

B1 WA/2016/1419 R Trendle 18/07/2016 Change of use of land ancillary to existing commercial park to open space at Woodside Park, Catteshall Lane, Godalming GU7 1LG

Committee: Joint Planning  
Meeting Date: 19/12/2016

Public Notice: Was Public Notice required and posted: Yes  
Grid Reference: E: 497907 N: 143955

Parish/Town: Godalming  
Ward: Godalming Central and Ockford  
Case Officer: Jenny Seaman  
8 Week Expiry Date: 17/10/2016  
Neighbour Notification Expiry Date: 26/08/2016

Time extension agreed to: Requested

RECOMMENDATION A That, subject to conditions, permission be GRANTED

RECOMMENDATION B In the event that permission is refused for WA/2016/1418, permission be REFUSED

#### Introduction

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

## Layout Plan



## Site Description

The application site measures 1.46 hectares and is located to the south of Woodside Park industrial estate. The area comprises a steep wooded hillside with a level area that hosts a large pond. The area is not currently accessible to the public.

The site is free from any permanent buildings, and does not appear to be used for any agricultural or forestry purposes. The application site is within the same ownership as the adjacent industrial estate. However, it is not used for any ancillary purposes associated with the adjacent uses.

## Proposal

The application seeks permission for the change of use of an existing area of woodland to an area of public open space. The open space is proposed in association with the proposed redevelopment of the adjacent industrial estate being considered under WA/2016/1418.

The proposed open space would measure 1.46 hectares. It would also include proposed footpaths into and around the site linking with the adjacent site.

No new buildings are proposed.

## Relevant Planning History

WA/2016/1418	Outline application for the erection of up to	Pending
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	100 dwellings, including 25 affordable, together with associated amenity/play space; the erection of a 574 sq.m building to provide a community use (Use Class D1) at ground floor level with office (Use Class B1) above following demolition of existing buildings except the ambulance station together with associated works (revision of WA/2016/0101)	
WA/2016/0102	Change of use of land ancillary to existing commercial park to public open space (revision of WA/2015/1121).	Refused 03/06/2016
WA/2015/1121	Change of use of woodland to use for purposes of public open space	Refused 15/12/2015

### Planning Policy Constraints

Godalming Hillside

Green Belt – outside developed area

AGLV

Wealden Heaths I SPA 5km Buffer Zone

### Development Plan Policies and Proposals

Saved Policies of the Waverley Borough Local Plan 2002:

Policy C1 – Development in the Green Belt outside Settlements

Policy C3 – Surrey Hills AONB and AGLV

Policy C7 – Trees, Woodlands and Hedgerows

Policy D1 – Environmental Implications of Development

Policy D2 – Compatibility of Uses

Policy D4 – Design and Layout

Policy D5 – Nature Conservation

Policy D6 – Tree Controls

Policy D7 – Trees, Hedgerows and Development

Policy D8 – Crime Prevention

Policy D9 – Accessibility

Policy M1 – The Location of Development

Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites 2016:

Policy SP1: Presumption in Favour of Sustainable Development

Policy LRC1: Leisure, Recreation and Cultural Facilities

Policy RE2: Green Belt

Policy RE3: Landscape Character

Policy NE1: Biodiversity and Geological Conservation

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 29 November 2016, Full Council resolved to submit the draft Local Plan for Examination. The intention is for the plan to be submitted for Examination in December 2016. 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 Pre-submission 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 Policy Guidance (2014)
- Open Space, Sport and Recreation (PPG17) Study 2012

Consultations and Town Council Comments

Town Council	No objection
Lead Local Flood	No objection

Authority	
County Archaeologist	As the proposals do not involve extensive ground disturbance, no archaeological concerns raised.
Natural England	No objection

### 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 05/08/2016, site notices were displayed around the site and neighbour notification letters were sent on 22/07/2016

2 letters of support

- Support redevelopment of Woodside Park

### Determining Issues

Principle of development

Planning history

Green Belt

Impact on AONB and AGLV

Impact on the Godalming Hillside

Impact on residential amenity

Archaeological considerations

Biodiversity and compliance with Habitat Regulations 2010

Effect on SPA

Flood risk and drainage

Very Special Circumstances

Crime and disorder

Climate change and sustainability

Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

Environmental Impact Regulations 2011

### 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 planning application seeks permission for the change of use of countryside land to form an area of public open space, associated with the redevelopment of the neighbouring site for residential and commercial purposes.

