

AREA PLANNING COMMITTEE
UPDATE SHEET 13/12/2016 – Dunsfold Park

Correspondence received and matters arising following preparation of the agenda

WA/2015/2395

DUNSFOLD PARK, STOVOLDS HILL, CRANLEIGH

Update to the report

Local Plan Policy C2 and Paragraph 14 of the NPPF clarification:

Following further consideration of the section of the report on 'Principle of Development', Officers wish to clarify the weight which they advise should be attached to Policy C2 of the Waverley Borough Council Local Plan 2002. As set out in the report, Policy C2 is not fully compliant with the NPPF in that it seeks to protect the countryside for its own sake, which is a policy principle not found in the NPPF. However, as expressed in the reasoned justification of Policy C2 at paragraph 3.18, Policy C2 does seek, to protect the intrinsic character and beauty of the countryside. In addition, the Policy is also broadly consistent with Paragraph 55 of the NPPF. As such, significant weight is afforded to Policy C2, rather than full weight as it cannot be considered an up-to-date policy, given its conflict with the NPPF.

Paragraph 14 of the NPPF is therefore engaged in terms of decision taking, and account must be taken of its requirement to consider that, when granting planning permission, 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.

The report and officer recommendation are pursuant to this assessment framework and the conclusions reflect this weighing of benefits against harm, in accordance with Paragraph 14.

Amendments to the report

Page 5 – the site measures 249 hectares – not 248 hectares

Delete Condition 28 and revise Highways Heads of Term 8 on page 15 as follows:

Not to occupy more than 499 residential units pursuant to the planning permission until either:

- (a) traffic signals have been provided at the junction of Station Road/Snowdenham Lane/A281 Bramley, which include provision for cyclists and bus priority, in general accordance with drawing number 11047/A/22; or
- (b) in the event that the works identified in (a) above cannot be delivered, a sum of money equivalent to the value of the full cost of delivering the works identified in (a) above is paid to the County Council to enable the County Council to deliver alternative mitigation in Bramley.

Revision to the Highways Heads of Term 6 on page 16 of the agenda as follows:

A scheme setting out the delivery of the roundabout junction of Broadford Road/A281 to include provision for pedestrians, cyclists and buses, the improvement of the existing roundabout at the junction of A281/Kings Road, to include provision for pedestrians, cyclists and buses, and the improvement of the road link between the two junctions shall be submitted to and agreed by the local planning authority, in consultation with Guildford Borough. The approved scheme and construction works must thereafter be completed prior to the completion of the 501st residential unit (house or flat). The trigger for securing the scheme is to be agreed in consultation with Guildford Borough Council and Surrey County Council Highway Authority.

Page 18 – under the heading ‘Health centre / GP Surgery’, the following revised obligation wording is recommended:

Obligation to market and then service a site for a potential health centre/surgery – specification for site to be confirmed by Guildford and Waverley CCG.

Additional Heads of Terms to read as follows:

All financial contributions/ payments to be index linked to values at 14th December 2016 or the relevant trigger date as appropriate where funding in lieu of works might be required.

Page 29 – third paragraph should state ‘29 November 2016’ – not ‘29 December 2016’

Page 122 – Second paragraph, delete first sentence and replace with the following sentence:

The ES identifies 20 visual receptors, and considers 10 of these to be affected by significant visual effects”. There are 10 receptor groups assessed, 5 of

which will experience significant effects at year 0 – and none of which are predicted to be significant at year 10.

Page 158 – fifth paragraph, the following sentence is amended to delete reference to ‘only’. ‘Notwithstanding this, given it has not yet been examined, only significant weight can be attached to the policy.’

Page 162 – first paragraph, Hascombe Hill is located 2.5 km from the site’s northern boundary.

Page 167 and 168 – extracts from the Transport Assessment at the bottom of page 167 and top of 168 are replaced with the following tables:

Table 10.5: Total External Vehicle Trips Generated by Development Proposals (AM Peak)

