loss or deterioration of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development clearly outweigh the loss.

Policies D6 and D7 of the Waverley Borough Local Plan 2002 broadly support the aims of the NPPF stating that the Council will protect significant trees and groups of trees and hedgerows through planning control.

None of the trees within, or along the periphery of the site are the subject of a Tree Preservation Orders. There are no woodlands within, or abutting the site that are classified as Ancient Woodland.

The main arboricultural features identified within or immediately adjacent to the site comprise the larger oaks, common alder and groups growing along the periphery of the site with Shackleford Road and the tree groups and woodland areas growing along and beyond the western boundary.

The Arboricultural Implications Report, submitted with the application, indicates that 36 individual trees would be removed as a result of the proposed residential development, either as a result of siting within the footprint of the proposed development or because they would be sited too close to proposed structures or surfaces to enable them to be retained.

With regard to individual trees, although no category A trees are proposed for removal, 1 no. Category B, 24 no. Category C and 11 no. Category U trees are proposed for removal. The Category B tree proposed for removal is an English Oak, currently existing in the south west corner of the site.

The groups of trees identified for removal form part of the northern boundary of the site and the sections of groups of trees identified for removal have encroached into the site from the western periphery. Within the site, two groups of trees and a number of individual trees are identified for removal.

The trees identified for removal within are a mixture of Category C and Category U trees which are self sown, of indifferent or poor quality and make little contribution to the landscape character and quality of the area.

Furthermore, the majority of the individual trees to be removed are located within the neglected areas of undergrowth and scrubland towards the site's northern boundary, and are in very poor condition, with many collapsed, fallen or extensively decayed specimens recorded. Furthermore, the removal of these trees would facilitate the proposed restoration of the culverted watercourse.

The loss of trees to the western boundary of the site would have little impact upon the substantive groups, and the area of woodland beyond, which would continue to screen views of the site from the undeveloped countryside to the west.

Four individual trees are identified for removal along the periphery of the site with Shackleford Road. However, these are Category U trees which have been identified as requiring removal for safety reasons due to their proximity to the adjoining highway.

The one category 'B' tree identified for removal is the English Oak located towards the south-west corner of the site. There is a necessity to remove this tree as it would sit within the footprint of the proposed development. However, this tree is substantially screened by existing trees located to the south and west of the site and its loss would therefore not have a significant material impact upon the landscape character of the area.

The Council's Tree and Landscape Officer has comprehensively assessed Arboricultural Implications Report and has raised no objection to the number and quality of trees identified for removal. Although concerned that new occupiers may wish to increase their private amenity space at the expense of tree and remnant screening vegetation, the Council's Tree and Landscape Officer has not recommended that the application be refused for this reason.

The Council's Tree and Landscape Officer has noted the proposed root protection area incursions required to lay hard standing and is satisfied that this would not result in the endangering the health of these trees, provided that the hardstanding is engineered either over or no deeper than the existing concrete sub bases, which is confirmed in the submitted Arboricultural Implications Report.

The Council's Tree and Landscape Officer has recommended a number of conditions to secure tree protection and arboricultural supervision in the event permission is granted. Officers consider that the proposal, subject to inclusion of conditions if permission is granted, would preserve important trees and hedgerows that constitute the main arboricultural features of the site, and

which make the greatest contribution to the character and appearance of the local landscape and visual amenity.

In light of the above, Officers are satisfied that the proposal would accord with Policies D1, D4, D6 and D7 of the Waverley Borough Local Plan 2002 and paragraph 118 of the NPPF 2012.

#### Impact on Visual Amenity

The NPPF 2012 attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness.

Paragraph 60 of the NPPF 2012 states that it is proper for development to seek to promote or reinforce local distinctiveness. Paragraph 63 states that great weight should be given to outstanding or innovative designs which help raise the standard of design more general in the area.

Paragraph 64 of the NPPF 2012 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Policies D1 and D4 of the Waverley Borough Local Plan 2002 accord with the NPPF 2012 in requiring development to have high quality design and to be well related in size, scale and character to its surroundings.

The use of the existing accesses serving the site work well in terms of vehicle and pedestrian permeability, provide a choice with regard to movement around the site.

The layout of the proposed built form is also considered to be acceptable as it ensures that the active frontage of the proposed dwellings face the highway and rear curtilages are back to back.

The orientation of built form would ensure a good level of natural surveillance, in general, around the site.

The scale of the proposed built form would be predominantly traditional two storey, with the exception of the proposed Care Home, which would be 2.5 storeys and the built form of Plots 1-9, which would be 3.0 storeys. Whilst the introduction of built form above two storey scale into the site would introduce a new feature, this would not be incongruous within a residential setting.

Furthermore, the proposed Care Home would be sited adjacent to the 2.5 storey development at Tanshire Business Park and would be read against this established context.

The proposed building comprising Plots 1-9 would represent a focal building within the site that would add some diversity to the street internal street scene.

The proposed Care Home and the building comprising Plots 1 -9 would have a greater presence when viewed from the Shackleford Road street scene. However, in view of the presence of existing built form associated with the commercial use within this location, it would be difficult to argue any significant visual harm, taking into account the proposed screening intended to mitigate the development from the Shackleford Road street scene.

With regard to the design of the buildings themselves, there would be a mixture of both traditional style dwellings and dwellings that have incorporated features of the local vernacular, such as rendering and chimneys, window bays and finials, to reflect the built form of Elstead Village. Furthermore, Plots 25-30 would feature open car barns to create a more traditional streetscape that is typical of Elstead.

It is important to note that new development should not replicate existing buildings, but incorporate selective features, or interpret existing features in the most appropriate way, thereby enhancing existing features to strengthen the existing character of the area. The proposed development would balance features of the locale with more traditional design, resulting in a legible, varied development. The combination of the traditional design, layout and landscaping is considered to result in a good development that would be visually acceptable to the site and surroundings.

The proposed lighting in the form of low level bollards is considered to strike the correct balance between providing a safely-lit residential environment and protecting the visual appearance of the AONB, where excessive lighting could have an adverse impact.

The finish of the materials used to construct the proposed residential development would be key to the overall success of the scheme and should permission be granted, it would be reasonable to include a condition to and approve samples of materials prior to the commencement of development on site, in order to ensure that care is taken to integrate the development into the character of its surroundings.

The nearest village to the site is Elstead, which has an adopted Elstead Village Design Statement (1995). The design statement provides a character



and historical assessment of the village and provides guidelines for new development coming forward. the Design Statement specifically outlines:

that new development should:

- Comply with Structure and Local Plan Policies;
- Remain within the settlement area of the village;
- Maintain the overall pattern of roofscape and tree cover when viewed from vantage points and footpaths around the village;
- Continue the traditional pattern of roadways and trackways with appropriate highway standards, and avoid inappropriate use of urbanising features;
- Protect and enhance existing open spaces and greens within the village.

Having regard to the above, the site is outside of the village settlement boundary, however, it is a previously developed site and therefore in principle its redevelopment can be accepted. Having regard to the design, scale and pattern of the proposed residential development, officers are satisfied that it would provide a development that respects and harmonises with its rural context and relationship to Elstead. The proposal would provide enhancements to the local highway and footpath network, and provide links to the village via footpath.

More specifically on new housing design, the Design Statement states:

New housing design should:

- demonstrate an awareness of the local context in its use of materials, detailing, layout and form,
- preserve and protect existing trees and, where possible, shrub planting,
- provide landscaping and open space within the development compatible with the surrounding area.

The materials to be used are reflective of the character of the village. The layout of the scheme has been guided by the irregular site layout and opportunities made for appropriate landscaping enhancements. The most prominent trees to the site boundaries have been respected in terms of positioning of new residential buildings. The new SANG would extend away from the village, respecting the agricultural surroundings to the village and be fairly self-contained in its form, as well as provide enhanced links to the existing public footpath and thereby benefiting existing and future residents.

Officers are therefore satisfied that the proposed residential development would reinforce local distinctiveness and has taken opportunities to improve

the character and quality of the area. As such, the proposal would accord with Policies D1 and D4 of the Local Plan and the requirements of paragraphs 60 and 64 of the NPPF 2012.

### Impact on Residential Amenity

The NPPF 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.

These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. These principles are supported by Policies D1 and D4 of the Local Plan and guidance contained within the Council's SPD for Residential Extensions.

The proposed residential development is considered to be laid out in such a way that would not cause any material harm to the amenities of future residents of the development by way of loss of light, overshadowing or overbearing impacts.

In terms of loss of privacy and overlooking, the plots bounding the periphery of the site would not have back to back rear curtilage relationships with adjacent neighbouring properties.

Therefore, the opportunities for overlooking into the rear curtilages of the adjacent neighbouring properties from first floor rear windows would be restricted to far rear curtilages, rather than the more immediate private patio areas. This is a situation considered to be typical in residential developments such as this.

The plots located centrally within the site would feature back to back rear curtilage relationships with neighbouring properties. The Council's Residential Extensions SPD advises that when considering the potential for overlooking, the general rule of thumb is that there should be a distance of at least 21 metres between proposed windows and those of neighbouring properties and 18 metres between proposed windows and neighbouring private amenity space.

Whilst all the proposed central plots respect the 21 metre window to window distance, they all fail the 18 metre private outdoor amenity distance, with the distances ranging between 9.0 metres – 14.0 metres. However, in this particular case, Officers consider that the provision of an 18 metre private amenity distance would not make the best use of the land, particularly when

such relationships are considered not be unusual within residential developments such as this.