The NPPF 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 119 does however state that the presumption in favour does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

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 this Framework taken as a whole or specific policies within the Framework indicate development should be restricted. Footnote 9 to paragraph 14 confirms that the presumption in favour is not applicable to protected sites, including where consent is being considered in the 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. Local planning authorities are required to give substantial weight to any harm which might be caused to the Green Belt by the inappropriate development. Further consideration of the Green Belt is given below.

The site is located within an Area of Great Landscape Value wherein Policy C3 of the Local Plan 2002 states that development should serve to conserve or enhance the character of the landscape. The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The site is within the Wealden Heaths Special Protection Area (SPA) Buffer Zone and it is necessary to consider whether the proposed development would have a likely significant effect on its integrity.

### Planning history

The planning history is a material consideration.

Planning application WA/2016/1418 seeks outline consent for the construction of a mixed use residential and commercial scheme. The proposed scheme under this application seeks to provide an area of public open space associated with that development. However, it is nevertheless a standalone application that must be determined on its own merits.

The test in the determination of this application therefore has two prongs; acceptability in its own right, or if unacceptable, whether that unacceptability is justified by the concurrent application on the adjacent site, i.e. 'Very Special Circumstances'.

### Impact on Green Belt

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 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it, 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.

Changes of use of land within the Green Belt constitute inappropriate development. Very special circumstances must exist to justify setting aside the policies of restraint.

The application site forms part of segment C24 of the Waverley Green Belt Review (August 2014) which has been produced as part of the Local Plan evidence base for Waverley Borough Council to review the Green Belt across the Borough. The study is being undertaken in two stages: a strategic review of Green Belt purposes (Part 1) and a more detailed site assessment of potential land which could be considered for review of the Green Belt boundaries (Part 2). Part 1 is strategic in nature, which is appropriate at this stage of the Local Plan development, and explores the performance of the Green Belt designation against NPPF criteria in isolation from other potential factors to be considered.

A key stage of Part 1 of the Green Belt Review was, amongst other things, an assessment of the contribution (significant contribution, contribution, limited contribution) of each segment against four of the Green Belt purposes as set out in the NPPF, with modification of segment boundaries as required. The Green Belt quality of 'openness' is a key criterion.

Segment C24, and therefore the application site, was found to make a significant contribution to Green Belt purposes. Segments that make a significant contribution to Green Belt purposes are principally located in the vicinity of three of the Borough's main settlements and reflect their role in limiting the outward spread of these areas, particularly (although by no means exclusively) along road corridors, and in so doing protecting the setting of the historic towns of Godalming and Haslemere (and to a lesser extent Farnham). The overall importance of these segments to the role of the Green Belt in the Borough means that the adjustment of boundaries within these segments is unlikely to be warranted, although there could be modest adjustments to boundaries to create a more logical settlement envelope, for example. The analysis of Segment C24 is below:



Segment	C24: land to the south east of Godalming (Catteshall) bounded by the urban edge to the north west, Munstead Heath Road to the south east, the B2130 to the south west and the Borough boundary to the north.	
Checking Sprawl	Significant Contribution – contains eastern side of Godalming	
Preventing Merger	Limited Contribution	
Safeguarding from Encroachment	Contribution – protects open countryside to the east of Godalming	
Historic Setting	Significant Contribution – forms context for Godalming	
Overall Evaluation	Woodland and pasture with medium distance views, this segment contains the eastern edge of Godalming.	
Overall Contribution to GB Purposes	Significant Contribution	

The appropriateness of the form of proposed development has been assessed against the criteria set out within Paragraph 89 and 90 above. The proposed development would not comply with any of the requirements of Paragraphs 89 or 90, which identify forms of development which can be considered acceptable.

The NPPF indicates that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, as confirmed by Paragraph 87 of the framework. 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 sets out the limited purposes for which the construction of buildings will not be considered inappropriate, and Paragraph 90 gives a limited number of other forms of development which are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

The proposal seeks permission to use the land as public open space, which is not provided on land within the proposed residential scheme on the adjoining land. A change of use of land is not one of the forms of development listed in paragraph 90 of the NPPF as not being inappropriate.

