

## Joint Planning Committee Questions

Michael Nicholson

With regard to the inter-related issues of employment and housing I note the Application says:

“Current statistics indicate an imbalance between housing and employment, which if not addressed would see commuting increasing and the business rate income declining relative to the size of the population.” (Page 136). Whereas elsewhere there is this statement “The Waverley Settlement Hierarchy - Factual Update (2012) identifies Farnham as the most sustainable settlement in Waverley having regard to factors such as access to employment, public transport, services and environmental constraints.” (Page 141).

Taken together, do not these statements negate the justification for constructing Dunsfold since, if the identified housing demand is in the Farnham area, how can it be claimed that the construction of Dunsfold NT will reduce commuting?

***It is accepted that there is an element of need for housing in Farnham specifically, however, in terms of housing need there is an overall Borough wide need for housing, which Dunsfold Park would assist in delivering. In terms of the proposed development, in maintaining and extending the established business park on-site, this will offer the opportunity for residents to work and live on the site. Although, it is accepted that a number of future residents would commute away from the site.***

Bob Lees, POW Campaign

My question relates to Previously Developed Land, variously known as PDL or Brownfield land.

In the Officers' report page 102 it says: 'In respect of the appeal under WA/2008/0788, the Secretary of State advised “(The Secretary of State) has also taken account of the Inspector's comments at IR355-358, and he agrees with the Inspector that the operational part of the aerodrome, including the runways and interstitial grassed areas, is previously developed land” whilst they also quote “The applicants have advised that taking into account the Inspector's comments, the operational part of the aerodrome amounts in numerical terms to 86%.”

There are then further references to 86% of the application site being PDL in the following pages. Reading the complete transcript of the 2009 appeal in relation to

PDL, it is clear that at no time did the Inspector or Secretary of State define the PDL as 86%, rather the 86% was the figure quoted by the applicants in their submission to the appeal. It has generally been accepted going forward from this appeal that the Secretary of State's definition stands as written.

There have been repeated questions to Waverley over the past 12 months asking for a "land use plan" for the airfield to no avail and now we see the officers parroting the current applicant's figures for PDL. If one takes the definition as set out by the Inspector and Secretary of State, including the built up area at the north side of the site, and apply it to the current application area the maximum numerical area one can arrive at is approx 60%. This can readily be done using Google Maps. Yet the map on page 112 incorrectly shows the whole area as PDL.

It is clearly in the applicants' interests for as much of the site to be considered as PDL, what is less clear is why Waverley officers have blindly accepted this definition. Why have Waverley consistently refused to produce a land use plan for the airfield and why are they now just repeating the applicants' figures rather than doing a basic check which would reveal the clear overstatement of PDL?

***There is no requirement to produce a land use plan for the airfield. Officers accept that the site comprises Previously Development Land, as it follows the conclusions of the Inspectors decision letter and that of the Secretary of State and. The specific percentage figure is not the defining position; rather the clear conclusions are that the operational airfield comprises Previously Developed Land as defined in Annex 2: Glossary of the NPPF. There can be no reasonable argument to conclude that the operational airfield is not Previously Developed Land.***

Lynne Hamil

This proposal is a hybrid, combining the provision of housing with the development of the business park. Most of the additional business space proposed would be warehousing and warehousing generates HGV traffic. Combining the information hidden deep in Appendix I the applicants' Transport Assessment with the work undertaken for WBC by Mott MacDonald suggests the proposed development would generate 350 and 670 additional HGV movements every day. (The number depends on how exactly this new space is used.) These numbers were provided to WBC and they are on page 87 of the officers' report. But, they have been ignored.

The traffic analyses done by SCC and others focus on the traditional peak hours. But these are not the peak hours for HGVs! The applicants' own data shows that almost half of these HGV movements will occur at night: from 60 to 300.

Yet since 2008, there has been a limit on the number of HGV movements permitted at night at Dunsfold Park: an average over a week of 10 per night at the Stovolds Hill entrance and 15 at the Compasses Gate. Acceptance of this proposal would increase the number of HGVs by an order of magnitude over this limit.

Of course, the lorries will no longer be using these gates: they will go direct on to the A281, up to Bramley, turning off to Alfold, to Cranleigh and to Dunsfold, disturbing residents at all hours (and causing pollution). Yet the officers argue, on page 161, that there will be no impact on tranquillity!