The nearest existing residential properties to the proposed residential development would be located to the far north and far east of the site.

Taking into account the proximity of the proposed residential development from these boundaries and also the presence of landscaping and open space buffering, it is considered that the proposal would not result in any detrimental loss of light or privacy to these properties.

The proposed Care Home would be located adjacent to Class B1 (office) use buildings associated with Tanshire Park. Although the proposal would have a greater presence upon the employees operating from these buildings than the existing situation, it would not cause harm to amenities in terms of loss of light or overbearing form.

The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirements of planning conditions, if permission is granted.

In light of the above, it is considered that the proposal would not cause material harm to the occupiers of adjacent and surrounding commercial and residential properties, in accordance with Policies D1 (c) and D4 (c) of the Waverley Borough Local Plan 2002, the Council's Residential Extension SPD and the requirements of the NPPF 2012.

### Heritage Impacts

The statutory test for the assessment of proposals affecting listed buildings and their settings is contained in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The statutory test has been afforded significant importance and weight by officers in line with the East Northamptonshire Court of Appeal judgement.

In carrying out the assessment, Officers have given great weight to paragraph 129 of 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. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal

Policy HE3 of the Waverley Borough Local Plan 2002 outlines that where development is proposed that will affect a listed building or its setting, high design standards will be sought to ensure that the new development is appropriate and compatible in terms of siting, style, scale, density, height, massing, colour, materials, archaeological features and detailing.

Policy HE13 of the Waverley Borough Local Plan 2002 states that development which adversely affects the archaeological value and interest of scheduled ancient monuments will not be permitted.

In this instance, consideration is given to the impact of the proposal on the setting of Somerset Bridge, which is both a Scheduled Ancient Monument and designated as Grade II\* Listed.

Paragraph 135 of the NPPF states that 'the effect of an application of the significance of a non-designated heritage asset should be taken into account in determining the application.

In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'

In this instance, consideration is given to the impact of the proposed residential development upon Elm House, which is located to the south of the site, which is considered to be a non-designated heritage asset.

Paragraph 128 of the NPPF states that 'Local Planning Authorities should require and applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

The definition of 'heritage asset' in the NPPF 2012 includes listed and locally listed buildings. The site lies adjacent to a designated Grade II\* Listed bridge and a Scheduled Ancient Monument.

The NPPF defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be historic. Significance derives not only from a heritage assets physical presence, but also from its setting.

Paragraph 133 of the NPPF 2012 states that 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 of the NPPF 2012 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In the case of *East Northants District Council v Secretary of State (2014)* – the *Barnwell Manor* case – the Court of Appeal said that Local Planning Authorities should give “considerable importance and weight” to the desirability of preserving listed buildings and their setting, when carrying out the balancing exercise in determining a planning application that affects such a buildings and its setting.

The significance of Somerset Bridge is its well preserved survival as a medieval feature and as a likely construction as one of a series of bridges built by Monks of Waverley Abbey and is of historical importance in providing a unique insight into the organisation of the medieval landscape.

The significance of Elm House lies in its survival as a Farmhouse, commissioned for extension in 1884 by a notable architect, Leonard Stokes, for designing Roman Catholic Buildings.

Historic England has assessed the application and is satisfied that, due to the separation of the proposed residential development from Somerset Bridge by open ground, interspersed with trees and natural vegetation, it is unlikely to 'greatly harm' the heritage significance of Somerset Bridge.

Taking into account the expert view of the Council's Historic Buildings Officer and in the absence of Historic England confirming that the proposal would cause substantial harm to the setting of the heritage assets, Officers conclude that the proposal would not result in any harm to the setting of this heritage asset.

Officers conclude that the proposal would not adversely affect the archaeological value and interest of the scheduled ancient monument, in accordance with Policy HE13 of the Waverley Borough Local Plan 2002 and the requirements of the NPPF 2012.

With regard to Elm House, this is located within a business park and has since had the benefit of a modern extension to facilitate its current use as an office building. The historic element of Elm House faces away from the boundary shared with the site.

Taking into account the expert view of the Council's Historic Buildings Officer, Officers are satisfied that as a result of modern additions to Elm House and its orientation from the application site, the proposed residential development would not result in any loss of, or harm to the significance of this non designated heritage asset and would preserve its setting, in accordance with Policy HE3 of the Waverley Borough Local Plan 2002 and the requirements of the NPPF 2012.

#### Provision of Amenity and Play Space

On promoting healthy communities, the NPPF 2012 sets out that planning policies and decisions should aim to achieve places which promote safe and accessible developments, with high quality public space which encourage the active and continual use of public areas. These should include high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities.

Policy H10 of the Waverley Borough Local Plan 2012 addresses amenity and play space in housing developments. Although there are no set standards for garden sizes, the policy requires that a usable 'outdoor area' should be provided in association with residential development and that 'appropriate provision for children's play' is required.

Policy TD1 of the Draft Local Plan Part 1 refers to maximising opportunities to improve the quality of life and health and well being of current and future residents. Such opportunities include, inter alia, the provision of private, communal and public amenity space and on site play space provision (for all ages).

Officers are satisfied that the plans submitted in support of this application adequately demonstrate that individual garden sizes would be appropriate.

The Council uses the standard recommended by Fields in Trust (FIT) 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (2016) for assessing the provision of outdoor playing space.

For a development of 10 – 200 dwellings, the Fields in Trust guidance referred to above sets out that a Local Area for Play (LAP), Locally Equipped Area for Play (LEAP) and a contribution towards a Multi-Use Games Area (MUGA) should be provided.

A LAP comprises a play area equipped mainly for children aged between 4-6 years old. LAPs should be located within 100m from every home. The main activity area should be a minimum of 100sqm with a 5m minimum separation between the activity zone and the boundary of the dwellings.

A LEAP comprises a play area equipped mainly for children age between 4-8 years old. LEAPs should be located within 400m from every dwelling. The main activity area should be a minimum of 400sqm with a 20m minimum separation between the activity zone and the boundary of the dwellings.

Concern was raised under previous planning application WA/2015/0789 at the provision of a LAP within the scheme, which would not have met the requirements of Policy H10 of the Waverley Borough Local Plan 2012 or the guidance set out within the Fields in Trust 'Planning and Design for Outdoor Sport and Play', which required the provision of a LEAP on the site at the time.

However, since the refusal of that previous application, the Fields in Trust 'Planning and Design for Outdoor Sport and Play' has been replaced with the Fields in Trust 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (2016). There is now a requirement to provide one LAP and one LEAP on the site in order to accord with Policy H10 of the Waverley Borough Local Plan 2012 and Fields in Trust (FIT) 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (2016).

The proposed scheme identifies provision of one LEAP. However, Officers are of the opinion that the site identified for the proposed LEAP could also accommodate for a LAP.

Therefore, subject to the 106 Agreement securing details of the LEAP and the proposed LEAP in the event permission is granted, Officers raise no objection to the proposal in terms of amenity and play space, in accordance with Policy H10 of the Waverley Borough Local Plan 2002 and the Fields in Trust 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (2016).

#### Provision of Community Facility

Paragraph 50 of the NPPF 2012 states that Local Planning Authorities should seek to create sustainable, inclusive and mixed communities, by planning for a mix of housing based current and future demographic trends. This includes planning for older people.

The proposal seeks for the erection of a 60 bedroom Care Home, which falls under a Class C2 (Residential Institutions) use, defined within the Town and Country Planning (Use Classes) Order 1987 (as amended).

According to the Council's Older Persons Housing Needs Survey (2014), both currently and over the next two decades there will be a need to prioritise increased supply of housing suitable for older people as the size of the older population increases substantially.

However, there is a more specific need forecast for sheltered and extra care housing, which is shown as having a much higher demand than the currently proposed nursing care sectors.

The principle of a Care Home on this site can be supported as it is a form of residential accommodation in place of previously developed land.

There is no indication within the documentation submitted in support of this application to identify the specific type of care proposed to operate from the proposed Care Home. It is understood that an open C2 (Residential Institutions) Care Home use is sought, in order to allow for flexibility to respond to the demands of the market with regards to the specific type of care being provided.

Therefore, whilst the proposed Care Home could be afforded some weight, as it would meet a care need, as the type of care has not been defined, limited weight can be afforded to the care meeting the high demands of care as identified within the Council's Older Persons Housing Needs Survey (2014).



Notwithstanding this, this element of the proposal would provide a form of residential accommodation what would help toward care home provision.

### Flood Risk and Drainage Considerations

Paragraph 100 of the NPPF 2012 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 101 of the NPPF 2012 states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

Policy CC4 of the Draft Local Plan Part 1 states that in order to reduce the overall and local risk of flooding, development must be located, designed and laid out to ensure that it is safe; that the risk from flooding is minimised whilst not increasing flood risk elsewhere and that residual risks are safely managed.

The north of the site is within 20m of a river and within Flood Zones 2 and 3 as identified on the Environment Agency Flood Maps. The NPPF and the NPPG 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 2012 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.

Paragraph 103 of the NPPF 2012 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; and

- development is appropriately flood resilient and resistant.

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding).

Where there are no reasonably available sites in Flood Zone 1, Local Planning Authorities should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the exception test is required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required. The proposed residential development and new access points would be sited all within flood zone 1.

The sequential approach to locating development in areas at lower flood risk should be applied to all sources of flooding, including development in an area which has critical drainage problems, as notified to the local planning authority by the Environment Agency, and where the proposed location of the development would increase flood risk elsewhere.

