

JOINT PLANNING COMMITTEE

11 OCTOBER 2017

UPDATE SHEET

Correspondence received and matters arising following preparation of the agenda

Item B1

WA/2017/1050

LAND AT NORTH END OF TONGHAM ROAD, RUNFOLD

Update to the report

Since the publication of the agenda, the Guildford Borough Council planning committee has resolved to refuse the associated planning application (17/P/01193) for the following reasons, contrary to the officer recommendation:

1. Reason:
The development proposed fails to mitigate its impact on primary healthcare provision. Furthermore the development is unsuitably located, in so far as it has poor access to public transport connections and a lack of sustainable access to local services. As such the development is contrary to the objectives of policies G6 and G12 of the Guildford Local Plan 2003 (as saved) and conflicts with the objectives of the paragraphs 6 to 17 of the National Planning Policy Framework.
2. Reason:
In the absence of a completed planning obligation the development fails to mitigate its impact on local infrastructure, including the impact on healthcare, the local highway, public rights of way and education facilities, and fails to secure an appropriate provision of affordable housing. Accordingly the development is contrary to the objectives of policies G6 and contrary to the requirements of the Councils Planning Contributions SPD.
3. Reason:
The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA) and there is currently no planning obligation in place to secure the required mitigation. In the absence of a suitable planning obligation the Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in

the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat and disturbance to the protected species within the protected areas. As such the development is contrary to the objectives of policies NE1 and NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2010, as amended, and as the development does not meet the requirements of Regulation 62 the Local Planning Authority must refuse to grant planning permission.

The original recommendation for approval, as set out in the agenda, was subject to Guildford Borough Council approving the associated application. Whilst officers had considered in detail the proposals, a detailed assessment of the proposed housing element in terms of its principle had not been carried out as this falls within the Borough of Guildford. Given this, it is highly material that the Guildford application has been refused, and as such officers have reviewed the original recommendation in light of this.

Following this determination, officers have sought legal advice regarding the recommendation set out in the agenda. The legal advice outlined that Waverley should only determine elements of the scheme that come within the Borough of Waverley. The reasons for refusal set out in recommendation B relate to the impact of the housing. As such, these are not considered to be justified.

Based on the legal advice, it is considered that given the resolution of Guildford Borough to refuse permission, and in the absence of an appropriate legal agreement, the long term provision and maintenance of the SANG could not be secured or controlled in perpetuity. Guildford Borough Council has also indicated they would not be willing to enter into an appropriate legal agreement to secure the SANG. As such, there is no realistic mechanism of securing the provision of the SANG in its entirety, and its long term management.

Furthermore, officers are not satisfied that the element of SANG falling within Waverley, would be of a sufficient distance and size in isolation, to meet the requirements of Natural England, such to provide appropriate mitigation for housing on the SPA.

This is reflected in the reason for refusal within the revised recommendation below.

Officers have given consideration to the Guildford Borough reasons for refusal. These closely relate to the residential element of the scheme (which falls solely within Guildford Borough administrative boundary), and are not considered to affect the acceptability of the SANG (which falls partly within Waverley Borough administrative boundary), although it does of course prevent the delivery of the SANG in full. As such, it would not be appropriate to apply the same reasons for refusal in respect of this application.

Revised Recommendation

That permission be REFUSED, for the following reason:

- 1. Insufficient information has been submitted to the Council, such as to demonstrate that the proposed SANG, within the Waverley Borough administrative boundary could be delivered in isolation, such as to mitigate and avoid a likely significant effect upon the Thames Basin Heaths SPA from residential housing development and that it would be maintained in perpetuity. As such, there would be no strong case that the provision of SANG would override the need to protect the high quality agricultural land. The proposal would therefore conflict with Policy RD9 of the Waverley Borough Local Plan 2002 and paragraph 112 of the NPPF.**