The proposed Section 106 agreement includes funding for “management measures in lanes in the vicinity of the development” (page 14). However, even if they are effective – and there must be some doubt about that! - they won’t help Bramley. So given the totally unacceptable increase in HGV traffic, especially at night, on the roads in the south east of the Borough that would arise from the proposed increase in warehousing, why is it recommended that this hybrid application be accepted?

***The Planning Condition that limits heavy goods vehicles (HGVs) between 2300 and 0700 hours in the planning consent (WA/2007/0372) was imposed by the Council due to concerns raised by Waverley Borough Council’s Environmental Health Officer on the impact of overnight HGV noise on residents living adjacent to the Stovolds Hill and Compass gate accesses. In particular, it was noted that “Noise from lorries has been the cause of complaint, particularly from the Compass gate entrance.” The limit on HGV numbers was set so that noise levels were kept at a “reasonable level”.***

***It is considered that, with the proposed new direct access to the site from the A281 and with the closure of the Stovolds Hill access plus a restriction on HGV traffic using the Compass Gate entrance, the direct impacts upon local residents will be removed. It would therefore be unreasonable to apply a condition restricting HGV movements overnight, particularly as the new access will be direct onto the A281, which is an all-purpose road with no restrictions on traffic types and the movement of vehicles.***

Michael Sutcliffe

I note that there have been over 5,000 objections to this proposal, that vast majority of which point out that it would generate major problems on the local roads, including the use of narrow country lanes as rat runs.

The very recently delivered report from the Surrey County Council (SCC) on transport issues is tucked away in Appendix 3 of the officers’ report.

- SCC believe the traffic has been underestimated

- that the provision for parking is likely to prove inadequate and compromise the design of the scheme.
- It points out that “the study undertaken by Waverley on the Local Plan scenarios shows the provision of a significant quantum of housing at Dunsfold to be the least sustainable option in transport terms”.

Overall, SCC argues that “There have therefore been insufficient changes to the previous proposals in 2009, or evidence demonstrating that in fact the development is sustainable in transport terms. Thus SCC’s formal response to this application is to OBJECT on the basis that

“The development is not in a location where the need to travel and distance of travel can be minimised, and where the use of sustainable modes can be maximised, and would therefore be contrary to Core Planning Principle 17, bullet point 11, and paragraph 34 of the NPPF, and Waverley’s saved Policy M1 from its current Local Plan”

The officers appear to have ignored both public feeling and the advice of the Highways Authority and mildly conclude (on page 233 ) that “Dunsfold is less than ideal from a transport perspective due to the site’s relatively isolated location which can lead to high levels of car dependency.” The impact of cars and lorries will be not just be on the A281 but throughout the local network and on villages such as Cranleigh, Chiddingfold, Hascombe, Busbridge, Shamley Green and many others.

Now the NPPF requires that the transport, social and economic considerations be weighed up to assess whether a proposal is sustainable. The officers argue that the social and economic benefits outweigh the transport problems. It is difficult to understand this. For example:

- The officers argue that it would use brownfield land and this is much better than using greenfield. Odd that this brownfield land produces a good hay crop!
- It provides affordable housing: but this is in the wrong place as the demand for housing is in the east of the Borough where the jobs are.
- Infrastructure of all kinds, but particularly transport, is acknowledged to be lacking in the area, yet there are no firm proposals or sums of money allocated by the developer as part of this proposal – just promises to negotiate a s106/s278 later – to approve a major application like this on the basis of vague promises is completely irresponsible.

The economic benefits are very limited. Most of the business space to be provided will be warehousing and WBC’s own consultants pointed out in the context of the draft Local Plan, that there is already a surplus of warehousing in Waverley.

My question is; given the Objection of the Highways Authority and the enormous transport problems that would be generated by this development and the very limited social and economic benefits, why does the Council consider this proposal to be sustainable as defined by the NPPF?