A Sequential Assessment, dated September 2015, was submitted in support of this previous planning application WA/2015/0789, using the detailed information in the Council's SHLAA (2014) for assessment. However, no Sequential Test has been submitted in support of this current application.

Notwithstanding this, Officers have carried out a Sequential Test using the sites contained within the Council's Land Availability Assessment (2016) (LAA)

The Sequential Assessment has a defined search area of Elstead, Tilford, Milford and Witley.

This approach to limit site searches to individual settlements when carrying out sequential tests has been endorsed by Counsel. Officers were therefore satisfied that this is the correct approach to take in looking sequentially at the location of housing development.

However, the Key Note Policy of the Waverley Borough Local Plan aims, amongst other matters, for opportunities for development to be focused on the four main settlements (Farnham, Godalming, Haslemere and Cranleigh).

Whilst Officers acknowledged that the rural settlements of Elstead, Tilford, Milford and Witley are more closely located to the site, the evidence in the SHMA (2015) identifies a need for housing in the closest main settlement of Godalming.

Although the SHMA does not break this overall housing need down for individual settlements or areas, it is reasonable to consider that Godalming, as one of the four largest settlements in the Borough, requires new homes. Taking into account that market housing will be needed to enable the affordable homes to be delivered, the number of overall homes required to meet the need in Godalming will be even greater.

Given that Godalming is an identified growth point in the current Local Plan and is envisaged to be included as a growth point in the future plan, Officers consider that there is justification for also applying the area of search for the sequential test across Godalming.

6 sites in Godalming have been identified in the Council's LAA as being available for development. Since the production of the Council's LAA, one of these sites has is pending permission (WA/2016/1418 – Woodside Park) and the remaining available sites do not have the capacity to provide 69 dwellings.

2 LAA sites around Elstead and 11 SHLAA sites in Witley have been identified in the submitted Sequential Assessment (total of 13 sites). Of these sites, 11 have been discounted as they have a potential yield of significantly less than 69 dwellings.

Of the remaining 2 sites, the following 1 site is not within Flood Zones 2 or 3:

SHLAA ID	Village	Site Address	Likely Yield	Flood Zone	RAG Score
703	Witley	Land at Coneycroft	90	1	Green

Therefore the above sites, on the face of it, are sequentially preferable to the application site in terms of flooding. The above site is, however, a greenfield site and located within the Green Belt, outside of any defined settlement. Whilst this site could accommodate the number of dwellings proposed, current National and Local Planning Policy does not allow for the principle of residential development for this site identified in the LAA.

It is noted that neither the NPPF 2012 or the NPPG 2014 distinguish between brownfield and greenfield sites in the sequential test and whilst there is a sustainability priority to redevelop brownfield sites in advance of, or in

preference to greenfield sites, any proposed redevelopment of a brownfield site should be tested the same way.

Where the sequential test is not passed, the Council may give weight to a number of sustainability benefits that could outweigh this failure. The Exceptions Test will be applied in such cases and it may well be that the wider sustainability benefits of the proposal also provide the benefits necessary to pass the first element of that test.

Paragraph 102 of the NPPF 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 benefits 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.

Both elements of the test will have to be passed for development to be allocated or permitted”.

The Exception Test, as set out in paragraph 102 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the two parts to the Exception Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

The proposal would result in the re-use of a brownfield site that is within reasonable walking distance of the services, facilities and amenities of Elstead and would provide a package of mitigation methods to enhance sustainable access links to public transport that would provide access to the facilities of Aldershot, Farnham, Godalming and Guildford.

Furthermore, the proposal would provide much needed affordable and market dwellings in a time of high need. The proposal would therefore provide wider sustainability benefits to the community and whether these would outweigh flood risk and demonstrate that it would 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, is assessed in the following paragraphs.

With regard to the safe access and egress requirement of paragraph 103 of the NPPF 2012, given that both site access roads lie wholly within Flood Zone 1, Officers are satisfied that future occupants of the site would be able to leave by safe access and egress routes that would have a 'very low' hazard rating in accordance with FD2320/TR2.

The application is supported by a Flood Risk Assessment & Surface Water Drainage Strategy, prepared by RSK, reference 132770-R1(0)-FRA, dated May 2016. In considering fluvial flooding, the Flood Risk Assessment & Surface Water Drainage Strategy has correctly identified that main source of flood risk to the site is likely to be fluvial flooding given its position close to the River Wey

Whilst Environment Agency Flood Zone Map identifies the site lies mostly within Flood Zone 1, with the northern part of the site (including the SANG land) lies within Flood Zones 2 and mostly 3, the Flood Risk Assessment & Surface Water Drainage Strategy has collected river level data from the Environment Agency and has used Environment Agency modelled levels to delineate a more accurate floodplain on site by comparing the flood levels against the site-specific topographic levels.

The result of this is that the true extent of Flood Zone 3 may be further to the north than shown on the Environment Agency mapping. The proposed residential dwellings and care home would be positioned further away from this flood zone.

Furthermore, the modelled levels demonstrate that Flood Zone 2 encroaches further into the site from the north and that Flood Zone 3b is located along the periphery of the north of the site.

The Environment Agency has assessed the modelling and delineation put forward in the supporting documentation and has raised no objection to this methodology.

In addition to the River Wey, there is an Ordinary Watercourse running through the site. This is currently culverted beneath the majority of the site in

a 600mm diameter pre-cast concrete pipe and the proposal would seek to open the Ordinary Watercourse, maintaining a sufficiently sized channel to allow flows to be safely conveyed across the site at the rate currently channelled through the culvert. Although large stretches of the watercourse would be opened up, a number of culverts would be constructed to allow access to individual properties and for the main loop road on site. These culverts would be sufficiently sized and would also be relatively short stretches, thereby reducing the risk of blockage

In terms of fluvial mitigation measures, given presence of the Ordinary Watercourse on site and proximity of the floodplain of the River Wey to some properties in the north of the site, finished floor levels of residential dwellings will be set at a minimum of 600mm. Furthermore, although the majority of the built form of the proposal would be located within Flood Zone 1, given the surface water flood flow route running across the centre of the site and the area of floodplain encroaching across the northern part of the site, flood resistant and resilient techniques are considered, particularly for those dwellings in the northern site area. These include Flood Resistant measures to prevent floodwater reaching or entering properties (demountable flood barriers, bespoke flood skirts, water proof wall render, non-return valves for all private connections points into the sewer system to minimise the risk of backflows entering the property during overloading of the public sewer system following extreme rainfall events) and flood resilient measures to minimise damage caused by floodwaters (raised services, concrete floors, internal waterproof coatings, damp proof membranes).

For the SANG land, all boardwalks will be raised to allow for continued access throughout the year.

Furthermore, in order to protect residential units from potential flood waters overtopping the banks of the open sections of the Ordinary Watercourse, it is proposed to allow for an easement on either side of the Ordinary Watercourse to allow a management company to maintain these culverts in perpetuity. It is also recommended that should permission be granted, an informative advising the applicant of the need to separately apply for Land Drainage Consent, prior to culvert opening works taking place, be imposed.

With mitigation measures in place, Officers consider that the overall risk of fluvial flooding/resultant fluvial flood risk as a result of the proposed development would be low.

With regard to pluvial flooding, the site has been identified on the Environment Agency's online map 'Risk of Flooding from Surface Water' as at a 'very low' risk from this source of flooding. However, the supporting Flood Risk

Assessment & Surface Water Drainage Strategy identifies a 'low' to 'medium' surface water flow route that appears to flow to the west of the hardstanding area on site, which is not too dissimilar from the line of the Ordinary Watercourse.

The existing site is made up of 63% impermeable surface. Although the Environment Agency seeks new development to secure run off rates in line with Greenfield rates, the site is previously developed with significant areas covered with hardstanding. As a brownfield site, it is proposed to restrict the post-development runoff rate to 50% of the pre-development rate. This would offer a reduction compared with existing discharge rates and along with the use of SuDS, would ensure that the development would decrease the flood risk to the site or to areas downstream.

The proposed development is approximately 37% impermeable, which is a decrease of 26% when compared to the 63% impermeable area currently on site. The proposed SuDS would comprise a combination of permeable paving and modular storage, designed to provide approximately 721m<sup>3</sup> of storage, which is excess of the calculated 612m<sup>3</sup> required storage volumes to retain the 1 in 100 plus 30% climate change event.

The site contains contaminated land and whilst the Phase I Desk Study, Site Reconnaissance & Phase II Site Investigation Report accompanying this application indicates that there is a high groundwater table at the site.

As such, the proposed SuDS features have a preliminary shallow design in order to avoid groundwater interaction. The SuDS scheme proposed would also provide pre-treatment for the surface water runoff through the site, thereby improving water quality further.

The Lead Local Flood Authority has been consulted on the proposal and has noted that the proposed discharge rates have not been reduced, as close as reasonably practical, to the Greenfield runoff rates as generally sought by the Environmental Agency and the Local Lead Flood Authority. The Flood Risk Assessment & Surface Water Drainage Strategy has considered that the site is previously developed with significant areas covered with hardstanding and has therefore proposed to restrict the post-development runoff rate to 50% reduction of the existing situation.

However, although not meeting the Greenfield runoff rates, the Lead Local Flood Authority acknowledge that the design would not exceed the Brownfield discharge rate. Taking a pragmatic way forward, the Lead Local Flood Authority have recommended a condition to secure at evidence at the detailed design stage of the SuDS elements demonstrating that it is not viable to

provide further storage for this site. It should be noted that the Local Lead Flood Authority have confirmed that the applicant has already provided some evidence to allow this considered approach.