The above position is supported by the findings of the Appeal Inspector presiding over appeal Ref: APP/R3650/A/12/2184032 relating to change of use of land at Barfold Farm, Haslemere.

Consideration is also given to the findings within the *Fordent Holdings v Secretary of State for Communities and Local Government* [2013] judgement. This concluded that change of use can fall within paragraph 81 of the NPPF, but this does not mean by definition that a change of use falling within

paragraph 81 is necessarily not inappropriate development for the purposes of NPPF.

The proposed development would introduce formal accesses into the site and the provision of a circular footpath around an existing lake / pond together with a decked viewing area adjacent to the lake. Footways would also be required to give access to the steep hillside, although details of this have not been provided.

The proposed use would be to provide public open space, to be used for recreational purposes, for the general public, therefore resulting in a formal change of use of the land. This form of development is not described as an appropriate form of development, when considered against the NPPF. Therefore, the proposal would conflict with Section 9 of NPPF. The proposals could only be regarded acceptable in Green Belt terms if there are 'Very Special Circumstances' to justify the development in its own right or specifically if there are 'Very Special Circumstances' linked to the need for the proposal in conjunction with WA/2015/1120.

#### Impact on AONB and AGLV

The site falls within a locally designated Area of Great Landscape Value (AGLV) and is bordered by the Surrey Hills Area of Outstanding Natural Beauty (AONB). The impact upon the landscape character of the AGLV, and the setting of the AONB, must therefore be considered.

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. The NPPF states at paragraph 115 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.

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.

Paragraph 116 also states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. For the purposes of paragraph 116 of the NPPF, officers do not consider that the proposed change of use of land would comprise major development.

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 is located within an Area of Great Landscape Value wherein Policy C3 of the Local Plan 2002 states that development should serve to conserve or enhance the character of the landscape. The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The proposal includes minimal works to provide footpaths into and around the site allowing access into the AONB. No works would be provided that would harm the natural beauty of the setting of the AONB or AGLV, given the absence any buildings being proposed. As such, the beauty of the landscape would be preserved and public access would be improved. Whilst no comments have been received following consultation with the AONB Advisor, no objection has been raised to the proposed development by Natural England, who are the statutory consultee for development affecting AONBs.

Officers are satisfied that the proposed change of use and access works would preserve the character of the AONB and AGLV in accordance with Policy C3 of the Local Plan 2002 and the NPPF 2012.

#### Impact on the Godalming Hillsides

The NPPF states that, as a core principle planning should take account of the different roles and character of different areas. The site is located adjacent to the Godalming Hillsides wherein development will not be acceptable where it would diminish the wooded appearance of the hillside, to the detriment of the character and setting of the town. The NPPF states that the planning system should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes. This accords with the Godalming Hillside Policy BE5 of the Local Plan.

The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of ancient woodland and aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Policy C7 of the Local Plan states that the Council will resist the loss of woodlands and hedgerows which significantly contribute to the character of the area, are of wildlife interest, are of historic significance and, are of significance for recreation.

The proposal would not result in any tree removal within the defined Godalming Hillsides given the proposed layout. Taking into account of the expert view of the Council's Tree and Landscape Officer, the impact of the proposed layout on the woodland is considered to be acceptable as it would not harm the character and appearance of the wooded hillside. The proposal would therefore accord with the requirements of Policy BE5.

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

The proposed change of use would not result in any buildings being constructed within the application site, and the existing boundary treatments would be retained as existing. However, the use of the site would be changed from woodland to informal recreational space.

In terms of the visual impact, the proposed change of use would introduce formal public routes into the site. These routes would be at ground level and would not harm the outlook from the site. This would also ensure that the rural character to the edge of the adjacent settlement would not be affected. As a result, the visual impact of the proposed change of use would be acceptable.

It is considered that informal recreation use of this land would not result in any detrimental harm to nearby residential properties. Children's play equipment would not be provided within the site, nor would any formal sports pitches. As such, the use would not be considered to generate any significant noise levels that would cause nuisance to the sensitive neighbouring uses.