*It is not agreed that the social and economic benefits of the scheme are limited when assessed against Paragraph 7 of the NPPF and the Officers' conclusions regarding the three dimensions to sustainable development. In terms of the transport impact, this is considered to be acceptable from a highway safety and capacity point of view. The County Highway Authority has not objected to the proposal on technical grounds and concludes that there would not on transport grounds be a severe residual cumulative impact. Therefore when balancing the objection by the County Highway Authority, on transport sustainability grounds, this adverse impact would not significantly and demonstrably outweigh the benefits of the scheme. This is set on pages 232-236 of the agenda report.*

Chris Britton

My question relates to Prematurity of this Application in the light of Waverley's draft Local Plan.

In the report at the top of page 107 officers articulate reasons for rejecting the application on the grounds of prematurity. Given the timing, namely that the Draft Local Plan is at an advanced stage having been passed for submission and Examination last week (29<sup>th</sup> November); furthermore, that the development is substantial and its cumulative effect would be significant; there seems a prima facie case for prematurity.

It is therefore surprising to learn that Counsel's advice (although not explained in detail) is stated to be that 'the Council would not be able to reasonably sustain a reason for refusal on the grounds of prematurity'.

While the Council has sought that legal advice, it is not the only legal opinion on the matter of prematurity:

Although refusal for reasons of prematurity usually arises when a proposal breaches an emerging Local Plan Policy, prematurity is plainly not limited to such a circumstance. In particular, a refusal on the grounds of prematurity is equally apt to meet a situation where a very substantial proposal is:

- (a) Contrary to a policies within an extant Local Plan; (which is the case for WA/2015/2395 as this is contrary to the policies set out in the 2002 Local Plan;)
- (b) Supported by a draft policy within an emerging Local Plan, (In this case, Policy SS7);

(c) That draft policy (in this case, SS7) is highly controversial, (evidence shows SS7 is not supported by a large proportion of the local population)

(d) 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.

The report fails to acknowledge that draft policy SS7 is highly controversial, attracting over 3000 representations against it or matters connected with it, in the recent consultation on the Draft Local Plan. For the Council to ignore the weight of local opinion on this emerging policy would be against democratic principles and all that NPPF stands for.

My question therefore is: Does the Council accept that the opinion of its Counsel on the question of prematurity is not the only legal opinion on the matter of prematurity in this case?

***There may well be alternative legal opinions on the matter of prematurity. However, officers consider the advice of its Counsel to be justified and sound. This also concurs with the case put forward by the applicants, which is also supported by Counsel's Opinion. The full reasoning for the conclusions of Counsel and officers is set out on pages 106 – 109 of the agenda report. The report does acknowledge that there are unresolved objections to Policy SS7. Page 115 of the agenda report identifies that there are "unresolved objections at this time, and as such only limited weight should therefore be attached to the policy". The report acknowledges that the Local Plan is due to be submitted for examination in the near future. This could result in the Plan being considered to be at an advanced stage. However, having regard to the number of dwellings proposed, (18% of the total housing needs), and that the proposal is consistent with the pre-submission Local Plan Part 1, the first stage of the two-stage test in respect of prematurity is not met.***

Cilla Britton

The Council has a duty to protect the setting of Listed Heritage assets. Hall Place Farm is medieval and Listed Grade II. Its setting overlooks the eastern part of Dunsfold Aerodrome from the north. This is currently an area of grassland which has never been built upon (apart from a screened low level industrial building). The Developers and Officers have failed to acknowledge this material consideration in their reports, despite it being well within the area studied.

The Building Parameters Plan shows blocks of buildings up to 60 feet tall in this area. In addition, there are two towers, each 100 feet tall. These buildings do not reflect the character of the local landscape, where buildings over 3 storeys (around

30 feet) are very rare. The inclusion of the Building Heights Parameter Plan in Condition 5, means that building heights are predetermined prior to their proper discussion in the Reserved Matters phase.

Therefore, if permission to develop Dunsfold Park is granted, with buildings of up to 60 feet and the 100 foot towers included, it will have an adverse impact on the setting of a Listed Heritage Asset, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990.

My question is: What is the Council's opinion of the appropriateness and impact of 100 feet high towers and blocks of 60 feet high buildings in this rural area, as endorsed by the Condition 5 Building Heights Parameter Plan?