Whilst the application is not supported by a full SuDS design, the Lead Local Flood have recommended a condition to secure these details, as well as details of how the SuDS system would be protected and maintained during the construction of the development and details of the proposed maintenance regimes for each SuDS systems and details of responsibility for their maintenance. A final design verification condition is also recommended.

As such Officers are satisfied that the overall risk of pluvial flooding from the site can be considered to be low and the detailed surface water drainage design incorporates a number of sustainable drainage (SuDS) features which will improve the surface water runoff regime post development.

In respect to groundwater flooding, this would occur after much longer periods of sustained high rainfall. Higher rainfall means more water would infiltrate into the ground and cause the water table to rise above normal levels. Groundwater related flooding is an issue in this area due to the significant area of permeable Lower Greensands (sandstone, mudstone and siltstone) bedrock geology in the central northern and north west areas of the study area. Furthermore, records are available to indicate that groundwater flooding has occurred historically in Elstead.

The Council's Strategic Flood Risk Assessment contains a map of Groundwater Flooding based on multi-criteria analysis of risk, which categorises areas into low, medium or high likelihood of groundwater flooding. This map classifies the site at 'high' risk. However, the SFRA also acknowledges that the extent of assessment was limited by data availability and the lack of historic records and therefore does not provided a detailed analysis of groundwater, only an indication of where more detailed consideration of the risks may be required.

Using available geological maps, the Flood Risk Assessment & Surface Water Drainage Strategy has demonstrated that the site comprises of Alluvium, Head and River Terrace gravels overlying the Sandgate Formation. This is likely to exhibit high groundwater levels as groundwater freely moves through the permeable strata. Although shallow groundwater is present beneath the site, as confirmed by the Site Investigation, the resultant groundwater flood risk (i.e. the risk of groundwater breaking the surface and causing flooding) is considered to be low for the majority of the site.



With regard to flooding from sewers, data provided by Thames Water demonstrate that there have been no incidents of sewer flooding reported since 2001.

To ensure that sewer and surface water flooding is not exacerbated as a result of the proposal, surface water must be appropriately controlled and overland flows managed correctly to ensure the capacity of the surrounding sewer network is not exceeded. Officers consider that the proposed SuDS scheme would successfully mitigate the risk of surface water to prevent any overflow of the existing sewer network.

The Environment Agency has been consulted on the proposed development and has raised no objections in relation to fluvial and groundwater flood risk, subject to conditions to secure the proposed flood mitigation methods, details of the boardwalks for the SANG area, a preliminary risk assessment to deal with risks associated with the contamination of the site, a verification report demonstrating completion of works set out in the remediation strategy, the submission of a remediation strategy should development contamination not previously identified be found present at the site during construction works, and restrictions of piling or other penetrative foundations, unless in parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Thames Water has commented in relation to surface water drainage that it is the responsibility of a developer to make proper provision for drainage to ground water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

When it is proposed to connect to a combined public sewer, the site drainage should be separated and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

As such Officers are satisfied that the overall risk of pluvial flooding from the site can be considered to be low and the detailed surface water drainage design incorporates a number of sustainable drainage (SuDS) features which will improve the surface water runoff regime post development.

With regards to sewerage infrastructure capacity, Thames Water has raised no objection.

Officers conclude, that as a result of the built form of the development being located wholly within Flood Zone 1 and subject to the imposition of suitably worded conditions to secure SuDS and groundwater contamination details, the development would be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and, would reduce flood risk overall. The proposal would therefore pass the Exceptions Test.

Moreover, it is considered the development would be appropriately flood resilient, resistant, and would make provision for safe access and escape routes where required and would ensure that within the site, the most vulnerable development is located in areas of lowest flood risk.

It is therefore considered that the proposal has adequately addressed flood risk, surface water and ground water flooding risk in accordance with paragraphs 101-103 of the NPPF 2012 and the guidance set out in the NPPG.

#### Land Contamination

Paragraph 120 of the NPPF 2012 states that planning decisions should ensure that 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 of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy D1 of the Waverley Borough Local Plan 2002 sets out that development will not be permitted where it would result in material detriment to the environment by virtue of potential pollution of air, land or water and from the storage and use of hazardous substances. The supporting text indicates that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination. Wherever practical, contamination should be dealt with on the site.

The application is accompanied by a Combined Phase III Site Investigation Report and Quantitative Risk Assessment, prepared by Leap Environmental Ltd, reference LP00832, dated March 2016, which identifies that remediation of contaminated land is necessary and is likely to comprise of bulk soil

excavation followed by a combination of on-site treatment for organic contaminants and off-site disposal for asbestos.

The Council's Environmental Pollution Control Officer has scrutinised the contents of the Combined Phase III Site Investigation Report and Quantitative Risk Assessment and has raised no objection to the proposed scheme on the basis of its contents.

However, the Council's Environmental Pollution Control Officer has noted that the walkover and assessment within the Combined Phase III Site Investigation Report and Quantitative Risk Assessment does not cover the proposed SANG area and given the history of the area proposed for SANG for historical tipping, land raising and use of lead shot by the clay pigeon shooting activities, this should be fully assessed before accessed by the general public. Therefore, the Council's Environmental Pollution Control Officer has recommended conditions to secure and investigation and risk assessment of this area, along with details of remediation should contamination be found on the SANG area, if permission is granted. This will ensure that risks from land contamination to 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 off site receptors.

In light of the above, Officers are satisfied that the proposal would accord with Policy D1 of the Waverley Borough Local Plan 2002 and paragraph 120 of the NPPF 2012.

#### Air Quality Impact

Paragraph 109 of the NPPF 2012 states that the planning system should contribute to and enhance the natural and local environment by: inter alia 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.

Paragraph 120 of the NPPF 2012 states that planning decisions should ensure that 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 of the area or proposed development to adverse effects from pollution, should be taken into account.

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 (AQMA) and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Policy D1 of the Waverley Borough Local Plan 2002 states that the Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment.

Development will not be permitted where it would result in material detriment to the environment by virtue of *inter alia* (c) loss of general amenity, including material loss of natural light and privacy enjoyed by neighbours and disturbance resulting from the emission of noise, light or vibration; (d) levels of traffic which are incompatible with the local highway network or cause significant environmental harm by virtue of noise and disturbance; (e) potential pollution of air, land or water, including that arising from light pollution and from the storage and use of hazardous substances

In the same vein, Policy D2 of the Waverley Borough Local Plan 2002 states that the Council will seek to ensure that proposed and existing land uses are compatible. In particular *inter alia* (a) development, which may have a materially detrimental impact on sensitive uses with regard to environmental disturbance or pollution, will not be permitted.

Whilst the site is not located within an AQMA, The Council's Air Quality Officer has raised potential concerns relating to local air quality through any dust and emissions during the construction phases of the project, including the accumulation and disposal of waste on the site, upon existing receptors in the area.

Officers are satisfied that if permission is granted, a condition securing a Site Management Plan for the suppression of mud, grit, dust and other emissions during both deconstruction and construction phases and a prohibition on burning materials on site could mitigate and control such impacts.

Officers would also seek to mitigate transport emissions from vehicles by seeking a condition in the event permission is granted, for the provision of an Electric Vehicle Charging Points (EVP) on the site.

In light of the above, Officers re satisfied that the proposal would accord with Policy D1 of the Waverley Borough Local Plan 2002 and paragraphs 109, 120 and 124 of the NPPF 2012.

## Archaeological Considerations

Paragraph 128 of the NPPF 2012 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The site is not located within an Area of High Archaeological Potential. However, due to the size of the site and pursuant to Policy HE15 of the Waverly Borough Local Plan 2002, it is necessary for the application to take account of the potential impact on archaeological interests.

The need to safeguard and manage Waverley's rich and diverse heritage, including all archaeological sites, is set out in Policy HA1 of the Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites.

The application is supported by an Archaeological Desk Based Assessment, prepared by CgMs Consulting, dated March 2015 which concludes that there is potential for archaeological remains to survive within the site. This document is a replica for that submitted in support of the previous planning application WA/2015/0789.

Under planning application WA/2015/0789, the County Archaeologist, following a comprehensive review of the submitted Archaeological Desk Based Assessment, recommends that, in the event permission is granted, the implementation of a programme of archaeological work in accordance with a written scheme of investigation, to be approved by writing by the local planning authority, be secured prior to development taking place.

As such, the impact on archaeological interests under this current application could be sufficiently controlled through the imposition of conditions if permission were to be granted.

In light of the above, Officers are satisfied that the proposal would accord with Policy HE15 of the Waverley Borough Local Plan 2002, Policy HA1 of the Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites and paragraph 128 of the NPPF 2012.

### 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.

Paragraph 69 of the National Planning Policy Framework 2012 highlights that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

To this end, planning policies and decisions should aim to achieve places which promote inter alia safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

The Crime Reduction Advisor was consulted under previous planning application WA/2015/0789 and has noted that whilst the Design and Access Statement submitted in support of this application makes general reference to designing out crime, it does not make reference to reducing opportunities for crime or 'Secure By Design', which is the UK Police flagship initiative supporting the principles of designing out crime by use of effective crime prevention and security standards.

Should permission be granted, Officers have recommended an informative be imposed to require the development to achieve the full Secured by Design award.

### Infrastructure contributions

The three tests as set out in Regulation 122(2) require s106 agreements to be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The NPPF emphasises that to ensure viability, the costs of any requirements likely to be applied to development, such as infrastructure contributions should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

From 6<sup>th</sup> April 2015, CIL Regulation 123 was amended to mean that the use of pooled contributions under Section 106 of the Town Country Planning Act is restricted.

