

**JOINT PLANNING COMMITTEE**  
**UPDATE SHEET – 9 APRIL 2018**

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Correspondence received and matters arising following preparation of the agenda

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**Item A1**

**WA/2016/2455**

**LAND AT CRONDALL LANE, FARNHAM**

1) Update to the report

The Planning Infrastructure Contributions section of the report is incorrect; both in terms of the amounts sought at the outline application stage, and in terms of the amounts now sought to reflect the amended housing mix. Furthermore additional responses have been received from the relevant infrastructure providers. The following section supersedes the Planning Infrastructure Contributions section of the agenda report in its entirety.

Planning Infrastructure Contributions

Policy ICS1 of the Local Plan Part 1 (2018) states that infrastructure considered necessary to support new development must be provided either on or off site such as by the payment of financial contributions.

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

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

Following the publication of the agenda report on the outline permission (WA/2014/1565) CIL Regulation 123 was amended to restrict the use of pooled contributions under Section 106 of the Town Country Planning Act. No more may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6th April 2010 and it is a type of infrastructure that is capable of being funded by CIL.

Following the committee resolution to grant the Outline Planning Permission, consultation with infrastructure providers was carried out and the contributions set out in the Committee Report were amended to reflect those which could be

justified. A S106 agreement was signed and completed pursuant to the outline permission.

As set out in the housing mix section of the agenda report, the mix has been amended through this reserved matters application. As such, the infrastructure contributions have also been amended to reflect the increase in occupants.

The following table summarises the contributions secured pursuant to the section 106 agreement secured as part of the outline permission, and the amounts now sought:

|                            | <b>Previous 106</b> | <b>New 106</b>     | <b>Identified Project</b>   |
|----------------------------|---------------------|--------------------|---|
| Secondary                  | £229,534.62         | £251,296.08        | Project at Farnham Heath End School to provide a new sports hall as part of the expansion of the school.  |
| Environmental Improvements | £25,000.00          | £26,658.00         | West Street Cemetery Railings   |
| Recycling                  | £5,529.81           | £3,228.00          | Waste and recycling containers  |
| Footpaths                  | £25,000.00          | £25,000.00         | Improvements to footpaths in the vicinity of the application site.  |
| Transport                  | £223,370.00         | £223,370.00        | Puffin crossing on West Street between the junctions with Crondall Lane and The Borough and highway infrastructure, and sustainable transport improvements in Farnham Town Centre |
| Travel Plan                | £4,600.00           | £4,600.00          | Auditing and monitoring of a Travel Plan  |
|                            | <b>£513,034.43</b>  | <b>£534,152.08</b> |   |
|                            |                     |                    |   |
|                            | Difference =        | £21,117.65         |   |

Officers are satisfied that these amounts are fairly and reasonable related to the amended housing mix, and have been appropriately justified with identified projects. It would not be reasonable to introduce new contributions at this stage as the principle of development has been agreed in the outline permission.

The applicant has agreed to enter into a Deed of Variation to the legal agreement secured under WA/2014/1565 to secure the increased infrastructure amounts. Subject to the completion of the Section 106

agreement the proposal would acceptably mitigate the impact on infrastructure.

2) Addition to the Report

The following section is an addition to the report:

Impact on the SPA

Whilst there is a change to the housing mix, the overall housing numbers have not changed. As such, the SANG secured as part of the section 106 agreement on the outline permission is considered sufficient. This was based on an average occupancy of 2.5 people per dwelling. As the overall housing numbers have not changed, the SANG provision is still considered to be acceptable.

The uplift in the number of bedrooms across the scheme would, however, result in an increased Natural England Fee for Strategic Access Management. The increase is shown in the following table:

|                                    | Previous Section 106 | New S106   |
|------------------------------------|----------------------|------------|
| SAM (Natural England fee ) payment | £66,034.00           | £68,793.00 |

The applicant has agreed to enter into a Deed of Variation to the legal agreement secured under WA/2014/1565 to secure the increased Natural England Fee for Strategic Access Management. Subject to the completion of the Section 106 agreement the proposal would acceptably mitigate the impact on the SPA. An appropriate assessment is not therefore required.

3) Questions by members of the public to the Committee

The following question has been received:

“The report on the planning application WA/2016/2455 to be considered tonight contains particular references to adjusting the S106 agreement - in the light of new CIL processes and schedules which I have been unable to find on the Waverley website. The new proposals (identified for the first time in papers which local residents became aware of at a maximum 9 days before the meeting) would provide £91,220 less money in total for infrastructure projects; and identify specific projects for proposed expenditure which ignore projects related to the development suggested by North West Farnham Residents' Association. Could the processes being followed in the specification of CIL- related projects be confirmed (as agreed by the Council) and put on the web site where they can be found? And

could interested parties such as local residents and Residents' Associations be advised in good time during the planning process of proposed CIL projects.”