***The list of the Listed Buildings considered by the applicant is set out in appendix 9.1 Gazetteer of Cultural Heritage. Hall Place Farm House is Grade II Listed is identified as number 14 on this list. There are some 40 Grade II Listed Buildings identified by the applicant. Not all of these are identified by name in the report. Hall Place Farm House is located some 500m due north of the application site boundary. Hall Place Farm is a late fifteenth century hall house with C17 extensions. The house was also extended and altered in the twentieth century and in 2009. Despite these alterations the building is recognisable as an ancient farmhouse retaining much of its earliest fabric. It illustrates the farming tradition of Surrey in the late medieval and early modern period. Together with Hawkins Farm and the Old Farmhouse, it reinforces a perception of dispersed farm holdings on the low weald but forming a loose community of small land owners.***

***Historic England states the setting of a heritage asset is different to and separate from a legal or historic understanding of curtilage and of context. Setting can be described as the surroundings in which a heritage asset is experienced. This experience can be visual and auditory but might also include stimulation of the other senses. In the case of Hall Place Farm, its setting within open countryside is vital to understanding the link the inhabitants of the dwelling had with the land. Arguably the house would not have been built in this location without the necessity of its inhabitants to conveniently access the land they cultivated and the animals they tended. The sound and smells of farm animals have largely been lost from the immediate setting of the house as it is no longer a working farm. The fields that surround it are still used for grazing. It is the Council's Historic Buildings Officer's (HBO) view that this would not change as a result of the proposed development. He is therefore satisfied that the immediate setting of the listed building would not be harmed by the proposed development.***

*There is also a consideration to be made regarding the wider setting of the historic house. It is difficult to confirm the extent of the farm land owned by the inhabitants before the nineteenth century. In the nineteenth century, estate maps were produced that did show how far the land extended. The Council's HBO is satisfied that although ownership may have extended to well within the site of the proposed development, there was no intention on the part of the owners of this land to visually link this land with the historic farmhouse by way of a designed and manipulated landscape before the nineteenth century. This changed in the nineteenth century when a country house was built and gardens were laid out to the south of the medieval farm building. The first and second edition O.S. County series maps suggest the farmhouse was not intended to form part of the formal gardens and seems to be separated by an orchard. This is to be expected as it can be assumed the farmhouse still formed part of a working farm. The Council's HBO is satisfied that the listed building was not intended to be seen as part of this nineteenth century designed landscape nor were the gardens intended to be enjoyed from inside or directly outside the farmhouse.*

*Any views to the wider landscape from the farmhouse, designed for enjoyment or agriculture, are incidental to an appreciation and enjoyment of the special interest of the listed building as a historic farmhouse. Views from Hall Place Farm that would include any future development on the historic airfield would not prevent an understanding of the historic context of the farm complex. Views across the landscape towards Hall Place Farm would not be affected by the proposed development to any great extent. In any case the proposed development would not conceal the building or prevent an appreciation of it within a rural setting. The HBO is therefore satisfied that the proposed development would not harm the immediate or wider setting of Hall Place Farm.*

*The nearest identified buildings were some 50m from the boundary. Nonetheless, an assessment of the significance of the buildings, as well as the impact of the proposal on all off-site listed buildings within 1km, is contained on page 213 of the agenda report. The report is therefore considered to provide a comprehensive assessment of the impact on heritage assets, both on and off site.*

*Reference is also made to page 189, which contains an assessment of the impact of the proposal on residential amenities and compatibility of uses. The question suggests that the report is inaccurate as it omits the properties on Stovold's Hill and Hall Place, a similar distance to the north of the site. However this comment is considered to be misleading. These properties are further away from those dwellings referenced which share boundaries with the application site and/or are directly adjacent to the site and/or the proposed*



***access points. Nonetheless, a comprehensive assessment of the potential impacts of the proposal on residential amenities is contained within the officer's report.***

***In respect of the concern that the Condition 5 (plan numbers) gives developers a green light to buildings of this nature all over Waverley Borough, this is not the case. Each application is assessed on its own merits. The parameter plan itself indicates a range of building heights across the scheme, with only a small portion of the site indicatively shown to contain 4 storey buildings. There are a number of other examples across the Borough, primarily within village and town centres where there is higher density development, in some cases 3-4 storeys in height. As such, the use of some taller buildings within the scheme could be acceptable. The report does not omit consideration of the parameter heights plan. Specific reference is included within the "Design and layout" section of the report contained on pages 185 – 189 of the agenda report. In addition, further consideration of this matter is contained within the "Impact on the Countryside" section which starts on page 154.***