Land Use/ Journey Purpose	0700-0800			0800-0900			0900-1000		
	In	Out	Tot	In	Out	Tot	In	Out	Tot
Residential to Employment*	104	371	475	93	330	423	24	86	111
Residential to Education (Primary)	0	1	1	2	10	12	3	0	3
Residential to Education (Secondary)	2	7	9	20	97	117	30	2	31
Residential to Food Retail	2	6	7	6	18	24	15	44	59
Residential to Non-Food Retail	1	3	4	4	11	15	9	27	35
Residential to Personal Business	3	10	14	7	22	29	6	20	26
Residential to Recreation/ Social	14	41	55	25	74	99	46	139	185
Employment (B1a)	23	4	26	60	7	67	28	9	37
Employment (B1c/B2)	70	30	100	49	13	62	29	23	53
Employment (B8)	9	4	13	12	10	21	12	10	22
School Staff	37	0	37	12	0	12	0	0	0
Care Home	9	5	14	5	5	10	8	4	12
Total	274	481	755	294	597	891	210	364	574

**Includes 50% of residential to employment rail trips (Assumed to start journey by car)*

Table 10.6: Total External Vehicle Trips Generated by Development Proposals (PM Peak)

Land Use/ Journey Purpose	1600-1700			1700-1800			1800-1900		
	In	Out	Tot	In	Out	Tot	In	Out	Tot
Residential to Employment*	175	86	261	282	138	420	132	64	197
Residential to Education (Primary)	1	1	2	1	0	1	0	0	0
Residential to Education (Secondary)	13	8	20	7	4	12	2	1	3
Residential to Food Retail	51	28	79	39	22	61	32	18	50
Residential to Non-Food Retail	30	17	47	24	13	37	19	11	30
Residential to Personal Business	34	19	53	33	18	51	21	11	32
Residential to Recreation/ Social	121	67	188	141	77	218	169	93	262
Employment (B1a)	8	46	53	5	46	51	2	11	13
Employment (B1c/B2)	19	70	90	8	39	47	18	23	42
Employment (B8)	10	11	21	8	13	21	5	9	13
School Staff	0	12	12	0	37	37	0	0	0
Care Home	4	6	10	6	9	15	7	6	13
Total	467	369	836	553	416	969	408	247	655

**Includes 50% of residential to employment rail trips (Assumed to start journey by car)*

Page 213 – second paragraph should state that there would be ‘no harm to the off-site listed buildings’, rather than stating that the harm would be ‘negligible’. This is as concluded at paragraph 5 on page 217 of the Officer report.

Responses from Consultees

Natural England – no objection

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Protected landscape – Surrey Hills Area of Outstanding Natural Beauty (AONB) –

Objection removed providing the following can be assured through suitable planning conditions:

- The proposed 250 acre Country Park, to be linked to the residential development for residents to utilise for recreation, will be secured as such and available for the life of the development.
- Green infrastructure (GI) will be a prominent aspect of the development site, including the provision of green roofs and walls on any buildings of 20 m or above in height as well as the school buildings, car barns and some of the larger residential and commercial units.
- Key views from Hascombe Hill will be mitigated through use of a mix of planting and green infrastructure such as green roofs and/or walls to screen the development and blend it within the existing setting. This is particularly

likely to affect the western edge of the development, using effective landscaping and GI to help mimic the vista views must be incorporated.

Previous comments from the consultation response with the reference regarding the Chiddingfold Forest SSSI and protected bat species still stand. These include no objection providing the following can be assured:

- The submission and approval of an Ecological Management Plan (EMP), adhering to the habitat proposals within the present application. This is to ensure that the onsite greenspace proposed as mitigation to reduce additional pressures on the SSSI is developed and maintained effectively.
- The proposed onsite greenspace and habitats at the site, along with their associated EMP, must be fully established prior to first occupancy.
- All of the provisions discussed within chapter 7 of the Environmental Statement (ES) addendum, relating to the habitat creation and management at the site, as provided by the applicant, must be adhered to.
- The lighting strategy proposed in chapter 7 and Appendix 5.7 of the ES must be adhered to, to ensure there is minimal impact on the local bat populations and ensure that important foraging and commuting corridors are maintained.
- Would expect to see all of the above discussed within a Management Plan for the proposed Country Park and onsite green infrastructure. This should include a specific section covering how features will be managed to facilitate people and enhance and safeguard local bat populations for both the Country Park and retained and enhanced greenspaces.
- Any new planting at the site should be of locally native and relevant species.

It is advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Historic England

An application to our Listing Team has been received. Historic England have been asked to consider the runways and perimeter track for statutory designation. In such circumstances, it is usual for Historic England to advise that determination of planning applications, which could affect the historic interest of currently undesignated assets, should be deferred until the Listing Team has had the opportunity to provide an initial assessment of the application for listing. This process can take some time. It is recommended that legal advice be sought on this matter ahead of the Joint Planning Committee.