This matter is partially addressed above within the Planning Infrastructure Contributions section. In addition to this, officers have the following comments:

- The Council does not yet have an adopted CIL Charging Schedule. The draft proposals for this would see Farnham Town Council receiving 25% of CIL contributions for developments in their area – this would require Farnham Town Council to adopt their own protocol for allocating these.
- As part of the outline permission and as a result of the amended housing mix part of this reserved matters application, Farnham Town Council were consulted on possible environmental improvements. Farnham Town Council identified a contribution towards the West Street Cemetery Railings project.

#### 4) Additional representations

6 further letters of objection have been received, including a letter from the North West Farnham Residents Association, on the following grounds:

##### Principle of development:

- Plan will destroy well-used open space and encroach on Countryside
- Dunsfold scheme is much better

##### **Officer response:**

The principle of development for up to 120 homes has already been established. The proposal for a new settlement at Dunsfold is not sufficient on its own to meet the Borough's Housing Needs. Furthermore, this would not address a need for additional housing in Farnham.

##### Design / house types:

- Huge demand for bungalows, why not build more bungalows on this development to match need
- Not happy about the intention to build 2.5 storey houses on the edge of the estate overlooking Beavers Close, these should be placed further within the estate
- Request a condition to restrict usual permitted development rights on the houses backing on to Beavers Close and Beavers Road so that they cannot have bedrooms and consequently windows in their roof spaces

##### **Officer response:**

There is no policy requirement for bungalows to be provided on this site, or any requirement resulting from the outline permission.

Given the distances between the properties on Beavers Close, Beavers Road and the proposed dwellings, a condition restricting permitted development rights is not considered to be justified as the proposal would not result in a material loss of privacy.

Ecology / open space:

- Further confirmation that the western strip of the development is to be protected as an ecological zone

**Officer response:**

The area of wooded vegetation on the western strip of the application site is protected by the provisions of the Landscape and Ecological Management Plan required in accordance with condition 14 and the Ecological Assessment referred to in condition 16 on the outline scheme. This is also supported by the plans submitted pursuant to this reserved matters application which do not show any built form on this land.

Flooding:

- Should be a condition spelling out the management company's responsibility for the SuDS to include checking that residents are carrying out their responsibilities (soakaways on their land)

**Officer response:**

Condition 10 of the outline permission requires the agreement of a surface water drainage scheme for the site based on the agreed Flood Risk Assessment. This includes a requirement for a maintenance plan spanning the lifetime of the development. This is subject to a separate application to agree the details pursuant to this condition.

Infrastructure:

- Surprised no money has been set aside for primary education
- Drainage, sewerage & amenities will be put under pressure by the new houses.
- Request that North West Farnham Residents Association is consulted on the spending of the Environmental and footpath improvements in the vicinity of the site

**Officer response:**

The infrastructure impacts were considered at the outline application stage. No primary education projects were identified at that stage, such to meet the tests of the CIL regulations. Whilst the amounts sought have been slightly adjusted to reflect changes to the housing mix, it would not be appropriate to revisit or invite new contributions at this stage.

As specific projects have been identified within the Section 106 on which the environmental and footpath contributions would be spent, it would not be possible to alter the projects at a later date. Further consultation is not therefore considered appropriate.

#### Highway impacts:

- The S106 transport money should be used to enable:
  - Changes to be made at West Street/Crondall Lane (such as traffic lights or a mini roundabout)
  - A 20mph limit to be created on Beavers Road and also on most of Falkner Road and on Potters gate
- The new estate should become a 20mph limit from the start
- Additional traffic will gridlock Crondall Lane & Farnham and impact on parking within the town

#### **Officer response:**

Highway safety and access is a matter that was considered in full at the outline application. This included securing appropriate mitigation, which does include pedestrian safety/accessibility improvements at the Crondall Lane/West Street junction (but proposals do not include traffic lights or a mini roundabout). These mitigation measures have already been assessed and carefully considered. It is not within the remit of this reserved matters application to revisit the outline permission. The proposed parking would exceed the Council's Guidelines. The internal road layout has a maximum design speed of 20mph, and incorporates features to keep vehicle speeds down i.e pinch points along the spine road and raised tables at junctions, in accordance with Manual for Streets guidance. As such, it is not considered necessary to restrict the estate to 20mph speed limit.

#### Trees:

- Request Tree Preservation Orders on significant existing trees and for conditions to ensure plants which die off are replaced

#### **Officer response:**

The Council's Tree & Landscape Officer has reviewed both the outline and reserved matters applications. It was not considered necessary to impose Tree Preservation Orders. However, relevant conditions have been recommended to secure and protect the trees in the longer term.