***The detailed design of the proposal would be a reserved matter for consideration as part of a reserved matters application. Notwithstanding, officers have had due regard to the parameter heights plan in assessing the acceptability of the scheme. Whilst indicative, it provides an appropriate base for assessment, and some 4 storey buildings could be acceptable as part the overall Masterplan for the site. Officers are satisfied that a design approach could be achieved which reflects the Surrey vernacular. Condition 29 (page 248) requires the submission of a detailed Masterplan, which will consider the design and height matters in further detail.***

Michael Lord

How can Officers consider Dunsfold Park to be a sustainable location, when the main reason for refusal of the application for 400 houses at Springbok Estate, just a few metres away was that "the site is isolated from the higher order settlements and amenities required for day to living, the quantum of development is therefore unsustainable and special circumstances have not been demonstrated that would outweigh this harm. The Council will demonstrate that the site is isolated and would lead to heavy dependence on car borne travel, and that the proposal would be contrary to the objectives of paragraph 55 and Section 4 of the NPPF as well as Policies M1 of the Waverley Borough Council Local Plan and Draft Policies SP1 and SP2 in the Emerging Local Plan and does not constitute sustainable development".

***The officers' report does in fact recognise that the site is in a location that is remote from existing facilities. One of the key differences between the current application site and other nearby proposals is the proposed provision of on***

*site facilities and a bus service. As set out on page 145 of the officers' report, "the range of facilities that would be provided, together with the proposed transport facilities, would satisfactorily mitigate and balance out the isolated nature of the site's location." In addition, there is a host of on-site services, facilities and employment which offers a significantly different scenario to the existing position and the development proposed at the Springbok Estate (planning reference: WA/2015/1381).*

Sarah Sullivan

Having read the Officers Report for the planning application WA/2015/2395 I note with particular interest in the aspects relating to Heritage Assets and the acknowledgment that Historic England considers this airfield as an undesignated Heritage Asset.

In 1986 the Councils own documentation relating to Heritage Features omitted the airfield due to lack of access.

This application's 'Cultural Heritage and Archaeology appendix12-4' does not fully explore the site as access to all areas was also restricted [reference: A Photographic Record of Significant Buildings carried out by the Airfield Research Group in 2007]. The application sees the substantive demolition or removal of the majority of the 3 runways, perimeter track and aircraft hard standing.

Yet the report before this committee states 'The retention of the main runway and jump pads, which are considered to be significant structures, would be respected and retained as part of the development'.

Further, I note the current heritage designation and the Conservation Area request pending. These underline the importance of the Council discharging its duties to protect heritage assets from the impacts of development that cause harm.

My question is therefore:

As Historic England and Waverley BC itself are currently reviewing the heritage assets on Dunsfold Aerodrome and the outcome of these reviews may directly impact on the proposal, what steps are the Council taking to ensure that this process happens in the correct and proper sequence?

***There is no legal requirement (nor any decided legal court case) that a major planning application itself should be held indefinitely, pending the outcome of a more recent application for the designation of a heritage asset which itself / themselves are not going to be adversely affected by the development proposals, which are outline (with detail for reserved matters) and as to the full application elements (in where particular buildings and other assets are***

*scheduled and identified in the report ) there is perceived to be no likely adverse effect .*

*In fact due process requires that applications for the designation of heritage assets cannot be abridged in any way and need to follow their own course. They are thus separate and distinct matters.*

*The judgement of the Local Planning Authority is overriding here, in that the proposal would not harm the setting of a designated heritage asset.*

*Further, and also, the 2008 Eco Village Inspector's report to the Secretary of State did not find any heritage assets on this site which required assessment and thus to be the matter of report to the Secretary of State. The LPA has noted this background position in judging how to proceed with its own process and these matters, opposite the major planning application currently under consideration.*

*The heritage assets assessment is set at length in the Committee report.*

Sarah Godwin

Current statistics indicate an imbalance between housing and employment, which if not addressed would see commuting increasing and the business rate income declining relative to the size of the population. (Page 136).

If the identified housing demand is in or around the Farnham area how can you possibly justify your claim that the construction of Dunsfold NT will reduce commuting?