Environment Agency – objection

In accordance with paragraph 109 of the National Planning Policy Framework (NPPF) and the associated National Planning Practice Guidance (NPPG) the Environment Agency objects to the proposed development as submitted for the reasons outlined below and on the basis that it may have a significant adverse impact on water quality.

The submitted WQA report fails to satisfactorily demonstrate and provide sufficient reassurance that the proposed development will not adversely affect water quality. Negatively impacting water quality is contrary to paragraph 109 of the NPPF and the objectives of the Water Framework Directive (WFD) as set out in the Thames River Basin Management Plan (RBMP).

The application indicates that the proposed foul drainage is to be passed through a non-mains drainage system and potentially discharged to ground via soakaway or to one of the adjacent watercourses.

It is acknowledged that this hybrid planning application is only seeking outline planning permission with regards to the principle of the scheme and the sewerage network. However, for the principle of this scheme to be acceptable at this site, it is vital that appropriate assessment and reassurance is clearly demonstrated within the application documents. This includes satisfactory assessment and evidence demonstrating that the proposed development will not contribute to water pollution or result in the deterioration of water quality.

The Water Quality Assessment (WQA) submitted notes that an assessment has only been carried out for Loxwood Stream. Previously the application documents indicated that the proposed new Sewage Treatment Works would discharge treated effluent to the Wey & Arun Canal which will subsequently discharge into Cranleigh Waters. However, we noted previously that discharging to a canal is not recommended due to the waters being slower flowing/still waters. Furthermore, the increased phosphate, ammonia and biological oxygen demand could cause eutrophication and pollution and that this pollution may then be transported into the connected Cranleigh Waters water body. However, this did not mean that Cranleigh Waters was not a potential solution rather, that further evidence was required to support this approach.

The Environment Agency has some remaining concerns that the information provided does not appropriately demonstrate that 'a treatment works is feasible, in providing a sewage discharge to the chosen watercourse that is acceptable under the WFD'.

Currently, the WQA report concludes that although it would be "quite challenging" the proposed development would be able to meet the target requirements and therefore comply with NPPF paragraph 109 and the WFD. However, without further evidence it

is uncertain at this time whether the targets, requirements and/or mitigation measures required to ensure the protection of water quality would be viable or possible to implement. As stated in previous correspondence an appropriate level of evidence and reassurance is required before the application is determined. This is because a planning condition incorporating a detailed design foul sewerage scheme cannot address and/or 'fix' a proposed development that the evidence may suggest is unacceptable and unable to comply with local and national planning policies. Alternatively if it can be demonstrated that there will be no deterioration in water quality, a planning condition may be a suitable mechanism to agree to the principle of the proposed development and to seek the finer details of the sewerage scheme.

Guildford Borough Council:

Confirms that it has no objection to this application provided that:

- A suitable Grampian condition is included to ensure that the Shalford Common works are delivered and operational for public use prior to the occupation of the 501st unit, and
- A planning obligation is completed, in consultation with GBC, to detail the steps and triggers required for the deregistration of the common and the transfer of the land required for the works

Officers response to consultations:

Natural England

Officers confirm that the mitigation requirements, which result in the previous objection being removed, in terms of visual impact upon the Surrey Hills AONB are secured through proposed conditions and the Heads of Terms.

Historic England

The advice from Historic England is noted, and legal advice has been sought from Counsel.

Advice has also been sought from the Council Historic Buildings Officer, who has confirmed that the Council can determine the application, having special regard to the desire to preserve the special interest of the adjacent listed buildings and their settings and having regard to the impact on the significance of the non designated heritage assets. If, following the decision, certain structures are listed or scheduled it will be the responsibility of the applicant to seek consent for works that affect the special interest of these structures before commencing or continuing.

English Heritage (predecessor body to Historic England) undertook research and assessment of historic military aviation sites in the 1990s and early 2000s. Guidance

was produced in 2003. A result was the listing and scheduling of some sites and buildings. It is the Historic Buildings Officer's view that Dunsfold would not have been overlooked at this time, or following the application for residential development in 2008. Historic England publishes a guide to the selection of military sites and structures for listing. This will give an indication as to whether the runways and perimeter track might be listed. It is not considered that they meet the criteria for listing, within Historic England's guide.

Environment Agency

It is noted the Environment Agency have maintained a concern in respect of the ability of the development to discharge foul water into surrounding water course and comply with the Water Framework Directive and ensure that water quality is not adversely affected.