Policy D13 of the Local Plan states that “development will only be permitted where adequate infrastructure, services and facilities are available, or where the developer has made suitable arrangements for the provision of the infrastructure, services and facilities directly made necessary by the proposed development. The Council will have regard to the cumulative impact of development, and developers may be required to contribute jointly to necessary infrastructure improvements”.

Local Plan Policy D14 goes on to set out the principles behind the negotiation of planning obligations required in connection with particular forms of new development. The current tests for legal agreements are set out in Regulation 122 (2) of the CIL Regulations 2010 and the guidance within the NPPF.

Policy ICS1 of the Draft Local Plan Part 1 states that infrastructure considered necessary to support new development must be provided either on- or off-site or by the payment of contributions through planning obligations and/or the Community Infrastructure Levy. The Council will resist the loss of key services and facilities unless an appropriate alternative is provided or evidence is presented which demonstrate that the facility is no longer required. New services and facilities where required will be supported. Land for infrastructure, as identified through the Infrastructure Delivery Plan, will be safeguarded.

At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been

entered into since 6<sup>th</sup> April 2010 and it is a type of infrastructure that is capable of being funded by CIL.

In the light of the above change, the infrastructure providers have been requested to confirm that the identified contributions contained within the PIC calculator meet the tests of CIL Regulations 122 and 123. The final obligations to be included within the Section 106 agreement will need to satisfy the tests of the Regulations.

Infrastructure providers responsible for the provision of infrastructure within Waverley have been consulted and, as a result, the following contributions are sought and justified:

Provision of recycling containers	£1,765.50
Early years education infrastructure	£41,056
Primary education infrastructure	£254,929
<b>Total</b>	<b>£295,985</b>

In addition, Surrey County Council as Highway Authority has sought a number of contributions and improvement works to the local highway network, which include:

- Improvements to the pedestrian route on Shackleford Road and Milford Road.
- Improvements to Public Footpath No. 61 between the application site and Lower Ham Lane.
- New bus stops on Shackleford Road, providing access to bus route No. 46 which serves Aldershot, Farnham, Godalming and Guildford.
- On occupation of each residential unit, the development shall offer to each household a voucher for the purchase of bicycle (up to a maximum value of £100) or a bus pass (up to a maximum value of £100) and thereafter the developer shall monitor and report to the Highway Authority the uptake of vouchers by each household, all in accordance with a scheme to be submitted and agreed in writing by the Highway Authority.
- Prior to the first occupation of the development, to pay the County Council a sum of £15,000 for bus stop infrastructure and Real Time Passenger Information (RTPI) improvements on bus route No. 46.

The providers have confirmed that the proposed contributions would not result in the pooling of more than 5 contributions towards one specific piece of



infrastructure. The infrastructure improvements required would therefore comply with CIL Regulations 122 and 123.

The applicant has indicated a willingness to enter into a suitable legal agreement to secure relevant contributions. As of yet, a signed and completed legal agreement has not been received. However, it is anticipated that an agreement would be entered into. Subject to the receipt of a suitable, signed legal agreement to secure infrastructure contributions, it is concluded that the proposal would adequately mitigate for its impact on local infrastructure and the proposal would comply with the requirements of the Waverley Borough Local Plan 2002, Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites and the NPPF in respect of infrastructure provision.

### Financial Considerations

Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application.

The weight to be attached to these considerations is a matter for members.

Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus (NHB) is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the NHB would be payable for the net increase in dwellings from this development.

The Head of Finance has calculated the indicative figure of £1,450 per net additional dwelling, (total of £88,450) per annum for six years. A supplement of £350 over a 6 year period is payable for all affordable homes provided for in the proposal (total of £3,150).

### Effect upon the SPA

The site lies within the 400m Buffer Zone for the Wealden Heaths 1 Special Protection Area (SPA).

Whilst the proposal includes some on-site green space to provide immediate recreation opportunities for new residents, it is considered that this space is not of sufficient quality to avoid a likely significant effect from increased recreational disturbance to the SPA.

The open space is significantly constrained and proposed to be used for specific recreational purposes, namely as a children's play space. This would lead to limited opportunity for dog-walkers and the proposed open space would not be semi-natural. It is therefore considered that the proposed recreational green-space on-site would not likely attract walkers away from the SPA.

In order to avoid this likely significant effect through increased recreational pressure on the SPA, Suitable Alternative Green Space (SANGs) would be required to be provided by the proposal. The applicant is therefore proposing land in the west of the site to be given over for use as SANGs.

Natural England have guidelines on SANG provision to adequately avoid any likely significant effect upon the SPA. These criteria include:

- For all sites larger than 4ha, there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it. The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANGs and the SPA.
- It should be possible to complete a circular walk of 2.3-2.5km around the SANG.
- Car parks must be easily and safely accessible by car and should be clearly sign posted.
- The accessibility of the site must include access points appropriate for the particular visitor use that the SANGs is intended to cater for.
- The SANGs must have a safe route of access on foot from the nearest car park and/or footpath/s
- All SANGs with car parks must have a circular walk which starts and finishes at the car park.
- SANGs must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- SANGs must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- All SANGs larger than 12 ha must aim to provide a variety of habitats for users to experience.
- Access within the SANGs must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.

- SANGs must be free from unpleasant intrusions (e.g. sewage treatment works smells etc.).

The proposed SANGs would measure 6.83 ha would be accessible on foot from the development, with two access points proposed from the application site; the existing Public Footpath 61 and a new dedicated footpath to the north of the site.

Although the SANGs would be larger than 4ha, it would be within 400m of the development linked to it and as such a car park is not required. Notwithstanding this, the proposal would provide a small car parking providing six spaces.

The proposed SANGs would provide a 1.9km circular route. The SANGs Management Plan submitted in support of this application advises that this is the maximum length of route that can be reasonably achieved within the SANGs without ensuring it is not too contrived or leads to pinch points.

Whilst the length of the circular walk would fall below that set out in the Natural England SANGs guidance, Natural England has not objected to the proposal.

The Guidance from Natural England indicates that the proposed SANGs would not have to be heathland, but would need to be semi-natural in appearance. The proposed SANGs would comprise mowed grassland and wet grassland, which would be accessible by a boardwalk to ensure that it remains accessible throughout the year.

The proposed SANGs land would also accommodate a range of natural habitats within the site, including features such as a river, semi natural fields and areas of woodlands/trees. Officers are satisfied that the proposed SANGs land would therefore be semi-natural in appearance.

It is proposed that the SANGs land would be managed by a Management Company would be funded through contributions obtained via a service charge on new residents, and would be tasked with maintaining the SANG, in perpetuity, in line with the SANG Management Plan. In the unlikely event that the Management Company were to fail in its duties, the management of the SANG would be undertaken by the Land Trust to ensure that management is undertaken appropriately and in line with the SANG Management Plan.

The applicant is proposing to undertake initial capital works to bring the land into use as SANGs, comprising the creation of the boardwalk, tree/scrub removal, installation of visually sensitive way markers and the installation of

new signs. The proposed visitor's car park would be constructed as part of the proposed residential development of the site.

The land would then be managed for the lifetime of the development by a Management Company, with contributions for ongoing management works funded by a service charge on new residents at the proposed residential development.

The legal agreement would also require the development to secure any necessary planning permission for advertisement consent and to ensure that the construction of the SANGs is completed prior to the occupation of the first unit.

Natural England has reviewed this proposal and confirms that it would meet the criteria for constituting SANGs subject to conditions. The SANG on site therefore provides appropriate mitigation against the effect of the residential development on the SPA. In respect of the care home, Natural England has advised that the care home is only acceptable subject to conditions controlling who can occupy it.

#### Biodiversity and Compliance with Habitat Regulations 2010

The NPPF 2012 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.

When determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

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.'

Policy NE1 of the Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites states that the Council will seek to conserve and enhance biodiversity within Waverley. Development should retain, protect and

enhance features of biodiversity and geological interest and ensure appropriate management of those features. Adverse impacts should be avoided or, if unavoidable, appropriately mitigated.

The National Environment and Rural Communities Act 2006 states that the Council as local planning authority has a legal duty of care to protect biodiversity.

Surrey Wildlife Trust has assessed the submission and has advised that in the event permission is granted, that a condition be recommended to undertake all the recommendation set out in Section 4 of the Ecological Assessment (including sub section 4.5, Ecological opportunities), Section 4 of the submitted Bat Report a (with particular reference to the need for obtain a European Protected Species Licence), Section 4 of the Ariel Tree Report and Section 4 of the Dormouse Survey Report and all recommended actions in the

Subject to the measures referred to above being carried out, Officers are satisfied that the proposal would not prejudice the ecological value of the site and would accord with Policy D5 of the Local Plan, Policy NE1 Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites.

### Health and Wellbeing

Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

The NPPG sets out that the range of issues that could be considered through the plan-making and decision-making processes, in respect of health and healthcare infrastructure.

The provision of open space in the scheme, including a large SANG available for both future residents and existing, is considered to be positive in terms of the health and well being of future residents and also existing residents near the site.

The Council has sought the views of NHS England, Health Watch, Guildford and Waverley Clinical Commissioning Group and the Director of Public Health

for Surrey. These bodies have not raised any concerns nor sought any mitigation of any impact.

Nonetheless, Officers are satisfied that the scheme makes provision for access for the whole community and that any environmental hazards arising from the development would be minimised or sufficiently mitigated.