Concern has been raised about potential anti-social behaviour taking place. Should all other aspects relating to this scheme be acceptable, an appropriate legal agreement under WA/2016/1418 would secure future management / management of the area to ensure that it remains an attractive, safe and useable area for members of the public to visit.

The proposal is therefore considered to be an appropriate form of development in this location, in terms of its impact upon on visual and residential amenity.

#### Archaeological considerations

Paragraph 128 of the NPPF 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 within an Area of High Archaeological Potential and no significant grounds works would be required for the proposed works to be carried out, therefore Policy HE15 would not apply in this instance. Accordingly, no archaeological concerns are raised.

#### Biodiversity and compliance with Habitat Regulations 2010

The NPPF states that the Planning System should contribute to and enhance the natural and local environment by minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

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.'

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.

The application site is 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 within the 5km buffer zone of the Wealden Heaths I Special Protection Area (SPA) and Special Area of Conservation (SAC), respectively, which are European sites. The sites are also notified at a national level as Sites of Special Scientific Interest (SSSI). Additionally, this site is also in close proximity to the Wey Valley Meadows SSSI.

The application is supported by a number of ecological surveys. The submitted surveys do not contain an assessment of potential adverse impacts

from either facilitation works or from a post-development increase in people-linked pressures to the Ancient Semi-Natural Woodland (ASNW) within the site.

Surrey Wildlife Trust (SWT) has previously provided comment on the proposal to use the land as open space suggesting that until detailed landscaping plans for the open space area and the ongoing management regime to be applied to it are available, it will be difficult for this type of assessment to be undertaken. An additional concern would be the impact of the likely increases in people-linked pressures post-development on both the on-site habitat and the ASNW adjacent to its eastern boundary. Provided the plans proposals on adjacent land (proposed under WA/2016/1418) continue to take a predominantly residential form, to progress this type of assessment should be relatively straightforward.

Given this limited scope of the submitted details, and notwithstanding the above comments, SWT recommends that the applicant should be required to undertake the mitigation and enhancement actions recommended. Of particular importance is the adoption of a precautionary approach to dense vegetation clearance which considers the need to avoid potential harm to great crested newt, hazel dormouse, reptiles and nesting wild birds, all of which are legally-protected in the UK.

Subject to the inclusion of appropriate conditions being applied to any approval, securing the mitigation and enhancement works, the proposed scheme would not have an unacceptable impact upon biodiversity.

#### Effect on SPA

The site is located within the 5km buffer zone of the Wealden Heaths I SPA. As the proposed development seeks permission for the change of use of land to public open space, the proposal would not result in people permanently residing on the site. In addition, the provision of additional public open space reduces pressure for use of the SPA for recreational purposes.

Natural England has been consulted on the application and has not raised any objection to the scheme, nor has it objected to the neighbouring scheme. As a result, the proposed change of use of land would not have a likely significant effect on the integrity of the SPA in accordance with Policy D5 of the Local Plan 2002. An appropriate assessment is not therefore required.

#### Flood Risk and Drainage

Paragraph 103 of the NPPF 2012 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. The NPPG outlines that for sites in Flood Zone 1, development proposals comprising one hectare or above should take account of vulnerability to flooding from other sources as well as from river and sea flooding, and also the potential to increase flood risk elsewhere.

The entirety of the site is within Flood Zone 1 (low probability); land having a less than 1 in 1,000 annual probability of river or sea flooding. Flood Zone 1 includes all land outside of Flood Zones 2 and 3.

The site is over 1ha in area and as such the applicant has been required to provide a Flood Risk Assessment (FRA) to demonstrate that the scheme would not give rise to flooding or surface water flooding.

The submitted FRA confirms that given the nature of the use and the lack of any impermeable hardstanding/footpaths being provided within the site, the proposed scheme would not give rise to additional surface water run-off. In addition, the proposed use would not generate any foul drainage nor is at risk from surface water, river or sea flooding. As such, officers have concluded that the proposed scheme would not give rise to flood risk on or off site and would comply with the requirements of paragraph 103 of the NPPF.

### Very Special Circumstances

The applicants believe that the proposed development would not constitute inappropriate development within the Green Belt; however, officers cannot agree this position. The NPPF and subsequent appeal decisions / judgements confirm that change of use of land within the Green Belt constitutes inappropriate development. As such 'Very Special Circumstances' (VSC) must exist to overcome the harm, in principle, to the Green Belt.