Officers have considered this advice carefully and in particular against the advice contained at paragraph 203 of the NPPF. Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Having regard to the above, officers consider that given the technical and detailed nature of the foul drainage design, this is a matter that can be appropriately addressed through the amendment of Condition 13 (revised wording set out below). Officers are not disregarding the requirements of the Water Framework Directive, just securing the necessary requirement through appropriately worded conditions.

Notwithstanding, in order to demonstrate that compliance through planning condition is achievable, the applicants have provided a further letter to confirm that the drainage would be feasible in principle, and that the precise design and chosen discharge limits for the new facility are matters of detail. These matters can therefore be addressed through the reserved matters, and also via the Environmental Permitting requirements, in terms of securing agreement from the Environment Agency to discharge the treated foul effluent to a watercourse. The latter of course is a separate consenting scheme outside of the planning process.

It is also important to note the timescale for delivery, and the condition wording below requires the drainage infrastructure to be provided, prior to the occupation of any building. As such, the Council would maintain control over the development becoming occupied, until such time as an adequate drainage strategy has been agreed.

Guildford Borough Council

Officers confirm that the requested condition is applied to the recommendation as replacement Condition 28, and that the obligation set out under highway obligation 6 on page 14 of the agenda is amended. The wording of this obligation has been amended to reflect the requirement for a trigger to deliver the proposed highway scheme at Shalford Common, as set out above.

Additional representations

An additional 14 letters of representation have been received raising objection to the application. The majority of the objections received relate to prematurity, heritage, highways and traffic matters, drainage and flooding and insufficient infrastructure. In addition, the letters of representation raise objection on the following grounds:

Infrastructure:

- Interruptions to gas supply and other utilities infrastructure such as the recent problems in Bramley are likely to increase as the traffic, especially HGV traffic increases if the development goes ahead
- Transport infrastructure insufficient to cope with the proposed development

Water quality and foul water discharge:

- Pollution in Cranleigh Waters would be increased as a result of the development and due to the discharge of foul water
- Would contribute to an unacceptable risk to water quality and water flow and contravenes the Water Framework Directive (WFD) - Cranleigh Waters is already failing in terms of the WFD
- Proposal together with other developments in and around Cranleigh, which already have permission, would have a considerable and negative effect on Cranleigh Waters. Lead to a deterioration in class status of the Cranleigh Waters

Differences with previous appeal scheme (2009 decision)

- Site allocation, recommendation, inconsistent with stance taken by WBC and the County Highway Authority on the 2009 proposal (appeal)

Sustainability of location:

- The County Highway Authority has objected on the grounds of sustainability of location of development which is not considered within the agenda report – no policy changes to justify this
- Environment Agency objection states that the scheme has failed to provide reassurance the development would not adversely affect water quality
- Environment Agency response should be considered fundamental objection

Heritage:

- Agenda report is against the advice of Historic England which recommends the application be deferred until listing review complete

- To proceed, conflicts with relevant policy and legislation requiring the significance of a building to be understood

Housing need:

- Decision should be delayed until the Objectively Assessed Needs figures (upon which the SHMA and the Borough's housing need is based) have been independently examined
- The overriding need for housing has not been proven
- Adverse impact of the scheme on protected species, disagree that proposal would meet the Imperative Reasons of Overriding Public Interest test ('IROPI') in a licensing context given the overriding need for housing has not been proven

Presumption in favour of sustainable development (NPPF)

- The paragraph 14 presumption does not apply here. The Local Authority can demonstrate a 5- year supply of housing land and therefore its policies are not absent silent or out of date.

Legality of any decision:

- Consider WBC is at risk of making errors in law having regard to the agenda report and consultee responses
- Report fails to properly take into account the County Highway Authority objection made on a basis unchanged since the 2009 decision letter; and
- Failing correctly to apply the statutory approach mandated by Section 38(6) of the Town and Country Planning Act 1990 (the application represents a significant breach of extant policies regarding the protection of countryside, sustainability, highways, water quality, and heritage
- Determination of application at this stage would be premature

1 additional letter of representation has been received making the following general observation:

- Additional information submitted as part of the application should have been made available earlier

Officer comment on additional representations:

The agenda report is considered to be comprehensive in assessing the above matters within the relevant report sections. It is acknowledged that there are a number of consultee responses that have been received since the publication of the agenda including an objection from the Environment Agency in respect of Water Quality. These responses and the matters of water quality and heritage are considered further above/below. Contrary to the letters of representation received, officers are satisfied that the objection from the County Highway Authority has been given due consideration in the agenda report. The response is attached in full as an appendix to the report as well as being considered within the report itself. The matter of whether the development is sustainable, having regard to the location of the site, is

for the Local Planning Authority to assess. The response of the County Highway Authority helped to inform this assessment. However, it remains open to the Local Planning Authority to reach a different conclusion to the County Highway Authority having regard to the 3 tests of sustainability which are set out at paragraph 7 of the NPPF – namely economic, social and environmental. The Officer's view is that the recommended reason for refusal of the County Highway Authority would not, in itself, constitute a sustainable or defensible reason for refusal.

Officers are satisfied that the agenda report, together with the assessment within this update sheet, comprise a sound assessment upon which a decision on the application can be based. Furthermore, officers are satisfied that the additional representations received have been comprehensively addressed either within the agenda report and/or within this update sheet. It is concluded that the matters raised would not warrant a change to the recommendation set out below.

Additional comments from the applicant/agent

The landowner and promoter of the current application are aware that request have been made for Dunsfold Park to be considered for designation as a Conservation Area and requests for individual structures to be considered for statutory listing.

In this regard, the landowner and promotor have confirmed that they are happy to work with the relevant Authorities through this process and it is confirmed that there is no demolition planned to take place beyond that described in the current planning application.

Amendment to Conditions/Informatives

Amended Condition 13:

Condition

No development of a building pursuant to a reserved matters application shall commence until a foul drainage strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include evidence that the proposed drainage strategy does not have a detrimental effect upon water quality and would comply with the requirements of the Water Framework Directive. The strategy must also include full details of delivery for the foul drainage works. The development shall only be carried out in accordance with the approved drainage strategy, and no occupation of any building constructed as part of the development will be permitted until the foul drainage strategy and treatment works are completed in accordance with the approved details.

Reason

The development may lead to sewage flooding or harm to water quality; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community and to comply with Policy D1 of the Waverley Borough Council Local Plan 2002 and the Water Framework Directive. This is a pre-commencement condition as the matter goes to the heart of the acceptability of the development.

Replacement Condition 28:

Condition

Before occupation of the 501st residential unit constructed pursuant to the planning permission, shall not take place until the construction of the roundabout junction of Broadford Road/A281 to include provision for pedestrians, and cyclists, the improvement of the existing roundabout at the junction of A281/Kings Road, to include provision for pedestrian and cyclists, and the improvement of the road link between the two junctions, very generally as shown on drawing number VD15289 – SK055 Rev A.

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 the NPPF and Policy M2 of the Local Plan 2002.

Deletion of Condition 18, as it repeats Condition 17.

Additional condition in relation to the outline proposals:

Condition

No development shall take place until a strategy for the sustainable re-use of soils on-site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved strategy.

Reason:

To ensure the sustainable re-use of soils within the site, in accordance with Paragraph 109 of the NPPF. This is a pre-commencement condition as the matter relates to the construction process.

The additional wording below is added to the reasons for Conditions 7, 24, 31, 33 and 36:

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

The additional wording below is added to the reasons for Conditions 32 and 34:

This is a pre-commencement condition as the matter relates to the construction process.

Amended informatives recommended by the County Highway Authority, which would be attached to any final decision notice, in the event that permission is granted.

Revised Recommendation

Recommendation A:

That, having regard to the environmental information contained in the application, the accompanying Environmental Statement (and addendum), together with proposals for mitigation, subject to the applicant entering into an appropriate legal agreement, within 6 months of the date of the committee resolution to grant planning permission, to secure the provision of/contributions towards: 30% on site affordable housing and market housing mix; education infrastructure, provision of canal basin, SuDS and Foul Water management/maintenance, on site health centre/surgery, public open space provision and maintenance (including sports pitches, pavilion, public art and open space), cycleways, public access, off site highways improvements, travel plan, bus service provision, Community Trust, **Police Service, leisure, community facilities, subject to conditions 1 - 12, 14 - 17, 19 - 27, 29 – 41 as set out in the main agenda and amended conditions 13 and 28 and additional condition in relation to soils**, and subject to referral to the Secretary of State and no receipt of a direction calling-in the application, permission be GRANTED

Recommendation B:

Remains as set out on page 256 of the agenda.