Officers conclude that the proposed development would ensure that health and wellbeing, and health infrastructure have been suitably addressed in the application.

#### Accessibility and Equalities Act 2010 and Human Rights Implications

There are no implications for this application.

#### Very Special Circumstances

For reasons outlined in the above report, the proposed change of use of land to provide SANG would constitute inappropriate development in the Green Belt which, by definition, is harmful.

Paragraphs 87 and 88 of the NPPF state that inappropriate development by definition, is harmful and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

The proposal would not conflict with the purposes of including land within the Green Belt.

Paragraph 81 of the NPPF identifies that local planning authorities should plan positively to enhance the beneficial use of the Green Belt. This includes providing for increased access, recreation, to retain and enhance biodiversity.

This part of the proposed development (SANG) would result in the provision of a large public open space within the Green Belt providing opportunities for outdoor recreation.

The ecological value of the site would also be significantly enhanced following the proposed landscape and ecology improvements across the site, whilst at the same time providing suitable ongoing maintenance of the site for existing wildlife.

Both these points demonstrate that the development would significantly improve access to land in the Green Belt improving outdoor recreation whilst

also contributing to the landscape and biodiversity of the site in line with paragraph 81 of the NPPF. The Core Principles of the NPPF in paragraph 17 echoes such enhancement of the natural environment through the promotion of mixed use development which enhance and improve the places in which people live their lives.

Paragraph 118, states that: 'opportunities to incorporate biodiversity in and around developments should be encouraged.' The proposal would comply with this whilst also aiding the facilitation of healthy communities, through the provision of an accessible public space. Paragraph 73 states that 'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.' The proposal in conjunction with existing green spaces would create a corridor of green infrastructure that would be publicly accessible.

The proposed development would provide substantial benefits through the provision of publicly accessible outdoor recreation space including landscape and ecology enhancements and facilities for healthy communities. These would amount to very special circumstances that would outweigh the harm caused to the Green Belt by virtue of its inappropriateness. Whilst some limited harm to the Green Belt would occur as a consequence of the proposed change of use, this harm would be clearly outweighed by the benefits identified.

#### Development Management Procedure Order 2015 - Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:-

- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- Have negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

## Representations

A number of concerns have been highlighted in the Parish Council's and third party representations. These comments have been very carefully considered by officers in the assessment of this application.

The majority of the concerns relate to material planning considerations regarding the visual impact on the Green Belt and AONB; concerns that Elstead cannot accommodate this level of growth in terms of available infrastructure; concerns regarding the sustainability of the site; traffic and congestion and concerns regarding flooding. It is considered that these concerns have been addressed in the above report.

## Cumulative/In-Combination Effects

It is important that the cumulative effect of the proposed development and any other committed developments (i.e. schemes with planning permission, (taking into consideration impacts at both the construction and operational phases), or those identified in local planning policy documents) in the area are considered.

Cumulative effects comprise the combined effects of reasonably foreseeable changes arising from the development and other development within a specific geographical area and over a certain period of time. The significance of cumulative impacts needs to be assessed in the context of characteristics of the existing environment. This is to ensure that all of the developments:

- Are mutually compatible; and
- Remain within the environmental capacity of the area and its environs.

There are no schemes of a significant scale within the surrounding area. As such, the proposed development would not cause cumulative harm to the character and amenity of the area.

## Conclusion/Planning Judgement

In forming a conclusion, the NPPF requires that the benefits of the scheme must be balanced against any negative aspects of the scheme. In light of the officer assessment, it is considered that the paragraph 14 presumption in favour of sustainable development does apply, as it would not be caught by specific policies within the NPPF, which state that development should be restricted.



The site is located within the Green Belt within which there is a general presumption against inappropriate development which is, by definition, harmful and should not be approved except in Very Special Circumstances.

Officers are satisfied that the history of the site demonstrates that the site is previously developed land that accords with the definition of the NPPF 2012, and comprises the curtilage of the developed land associated with the previous commercial use of the site. The area of the site proposed for SANG land is not considered to fall within the definition of previously developed land as it is undeveloped agricultural land.

It is considered that Very Special Circumstances have been demonstrated to justify the change of use of land to provide SANG, to support the development. As such, both the housing and SANG is considered to be acceptable development in the Green Belt.

As such, the principle of the proposed development is considered to be acceptable, and for the reasons concluded below, the benefits have been found to outweigh any harm.

The Surrey Hills AONB Planning Adviser has raised concern regarding the suburban nature of the development and the impact of this upon the Surrey Hills AONB. Whilst this is noted, given the appearance of the existing site, the proposed development is considered to enhance the appearance of the site and landscaping to the north, together with open space, would allow for the screening of development from wider viewpoints. In taking account of the detailed LVIA and officers overall assessment, the change to the immediate character of the site from industrial / commercial to residential would not result in harm, therefore conserving the landscape and scenic beauty of the AONB and AGLV.

There would be no harm to designated heritage assets, as such the balancing tests set out in paragraphs 133 and 134 of the NPPF are not engaged.

The County Highway Authority is satisfied that the proposal is acceptable in terms of highway safety, location, capacity, parking provision and policy considerations. This is subject to a legal agreement to ensure that the appropriate highway mitigation would be secured and appropriate safeguarding conditions be applied to any approval.

Built form of the development is to be located wholly within Flood Zone 1 and subject to the imposition of suitably worded conditions to secure SuDS and groundwater contamination details, the development would be safe for its lifetime taking account of the vulnerability of its users without increasing flood

risk elsewhere, and, would reduce flood risk overall. Safe access and egress routes to and from the site are also achievable. Once the Sequential Test in terms of flood risk would fail, the proposal would pass the Exceptions Test.

The proposal would in part result in the loss agricultural land; however, it would not result in the fragmentation of an agricultural holding. As such, officers consider the loss to be acceptable in this instance through the SANG provision.

It is noted that the proposal does not provide a significant proportion of affordable housing, nor is the mix entirely reflective of the Council's SHMA requirements. However, the Council can currently only rely on an emerging Local Plan provision for affordable housing on sites outside the settlement boundary. Given the nature of the proposal, in that it would comprise the redevelopment of a brownfield site, and some affordable housing would be provided; officers consider that, on balance, the under provision of affordable housing against the Local Plan, or an appropriate tenure split and mix, would not outweigh the benefits of the scheme when assessed. The NPPF is clear in encouraging the effective use of land by re-using land that has been previously developed.

All other technical matters including; archaeological impacts, amenity and play space provision air quality, ecology, impact upon the SPA, visual and residential are also found to be acceptable.

Therefore, subject to the completion of the S106 legal agreement, the proposal would, in the Officers' view, effectively limit the impacts of the development. In addition, the proposal would improve accessibility to the site by non-car modes of travel.

The social and economic benefits of the scheme are considerable, including; the redevelopment and decontamination of brownfield land, housing provision and enhancement to the appearance of the site. The limitation in terms of taking advantage of existing sustainable transport modes would be outweighed by the significant social and economic gains identified.

Officers therefore consider that the adverse impacts identified would not significantly and demonstrably outweigh the benefits of the scheme. Nor do specific policies in the framework indicate that the development should be restricted.

## Recommendation

### **Recommendation A**

That, having regard to the environmental information contained in the application, the accompanying Environmental Statement, together with the proposals mitigation and subject to the completion of a Section 106 agreement to secure appropriate contributions towards off site highway works, early years and primary education, recycling, provision of 15% affordable housing , the setting up of a Management Company for open space, play space, landscaping, SuDS and SANG management within 6 months of the date of the committee resolution to grant permission, permission be GRANTED, subject to the following conditions:

1. Condition

The plan numbers to which this permission relates are drawing numbers 14019-S010A, 14019-S102A, 14019-C201, 14019-C202, 14019-C203, 14019-P201, 14019-P202, 14019-P203, 14019-P204, 14019-P210, 14019-P211, 14019-P212, 14019-P213, 14019-P214, 14019-P215, 14019-P216, 14019-P217, 14019-P218, 14019-P219, 14019-P220, 14019-P221, 14019-P222, 14019-P223, 14019-P224, 14019-P225, 14019-P226, 14019-P227, 14019-P228, 14019-P229, 14019-P230, 14019-P231, 14019-P232, 14019-P233, 14019-P234, 14019-P235, 14019-P236, 14019-P237, 14019-P238, 14019-P239, 14019-P240, 14019-P241, 14019-P242, 14019-P243, 14019-P244, 14019-P245, 14019-P246, 14019-P247, 14019-P248, 14019-P249, 14019-P250, 14019-P251, 14019-P252, 14019-P253, 14019-P254, 14019-P255, 1429.OP.001A, 1429.OP.002A, 1429.OP.003A, 1429.OP.004A, 1429.OP.005A, 1429.OP.006A, 1429.OP.007A and 1429.OP.008A.

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.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development

hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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. This is a pre-commencement condition as it goes to the heart of the matter.

3. Condition

The garaging hereby permitted shall only be used for the garaging of vehicles and domestic storage incidental to the residential occupation of the dwelling and at no time shall the garaging be used for habitable accommodation or commercial purposes.

Reason

In the interests of the character and amenity of the area, in accordance with Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

4. Condition

No development shall commence until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details.

Reason

In the interests of the character and amenity of the area, in accordance with Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition as it goes to the heart of the matter.

5. Condition

Prior to first occupation of the development hereby permitted, details of all boundary treatment to be carried out on all the perimeter boundaries and details of any boundary enclosures to be erected or grown within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details of perimeter boundary treatment shall thereafter be carried out and completed within each phase of development prior to any dwelling within that phase being first occupied and the boundary treatment relating to individual plots shall be carried out and completed on each respective plot prior to its first occupation in accordance with the approved details.