*It is accepted that there is an element of need for housing in Farnham specifically, however, in terms of housing need there is an overall Borough wide need for housing, which Dunsfold Park would assist in delivering. In terms of the proposed development, in maintaining and extending the established business park on-site, this will offer the opportunity for residents to work and live on the site. Although, it is accepted that a number of future residents would commute away from the site.*

Sonya Dixon

On what basis, despite over 5000 objections and especially with the weight of a Surrey highways objection against the location being unsustainable can a new town be approved?

***The application is to be determined in accordance with the legal requirement to consider the proposal in terms of the Development Plan and other material considerations. The officers have made the recommendation for approval following detailed consideration of all material considerations. It is considered that the conclusions set out on pages 232 – 236 of the agenda provide a clear overall conclusion of all material considerations.***

Charles Orange

New documents have been submitted during the past week by the applicant and made available to be seen by the Public. These include, in particular, an important paper containing a new proposal re drainage into the River Lox and also a Landscape Impact Assessment. These will deserve careful consideration. In addition, around 385 pages of papers are attached to the Agenda for the meeting of the JPC which need to be read and understood and questions raised. It is presumed that the JPC and Waverley Borough Council wish that the application is properly considered.

Why has a period of only just over a week been allowed between the publication of the papers and (December 14th the date of the JPC meeting) rather than at least 21 days?

***The documents referred to are technical documents and provide clarification in response to technical consultation responses from statutory consultees. There is no requirement for further consultation on these matters, as such; the Council has not carried out a formal consultation, following receipt of these documents. The process for publication of an agenda prior to the Committee meeting has followed normal process.***

Adrian Clark

"We have studied the applicants' proposed drainage strategy for this site. It states that the applicant proposes to construct a Stage One Sewage Treatment Plant on site. The effluent discharge from the plant will be pumped into the Wey and Arun Canal adjacent to the site.

As you well know, this stretch of canal is quite short, running from the airfield side of Sidney Wood to the A281 at the junction with Alfold Road. It is simply like a long pond, and there is no short-term plan to extend it or to make it "flow" in any direction. Pumping sewage effluent into a non-moving water body contravenes the Permitting Regulations and the Water Framework Directive.

As the level in the canal rises due to the amount of sewage effluent entering it, the applicant's plan is for the sewage effluent to then be transferred via a sluice into

GB106039017810 Cranleigh Waters, and you are well aware of the existing serious pollution problems in Cranleigh Waters. We assume that you know that the Environment Agency and Thames Water have set up a working party to analyse the problem and come up with a solution (their inaugural meeting is on 16-Dec-16).

How is the Council meeting its responsibilities under the Water Framework Directive and particularly the "no deterioration obligation", in allowing sewage effluent from 1,800 dwellings as well as care accommodation, a new local centre comprised of retail, financial and professional, cafes/restaurant/takeaway and/or public house, in addition to new businesses, industrial units, and a primary school, to be discharged initially into the Wey and Arun Canal, a disconnected non-moving water body, and from there into Cranleigh Waters, which your own Water Cycle Scoping Report from August 2016 (prepared for the Waverley draft Local Plan) states is failing under the Water Framework Directive? Secondly, how can the Council reasonably claim that the water quality status will not be further detrimentally impacted and the river basin management plan will not be compromised?"

Please would you point out to members the updated (updated in 2014) sentencing guidelines so that members are fully aware of the legal situation if they are minded to ignore the above? You can look this up from the following link:

<https://www.sentencingcouncil.org.uk/publications/item/environmental-offences-definitive-guideline/>

The Environment Agency sent you an email on 22-Apr-16 explaining in more detail local authority obligations in respect of the Water Framework Directive. Whilst that email was about another planning application, it was general in nature and very helpful in laying out Waverley's obligations under WFD.

***The final drainage details are a reserved matter that would be secured as part of any subsequent reserved matters application. The findings of the recent AMEC study confirm that improvements are achievable in the plan period. The LPA would fulfil its duty under the Water Frameworks Directive, but this role would be reserved for the detailed design stage.***

***The appropriate mechanism for securing this outstanding requirement is via a safeguarding condition pursuant to paragraph 109 (general ecology/biodiversity) or (203 – 206 use of conditions) of the NPPF.***