#### Noise and compatibility with surrounding uses

- Greater emphasis is being placed on the protection of existing land uses particularly from the introduction of new more sensitive development, the Council should satisfy itself that the proposed development will adequately protect UCA and avoid potential impacts on its existing and future operations.

#### **Officer response:**

Recent permissions at the university have been subject to noise mitigation measures. The principle of the proposed development has already been established. Landscaping is proposed along the boundary with the UCA. Officers are satisfied that the current reserved matters application would not adversely

impact the existing and approved future operations at the university. Clearly any future proposals would be assessed on their own merits.

#### Air Quality

- In light of recent question marks over the adequacy and accuracy of Waverley's air quality monitoring and control, and the fact that this development lies within 500m of the Borough where the Air Quality is above legal limits, believe that granting of the outline permission should be reviewed.

#### **Officer response:**

Air quality is a matter previously assessed as part of the outline application. This application is not a route for reviewing the outline permission. However, in any event the proposal is considered to be acceptable in relation to Air Quality subject to a range of mitigation measures that have been secured by way of condition on the outline.

#### 5) Amended conditions/informatives

Following further comments from the Council's Tree & Landscape Officer, Conditions 8 and 9 (which secure Tree Protection measures) are amended to read:

#### 8. Condition

No development shall commence, including any groundwork preparation, until a detailed, scaled Tree Protection Plan 'TPP' and related Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Area of trees shown to scale on the TPP including phasing of protection measures, installation of service routings and site access in accordance with the draft heads of terms detailed in the report by Ian Keen Ltd (Ref: JTK/8309/so). All works shall be carried out in strict accordance with the approved details.

#### Reason

To adequately protect all trees worthy of retention from development harm and to provide for their amenity contribution thereafter in accordance with Policy TD1 of the Local Plan Part 1 2018 and retained Policies D1, D4, D6 and D7 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because it relates to the construction process.

#### 9. Condition

No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local

Planning Authority. The supervision and monitoring shall be undertaken in strict accordance with the approved details. The scheme shall include details of a) a pre-commencement meeting between the retained arboricultural consultant, Local Planning Authority Tree Officer and personnel responsible for the implementation of the approved development and b) timings, frequency & methods of site visiting and an agreed reporting process to the Local Planning Authority in accordance with the draft heads of terms detailed in the report by Ian Keen Ltd (Ref: JTK/8309/so).

#### Reason

To adequately protect all trees worthy of retention from development harm and to provide for their amenity contribution thereafter in accordance with retained Policies D1, D4, D6 and D7 of the Waverley Borough Local Plan 2002 and Policy TD1 of the Local Plan Part 1 2018. This is a pre commencement condition because it relates to the construction process.

Two additional plans have been submitted showing the full details, including equipment to be used, in the Local Area of Play and Local Equipped Area of Play. The proposed details are considered to be acceptable and as such condition 10 is amended to require compliance with the submitted plans. It is proposed to read as follows:

#### 10. Condition

Prior to the first occupation of the development hereby approved, the Local Equipped Area of Play and the Local Area of Play shall be provided and made available for use in full accordance with plan numbers CSA/1887/154 and CSA/1887/155, and thereafter maintained.

#### Reason

To ensure that the development makes appropriate provision for children's play in accordance with Policy LRC1 of the Local Plan Part 1 (2018).

### **Revised Recommendation A**

That, the Reserved Matters of Layout, Scale, **Landscaping** and Appearance be APPROVED subject to conditions **1-7 and 11 on the agenda report and amended conditions 8, 9 and 10 above** and a S106 agreement to secure a deed of variation to the original legal agreement to amend the infrastructure contribution figures being completed by 09/07/2018.

### **Revised Recommendation B**

That, in the event that the requirements of recommendation A are not met, that permission be refused for the following reason:



1. In the absence of a deed of Variation to the Legal agreement secured under WA/2014/1565 to secure infrastructure contributions that are fairly and reasonably related to the amended housing mix and to identify specific projects, the development fails to comply with Regulation 122(2) and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).
  
2. **In the absence of a deed of Variation to the Legal agreement secured under WA/2014/1565 to secure the appropriate Natural England fee for Strategic Access Management (SAMM), the proposal (in combination with other projects) would have a likely adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA). The proposal would fail to comply with NE1 and NE3 of the Local Plan 2018 (Part 1), Policies FNP12 and FNP13 of the Farnham Neighbourhood Plan 2017, Policy NRM6 of the South East Plan, paragraph 118 of the NPPF 2012 and the Thames Basin Heaths SPA Avoidance Strategy Review (2016) and Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (The Habitats Regulations). Permission must therefore be refused in accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE.**