The proposed development seeks to provide public open space in conjunction with the mixed use development proposed on adjacent land under WA/2016/1418. However, as noted above the proposed scheme is made as a stand alone application, therefore it must first be determined whether there are any VSC to justify the proposal on its own merits.

The applicants have put forward Very Special Circumstances. They have stated that this application is linked to an outline application by the same clients for the residential-led redevelopment of the existing Commercial Park and that the applicant is willing to enter into a legal agreement linking these two applications together.

They have also referred to a recent appeal which included the provision of open space for a section of the site within the Green Belt. The Secretary of State agreed with the Inspector and considered that: 'The beneficial use of this part of the appeal site as open space would clearly outweigh the definitional harm of conflict with Green Belt policy as expressed in the Framework, and that very special circumstances justify the use of the land as open space.'

The applicants have stated that this proposal provides increased access to the landscape and recreational opportunities within the Green Belt and will involve enhancements to landscape and biodiversity. As a result, there will be an enhanced beneficial use of the Green Belt, which clearly outweighs the definitional harm of conflict with Green Belt Policy in the NPPF and that very

special circumstances exist in this instance for the use of open space within the Green Belt.

If planning permission is granted for the revised proposal reference WA/2016/1418 for the development of the adjoining land for residential and commercial use, it is considered that very special circumstances exist which would support the approval of the current application.

#### Crime and disorder

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

Given the scale and nature of the proposal, it is considered that the proposal would not lead to crime and disorder in the local community and would accord with the requirements of the NPPF.

#### Climate change and sustainability

The Local Plan does not require this type of development to achieve a particular rating of the Code for Sustainable Homes or include renewable energy technologies. The lack of any policy backing in this regard, however, prevents conditions being added to require this.

#### Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

There are no implications for this application

#### Environmental Impact Regulations 2011

The proposal is considered not to be EIA development under either Schedule 1 or 2 of the EIA Impact Regulations 2011 or a variation/amendment of a previous EIA development nor taken in conjunction with other development that is likely to have a significant environmental effect.

#### 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:-

Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

### Conclusion/ planning judgement

The stand alone application seeks permission for the change of use of woodland to public open space, associated with the mixed use development proposed on the adjacent industrial estate, under planning application WA/2016/1418.

The site is located within the Green Belt and the AGLV and is beyond the developed area of Godalming; it is also located within 5km of the Wealden Heath I SPA buffer zone.

The concurrent mixed use / housing scheme proposed under WA/2016/1418 is considered to be acceptable and there is a need for the proposed open space. Very special circumstances therefore exist which would justify approving the proposed use in the Green Belt. In light of the above, the proposal would comply with the requirements of Policy C1 of the Local Plan and Section 9 of the NPPF.

### **Recommendation A**

That permission be GRANTED subject to the following conditions

1. Condition

Prior to the first use of the land for public open space, a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority in writing. Such details shall include hard and soft landscaping details, including the treatment of the paths to be provided in and around the site. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after commencement of the development or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

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

2. Condition

The development hereby permitted shall only be implemented following implementation of the permission granted under planning application WA/2016/0101.

**Reason**

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

**3. Condition**

The plan numbers to which this permission relates are 2544-AS-06 Rev C and P/06 Rev N. 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.

Informatives

1. The applicant is advised that this permission relates solely to the change of use of the land and the proposed footpaths in and around the site. Separate planning permission may be required for the provision of and other decking/areas of hard surfacing and lighting, and advertisement consent may be required for information boards and way markers.
2. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
3. "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.
4. 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.

5. 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.

### **Recommendation B**

In the event that planning permission for WA/2016/1418 is refused, permission be REFUSED for the following reason:

1. 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 Section 9 of the NPPF as the form of development proposed constitutes inappropriate development within the Green Belt. There is a general presumption against inappropriate development and development which adversely affects the openness of the Green Belt. The proposed change of use would constitute inappropriate development within the Green Belt. No 'very special circumstances' exist that would outweigh the harm by way of its inappropriateness. The proposal would cause material harm to the openness of the Green Belt. This includes the absence of any planning permission being granted for the proposed neighbouring development requiring provision of public open space.

#### **Reason**

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