Reason

In the interests of the character and amenity of the area and residential amenity, in accordance with Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

6. Condition

The Care home hereby approved shall be used for a care home or nursing home and for no other purpose (including any other purpose in Class C2 as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason

In order to protect the character and amenity of the area from inappropriate development in accordance with the Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

7. Condition

Prior to the commencement of each phase of development hereby approved, design details of bin storage to serve the proposed Class C2 Care Home and Plots 1-9 shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the occupation of the development, the agreed bin storage facilities shall be provided and retained in perpetuity.

Reason

In the interests of the character and amenity of the area and residential amenity, in accordance with Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition as it goes to the heart of the matter.

8. Condition

Prior to the commencement of development or other operations (including work of demolition or remediation) a scheme for the protection of trees, shrubs and hedgerows shown as being retained on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include supervision and monitoring measures to include contemporaneous monitoring by a pre-appointed tree specialist.

The scheme shall be produced in accordance with BS5837 (2012) Trees in Relation to Construction Recommendations, which provides for the protection of trees, shrubs and other hedges growing on or adjacent to the site, including the protection of trees which are subject to a Tree Preservation Order.

The submitted scheme shall also provide for no excavation, site works, trenches, including those for services, or channels to be cut or laid or soil waste or other materials to be deposited or stored, lighting of fires or disposal of liquids so as to cause damage or injury to the root structure of the retained trees, shrubs or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any demolition or site clearance work and thereafter retained during buildings operations until the completion of the development.

The submitted scheme shall contain details of protective fencing which shall remain in place for the duration of the construction period and which shall not be removed or repositioned without the prior written authority of the local planning authority. It shall also provide details of the proposed finished levels within the tree protection zone including surface materials and the method and materials for edging.

Development shall be carried out in accordance with the submitted scheme and in strict compliance with the approved monitoring measures.

#### Reason

To adequately protect all trees worthy of retention from development harm and to provide for their amenity contribution thereafter in accordance with Policies D6 and D7 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition as it relates to the construction process and goes to the heart of the matter.

#### 9. Condition

Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery), a detailed levels survey, which provides for the retention of trees on site, shall be submitted to, and approved in writing by the local planning authority. No alterations in site levels shall take place other than those in accordance with the approved survey. The survey shall

include existing and proposed spot levels at the base of and around the crown spreads of all trees specified for retention on the approved plans.

#### Reason

To adequately protect all trees worthy of retention from development harm and to provide for their amenity contribution thereafter in accordance with Policies D6 and D7 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition as it relates to the construction process and goes to the heart of the matter.

#### 10. Condition

No development of any phase of the development hereby permitted shall take place, including any works of demolition, until a Construction Management Plan incorporating a Construction Method Statement for that phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition and construction period of the phase of development. Subsequent phases of development will require separate Construction Method Statements for the phase of the development to which they relate.

The Construction Method Statement shall provide for:

- a) Details regarding the loading/ unloading and storage of plant and materials used in constructing the development;
- b) Provision for parking for vehicles of site personnel, operatives and visitors;
- c) Construction traffic access including the routing of construction vehicles to and from the site and measures to mitigate the impact on the local highway network. The measures shall include the timing of movements to avoid traffic congestion and exclusion of routes over Somerset Bridge;
- d) Temporary traffic management measures to maintain free flow of traffic on the surrounding road network;
- e) Arrangements for turning of vehicles;
- f) Method of prevention of mud being carried onto the highway, including wheel washing facilities;
- g) The control of construction noise
- h) Measures to control the emission of dust and dirt during construction (including sheeting)
- i) A scheme for recycling/ disposing of waste resulting from demolition and construction works

- j) The erection and maintenance of security hoarding and boundary treatments including decorative displays and facilities for public viewing, where appropriate;
- k) An implementation programme;
- l) A permanent contact on site and/or traffic manager as a main contact point for all enquiries and issues;
- m) Details of the location of any site compounds
- n) Arrangements for the survey of the condition of the local highway and a commitment to repair damage caused by turning vehicles.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies M2 and M14 of the Waverley Borough Local Plan 2002; in order to protect the surrounding environment in accordance with Policy D1 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

11. Condition

The development hereby permitted shall not take place until a Landscape Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable of phasing of works. The development will be carried out in accordance with the approved scheme.

Reason

In the interests of visual amenities of the area in accordance with Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition because the matter goes to the heart of the permission.

12. Condition

All planting, seeding or turfing comprised in the approved details of landscaping for the development shall be carried out in the first planting and seeding seasons following first occupation of the dwellings. Any trees or plants which, within a period of five years from the completion of that phase of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason



In the interests of visual amenities of the area in accordance with Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

13. Condition

Prior to first occupation of any dwelling hereby permitted, the proposed Suitable Alternative Natural Greenspace shall be established in accordance with the scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason

To avoid likely adverse effects on the integrity of the Wealden Heaths Special Protection Area, in accordance with Policy D5 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

14. Condition

The care home hereby approved shall not be occupied other than by persons of limited mobility and who require full time nursing. Persons of limited mobility shall be defined as persons whose physical condition prevents the walking or movement beyond 400m, which represents the boundary of the SPA. For the purpose of clarity, such a physical condition shall be first verified by means of a medical assessment that must be presented to the Local Planning Authority on request, prior to the occupation of any potential resident of the care home.

Reason

To avoid likely adverse effects on the integrity of the Wealden Heaths Special Protection Area, in accordance with Policy D5 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

15. Condition

The Care Home hereby approved shall not contain overnight staff or visitor accommodation.

Reason

To avoid likely adverse effects on the integrity of the Wealden Heaths Special Protection Area, in accordance with Policy D5 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

16. Condition

With the exception of assisted living dogs, no pets shall be kept in the Care Home hereby approved.

Reason

To avoid likely adverse effects on the integrity of the Wealden Heaths Special Protection Area, in accordance with Policy D5 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

17. Condition

Prior to the first occupation of the development hereby permitted, full details of a SANG Management Company shall be submitted to and approved in writing by the Local Planning Authority. The SANG shall be managed by the approved SANG Management Company thereafter.

Reason

To avoid likely adverse effects on the integrity of the Wealden Heaths Special Protection Area, in accordance with Policy D5 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

18. Condition

The development hereby permitted shall be carried out in accordance with the approved details:

- a) Flood Risk Assessment (FRA) titled 'Weyburn Works, Elstead' reference number 132770-R1(0)-FRA dated 26 May 2016, prepared by RSK;
- b) Drawing Number 'Figure 3', revision P1, dated 24 May 2016;
- c) Drawing Number 'Figure 7', revision P1, dated 24 May 2016;

and the following mitigation measures detailed within:

- a) finished floor levels are set no lower than 43.73 metres above Ordnance Datum (AOD);
- b) there shall be no land raising with Flood Zones 2 and 3;
- c) all fencing and gardens located in Flood Zone 3 shall be open (e.g. hit and miss fencing) and designed to allow the free flow movement of flood water.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing

arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

In accordance with paragraph 103 of the National Planning Policy Framework (NPPF) and seeks to reduce the potential risk of flooding to the proposed development and future occupants. It also seeks to ensure that the proposed development does not impede or displace fluvial floodwaters elsewhere.

#### 19. Condition

Prior to the commencement of each phase of development, or such other date or stage in development as may be agreed in writing with the Local Planning Authority, a scheme for each phase shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following components to deal with the risks associated with contamination of the site:

- a) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site'
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken:
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

In accordance with paragraph 109 of the National Planning Policy Framework. It is also supported by the European Water Framework Directive (WFD). The condition is required to ensure that surface and groundwater quality will not be adversely affected through the development of this site. This is a pre-commencement condition as it relates to the construction process and goes to the heart of the matter.

20. Condition

No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

If site remediation is required a verification report is needed to demonstrate that the site no longer poses a risk to controlled waters. This condition is sought in accordance with paragraph 109 of the National Planning Policy Framework 2012.

21. Condition

If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

This condition is sought in accordance with paragraph 109 of the National Planning Policy Framework 2012. As identified in most of the

borehole and trial pit logs, there are hydrocarbon impacts in the soils across the site. Therefore there may be other areas of the site not currently investigated that may also have been impacted.

22. Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

This condition is sought in accordance with paragraph 109 of the National Planning Policy Framework 2012. Piling through contaminated soils into the deeper aquifer could create a preferential pathway. Therefore a risk assessment should be completed to show how this will be avoided and show that the best available technique is being used.

23. Condition

Prior to first occupation of any dwelling hereby permitted, full details of boardwalks within the SANG area which are in area at risk of fluvial flooding shall be submitted to and approved in writing by the local planning authority to demonstrate how they will be designed to allow the free flow of flood water within the floodplain. The details shall be implanted as agreed and submitted.

Reason

To maintain the effective function of the River Wey floodplain. This condition is sought in accordance with paragraph 109 of the National Planning Policy Framework 2012.

24. Condition

Upon completion of the development permitted, public access to Footpath 61 should be restored on its definitive route and a gap of a minimum of 1200 mm should be left in any boundary features where Footpath 61 enters and leaves Plot 61.

Reason

The above condition is required in recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012 and in accordance with Policies M2 and M14 of the Waverley Borough Local Plan 2002.

25. Condition  
Hours of construction, demolition and site clearance including deliveries to and from the site shall be limited to 08:00 – 18:00 Monday to Friday; 08:00 – 13:00 on Saturdays and no work on Sundays and Bank or Public Holidays.

Reason

In the interests of residential amenity in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and paragraph 17 of the National Planning Policy Framework 2012.

26. Condition  
Prior to commencement of development, other than that required to be carried out as part of demolition or an approved scheme of remediation, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) An investigation and risk assessment, 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 investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF 2012.
- b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The scheme shall include
  - (i) All works to be undertaken
  - (ii) Proposed remediation objectives and remediation criteria
  - (iii) Timetable of works
  - (iv) Site management procedures

The scheme shall 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. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out.

Reason

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure 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. This is a pre commencement condition because the matter goes to the heart of the permission.

27. Condition

Following commencement of the development hereby approved, if unexpected contamination is found on site at any time, other than that identified in accordance with Condition 1, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The following shall be submitted and approved in writing by the Local Planning Authority prior to the recommencement of works:

- a) An investigation and risk assessment, undertaken in the manner set out in Condition 26(a) of this permission;
- b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 26(b);
- c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 26(c)

Reason

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure 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. This is a pre commencement condition because the matter goes to the heart of the permission.

28. Condition

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason

In order to preserve as a record any such information before it is destroyed by the development in accordance with Policy HE15 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition that goes to the heart of the permission.

29. Condition

Prior to occupation of the 30th residential dwelling the applicant shall fully integrate and provide surface improvements to Public Footpath No. 61 within the application site, in accordance with a scheme to be submitted to and agreed in writing by the Highway Authority.

Reason

The above condition is required in recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012 and in accordance with Policies M2 and M14 of the Waverley Borough Local Plan 2002.

30. Condition

The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purpose.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies M2 and M14 of the Waverley Borough Local Plan 2002.

31. Condition

No operations involving the bulk movement of earthworks/materials to or from the development site shall commence unless and until facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to so far as is reasonably practicable prevent the creation of dangerous conditions for road users on the public highway. The approved scheme shall thereafter be retained and used whenever the said operations are undertaken.

Reason

The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies M2 and M14 of the Waverley



Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission

32. Condition

The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority for:

- a) The secure parking of bicycles within the development site.
- b) Providing safe routes for pedestrians/cyclists to travel within the development site.
- c) Electric Vehicle Charging Points in accordance with Surrey County Council's 'Vehicular and Cycle Parking Guidance' dated January 2012.

Reason

The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy M2 of the Waverley Borough Local Plan 2002 the NPPF 2012, in recognition of Section 4 'Promoting Sustainable Transport' in the NPPF 2012 and to protect the air quality of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission

33. Condition

The development hereby approved shall not be first occupied unless and until a Travel Plan Welcome Pack (to include information relating to the availability of and whereabouts of local public transport, walking, cycling, car clubs, local shops, amenities and community facilities) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. Thereafter the agreed Travel Plan Welcome Pack shall be issued to the first time occupier of each residential dwelling and staff/residents associated with the Care Home.

Reason

The above condition is required in recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012. This is a pre commencement condition because the matter goes to the heart of the permission.

34. Condition  
Notwithstanding the detail junction designs set out in the hereby approved Transportation Assessment, (i-Transport Ref: JCB/TW/ITB9332-003C R, dated 24 March 2015), no development shall commence until details of highway junction layout from the site onto Shackleford Road have been submitted, and approved in writing by, the Local Planning Authority, The development shall be undertaken in accordance with the approved details.

Reason

In the interests of highway safety and Policy M2 of the Waverley Borough Local Plan 2002 This is a pre-commencement condition because the matter goes to the heart of the permission.

35. Condition  
The development shall be carried out strictly and fully in accordance with the mitigation set out in Section 6 Ecology and Nature Conservation Impact of the Environmental Statement for species, habitat, including the proposed SANG site, and including the biodiversity enhancements as detailed. All the appropriate ecology mitigation measures in this Statement must be included in the applicant's SANG Management Plan.

Reason

To safeguard the ecological interest of the site in accordance with Policy D5 of the Waverley Borough Local Plan 2002 and paragraphs 17 and 118 of the NPPF 2012.

36. Condition  
No site clearance, demolition, ground remodelling or other preparatory works including the removal of trees, shrubs and grassland vegetation shall be carried out between the months of March and September inclusive, unless nesting birds have been shown to be absent in relation to that phase or area of within the development site as agreed in writing by the Local Planning Authority, or unless the particular phase or area has been cleared of vegetation in its entirety during the months of October to February inclusive, and has been subject to inspection and written confirmation by the Local Planning Authority.

Reason

To protect and prevent unnecessary disturbance of nesting birds in accordance with Policy D5 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

37. Condition

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:

- a) A design that satisfies the SuDS Hierarchy and is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS
- b) A design that follows the principles set out in the submitted Flood Risk Assessment and Surface Water Drainage Strategy Document May 2016 132770-R1(0)-FRA
- c) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided. This shall include evidence if applicable showing that no further storage is viable for this site to provide for restriction to closer to greenfield runoff rates
- d) A finalised drainage layout plan that details impervious areas and the location of each SuDS element, pipe diameters and their respective levels
- e) long and cross sections of each SuDS element
- f) Details of how the site drainage will be protected and maintained during the construction of the development
- g) Details of the proposed maintenance regimes for each of the SuDS elements and details of who is responsible for their maintenance

Reason

To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with paragraph 103 of the NPPF. This is a pre-commencement condition because the matter goes to the heart of the permission.

38. Condition

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason

To ensure the sustainable drainage system is designed to the technical standards.

39. Condition

The burning of materials during the demolition or construction phase of the development hereby approved shall not be permitted on site.

Reason

In order to protect the surrounding environment in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

40. Condition

Prior to completion of the development hereby approved, an application shall be submitted under Section 256 of the Town & Country Planning Act 1990 (as amended) to divert the footpath onto the new alignment along the newly constructed pavement/ walkway.

Reason

In recognition of Section 4 'Promoting Sustainable Transport' in the NPPF 2012 and in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

Informatives

1. '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.
2. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £97.00 or a reduced rate of £28.00 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.

3. Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.
4. If it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
6. 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).
7. The developer is advised that Public Footpath No. 61 crosses the application site and it is an offence to obstruct or divert the route of a

right of way unless carried out in complete accordance with appropriate legislation.

8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, 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.
9. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
10. The applicant is advised that the S278 highway works will require payment of a commuted sum for future maintenance of highway infrastructure. Please see the following link for further details on the county council's commuted sums policy:  
<http://www.surreycc.gov.uk/environment-housing-and-planning/planning/transport-development-planning/surrey-county-council-commuted-sums-protocol>
11. The applicant is advised that in providing each dwelling with cycle parking, the Highway Authority will expect dedicated integral facilities to be provided within each dwelling for easily accessible secure cycle storage/garaging.
12. The current Footpath 61 alignment should remain unobstructed and safe until such time as any diversion order is completed. If this is not possible whilst work is in progress then an official temporary closure order will be necessary. Notice, of not less than 6 weeks, must be given and the cost is to be borne by the applicant.
13. There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
14. Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Rights of Way Group. At least 3 weeks notice should be given.

15. If access to this proposed development is over or adjacent to Public Footpath 61 Elstead, warning signs must be provided for rights of way users, builders and delivery drivers. Vehicles should give way to members of the public using the Public Right of Way.
16. Access along a public right of way by contractors' vehicles, plant or deliveries can only be allowed if the applicant can prove that they have a vehicular right. Surrey County Councils' Countryside Access Group will look to the applicant to make good any damage caused to the surface of the rights of way connected with the development.
17. Applicants are reminded that the granting of planning permission does not authorise the obstructing or interference with a public right of way.
18. The 52 houses will each require the following containers which should be presented for collection on the appropriate day:
  - 1 x 140 litre black refuse bin
  - 1 x 240 litre blue recycling bin
  - 1 x 240 litre brown garden waste bin (Optional subscription service)
  - 1 x 23 litre food waste green kerbside caddy

The apartments (Plots 1 – 9) will require the following – if communal facilities are to be utilised:

Refuse – 2 x 1100 litre black flat lidded 4 wheeled bins.

Dry Mixed Recycling – 8 x 240 litre blue recycling bins (240 litre blue bins) are supplied free of charge by Waverley Borough Council. If 1100 litre or 660 litre bins are to be used for recycling, then these must be provided at the developer/ management expense.

Food Waste - 1 x 140 litre communal food waste bin.

19. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

20. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. The applicant is advised to visit [www.thameswater.co.uk/buildover](http://www.thameswater.co.uk/buildover)
21. Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
22. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
23. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Service on 01483 523393.

### **Recommendation B**

That, if the requirements of Recommendation A are not met, permission be REFUSED for the following reasons:

1. Reason  
The applicant has failed to enter into an appropriate legal agreement to secure a programme of highway improvement works to mitigate the impact of traffic generated by the development. As such, the proposal would fail to effectively limit the impacts of the development on existing infrastructure. The application therefore fails to meet the transport requirements of the National Planning Policy Framework 2012 and Policies M2 and M14 of the Waverley Borough Local Plan 2002.



2. Reason

The applicant has failed to enter into an appropriate legal agreement to secure contributions towards early years and primary education; recycling; the setting of a Management Company for open space, play space, landscaping, SuDS and SANG Management. The proposal therefore conflicts with Policies D13 and D14 of the Waverley Borough Local Plan 2002 and paragraphs 7 and 17 of the NPPF.

3. Reason

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 paragraph 50 of the NPPF.

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank