

B1 WA/2019/0316

Development of a Locally Equipped Area for Play including associated hard and soft landscaping at Woodside Park, Catteshall Lane, Godalming

Committee: Joint Planning Committee
Meeting date: 11/03/2020
Applicant: Crest Nicholson Operations Limited
Ward: Godalming Central and Ockford
Case Officer: Kate Edwards

RECOMMENDATION

That, subject to conditions and informative, permission be GRANTED

1. Summary

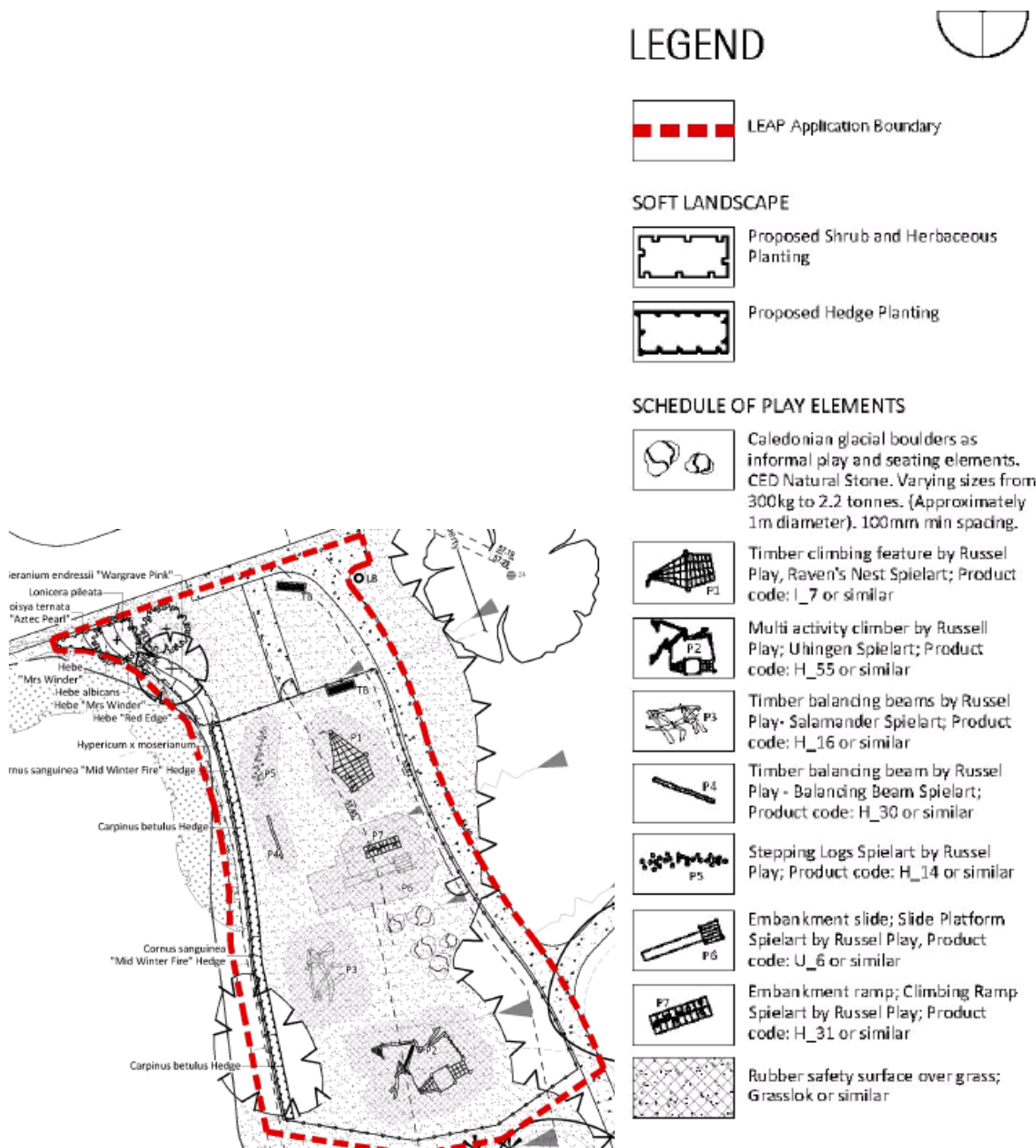
The application has been brought before the Joint Planning Committee as it was previously deferred at the meeting on 25/09/2019.

The planning balance assessment concludes that the development is in accordance with the development plan and recommends that planning permission be granted.

2. Location Plan



Block Plan



4. Site description

- The application site is located to the immediate south of the Woodside Park development site (to the south of Catteshall Lane). It is under the same ownership.
- It currently comprises undesignated woodland.
- The land has a significant incline to the east, whilst there is a lake located to the immediate west.

- The adjacent Woodside Park site has recently been cleared of all buildings pending redevelopment (other than the ambulance station which is still in use).
- There are no other immediate neighbours to the site.

5. Proposal

Full planning permission is sought for the provision of a Locally Equipped Area of Play (LEAP). The area would contain timber play equipment, including stepping logs, balancing beams and climbing features.

6. Relevant Planning History

There is a significant amount of planning history in relation to the wider Woodside Park site (i.e. the red line and blue line land), the most relevant of which is:

WA/2019/0370	Concurrent application under section 73 to remove condition 22 of WA/2018/1336 (the extant outline consent) to allow the provision of a LEAP elsewhere than within the red line of the application site.	For concurrent determination at Joint Planning Committee on 11/03/2020.
WA/2018/1675	Reserved matters application pursuant to outline consent granted under WA/2016/1418 for the blue line land for the erection of 100 dwellings (including 17 affordable units) together with the erection of a building to provide a community use (Use Class D1) at ground floor level with office (Use Class B1) above together with associated works. In conjunction with application	Permission refused 02/10/2019

	<p>WA/2018/1336 to vary the conditions of the outline consent and application</p> <p>WA/2018/1614 for a new access to the site (as amended by plans received 09/01/2019)</p>	
WA/2018/1336	<p>Application under section 73 to change condition 3 of consent WA/2016/1418 to allow revised means of access to the site.</p>	<p>Outline consent</p> <p>21 November 2018</p>
WA/2016/1419	<p>Change of use of land ancillary to existing commercial park to open space.</p>	<p>Full permission</p> <p>26 May 2017</p>
WA/2016/1418	<p>Outline application for the blue line land for the erection of up to 100 dwellings, including 17 affordable, together with associated amenity/play space; the erection of a building to provide a community use (Use Class D1) at ground floor level with office (Use Class B1) above. The consent related to the means of access only and all other matters were reserved. An indicative scheme was, however, submitted.</p>	<p>Outline consent</p> <p>26 May 2017</p>

7. Planning Policy Constraints

Green Belt

Ancient Woodland 500m buffer
 Godalming Hillsides
 Area of Great Landscape Value (AGLV)
 Wealden Heaths I SPA 5km zone
 Godalming and Farncombe Neighbourhood Plan Area

8. Development Plan Policies and Guidance

The relevant Development Plan policies comprise:

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): *SP1 – Presumption in Favour of Sustainable Development, TD1 – Townscape and Design, NE1 – Biodiversity and Geological Conservation*
- Waverley Borough Local Plan 2002 (retained policies February 2018): *D1 – Environmental Implications of Development, D4 – Design and Layout*
- *Godalming and Farncombe Neighbourhood Plan 2019 – GOD16 – outdoor sport and play, GOD5 – design*

In accordance with the National Planning Policy Framework (NPPF) due weight has been given to the relevant policies in the above plans.

Other guidance:

The National Planning Policy Framework 2019 (NPPF)
 The National Planning Practice Guidance 2014 (NPPG)
 Residential Extensions Supplementary Planning Document 2010 (SPD)

9. Consultations and Town Council Comments

Town/Parish Council	No comments received.
Natural England	Correspondence received stating that Natural England has no comments to make on the application and referring to standard advice.
Surrey Wildlife Trust	Recommendations made with regards to measures for the protection of breeding birds, badgers and bats. The arboricultural report indicates that 6 trees and a thicket of predominately Laurel shrub are proposed to be removed for the development of the LEAP area. These trees are part of a wildlife corridor identified by Natural

	<p>England as Habitat of Principal Importance (Deciduous Woodland). However, due to the limited extent of the habitat loss.....it could be adequately compensated through compensatory planting of native tree species (one oak and another 5 native tree species), a native species hedge and the appropriate management of the adjacent Deciduous Woodland.</p> <p>Recommends precautionary working to ensure no contaminated run off from the site into the lake.</p>
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10. Representations

Neighbour notification letters were sent on 07/03/2019.

1 letter in support has been received. It describes the following reasons for support and makes other comments/requests –

- The submitted documents demonstrate a considered play area as part of a nicely landscaped woodland path/area
- Detail should be provided with regards to maintenance
- No engaging elements for children under three – could swings be incorporated?

11. Planning Considerations

11.1 The planning history

The application is for consent for a Locally Equipped Area of Play and should be considered on a standalone basis. The acceptability of previous and future proposals for the allocated housing site is not, therefore, a material consideration in relation to this application.

The Reserved Matters application which was refused in 2019 relates to a different development on a different parcel of land and this application does not seek to address the refusal reasons of that application. A new reserved matters application for a reduced scheme has been submitted for that purpose, and is currently invalid.

11.1 Impact on the Green Belt and acceptability in principle

Policy RE2 of the Local Plan (Part 1) 2018 states that development proposals should continue to protect Green Belt in accordance with national policy. The National Planning Policy Framework (NPPF) states in paragraph 146 that only certain forms

of development (not comprising the provision of buildings) are not considered inappropriate within Green Belt if they preserve its openness and do not conflict with the purpose of including land within it. These include the change of use of land for outdoor sport or recreation.

The proposed development would provide facilities for outdoor sport and recreation. It is considered that it would preserve the openness of the Green Belt given that no substantial masses are proposed. It would not degrade the site designation as Green Belt and would have a naturalised appearance given the timber equipment proposed, preventing urban sprawl. On this basis, it is considered that the proposal would not be inappropriate development within the Green Belt. The principle of the development is therefore acceptable, subject to the detailed considerations outlined below.

11.2 Design and impact on visual amenity of the AGLV

Policy TD1 of the Local Plan 2018 (Part 1) requires development to be of high quality design and to be well related in size, scale and character to its surroundings. Retained Policies D1 and D4 of the Local Plan 2002 are attributed substantial and full weight respectively due to their level of consistency with the NPPF 2019.

Policy GOD5 of the Godalming and Farncombe Neighbourhood Plan 2019 states that developments should be sympathetic to the scale, mass, height and form of neighbouring properties.

Policy GOD16 of the Godalming and Farncombe Neighbourhood Plan 2019 states that childrens' play space and facilities for young people should be incorporated within new developments, and that the provision of Local Equipped Areas of Play (LEAPs) should be encouraged.

The product specifications for the proposed "Russell Play" equipment have been reviewed online. The equipment would not be overly large, with the proposed ravens nest and multi activity climber, as the largest items of equipment, appearing to be 2-3m in height. It is considered that the play equipment, whilst visually evident, would not be in any way incongruous or visually overpowering. Many of the features would be provided in timber.

It is therefore considered that special quality of the AGLV and the visual amenity would be unharmed. The proposal is acceptable and in accordance with Policies TD1 of the Local Plan (Part 1) 2018, D1 and D4 of the Local Plan 2002 and GOD5 of the Godalming and Farncombe Neighbourhood Plan 2019.

11.3 Impact on residential amenity

Policy TD1 of the Local Plan 2018 (Part1) seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Retained policies D1 and D4 of the Local Plan 2002 are given substantial and full weight respectively due to their consistency with the NPPF 2019.

Policy and GOD5 of the Godalming and Farncombe Neighbourhood Plan 2019 states that no development should have a significant adverse impact on the amenity of neighbours.

The proposal is sited a significant distance from any residential dwelling. Whilst new dwellings are proposed to be provided closer to the LEAP, there would remain a sufficient separation distance. This would ensure no adverse impact from noise generated within the LEAP, outlook, light or privacy of new residential development which may come forward.

Therefore acceptable and in accordance with Policies TD1 of the Local Plan (Part 1) 2018, D1 and D4 of the Local Plan 2002 and GOD5 of the Godalming and Farncombe Neighbourhood Plan 2019.

11.4 Effect on the Wealden Heaths SPA

The proposed development is for the provision of play equipment. It is not likely to result in a significant increase in the number of people permanently residing on the site and therefore would not have a likely significant effect on the integrity of the SPAs in accordance with Policy NE1 of the Local Plan 2018 (Part 1). It is noted that the proposed residential development which the site would adjoin and facilitate has been considered by Natural England who have concluded that the development of 100 units would not have an adverse impact on the SPA. An appropriate assessment is not therefore required.

11.5 Biodiversity and compliance with Habitat Regulations 2017

Policy NE1 of the Local Plan 2018 (Part 1) states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

Further, 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 site is within a woodland area, which, as a deciduous woodland, is identified as a Habitat of Principle Importance for nature conservation. In light of this, the

application was accompanied by a detailed Ecological Assessment including an extended Phase 1 Habitat Survey. The surveys did not find any species of value within the site. It concludes that the site, which has a dense under canopy laurel layer, is of negligible ecological value.

The report has been reviewed by Surrey Wildlife Trust, which has not raised any objection with regards to either impact on the woodland or impact on wildlife. It has recommended conditions requiring replacement tree planting and precautionary working, both in relation to protected species and potential to contaminate the lake. These recommendations are carried forward into the condition schedule below. On this basis, it is considered that the biodiversity implications are acceptable and in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

11.6 Impact of the proposal upon Trees and Ancient Woodland

Policy NE1 of the Local Plan 2018 (Part 1) states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

The application is accompanied by a detailed Tree Survey, Arboriculture Impact Assessment and Tree Protection Plan. The plan identifies 6 trees, 1 oak and 5 ash trees, which would be lost as a result of the proposal. The loss of these trees is considered acceptable given the public benefits of the proposed LEAP to be provided, the very large number of trees which would remain surrounding the LEAP, and the fact that compensatory tree planting is proposed.

11.7 Safety

Policy TD1 requires that proposals are designed to provide a safe and attractive environment.

The safety of the LEAP will ultimately be the responsibility of the developer as landowner. However, Policy TD1 does give the Local Planning Authority some control over the safety of development. Given that the LEAP would attract children to the area and would directly adjoin the lake, it is considered that some sort of barrier between the lake and the LEAP would be necessary. It is, therefore, recommended that a condition is attached, should consent be granted, in order to ensure that a safety assessment is carried out by a suitably qualified person. The condition would also ensure that this assessment takes into account the relationship between the lake and the play area.

11.8 Land contamination consideration

It is noted that there is a potential for contamination from the adjacent industrial site and on this basis, given the sensitivity of the proposed use, it is recommended that a site investigation condition is attached, should consent be granted.

11.9 The quality of the play provision

The proposed play equipment would be appropriate within the woodland setting, and encourage a range of physical activities. It is acknowledged that the general approach to the playground is one of adventure play rather than traditional playground offerings. Whilst it is noted that no swing is provided as requested in a representation, it is considered that the play facilities would provide opportunities for children of a range of ages, including under 3 year olds, given the provision of stepping stones and slides. The proposal is therefore considered acceptable in this regard.

12. Conclusion

The planning balance assessment concludes that the proposal is in accordance with the Development Plan, as such, it is recommended that planning permission is granted.

Recommendation

That permission be GRANTED subject to the following conditions:

1. Condition

The plan numbers to which this permission relates are 2787-LA-09-P1; 2624-C-1710-A and 2624-A-1104-A. 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 Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

2. Condition

The LEAP hereby approved shall not be brought into use until a post installation inspection has been carried out by a Competent Person for Health and Safety and the findings of the inspection have been submitted to the

Local Planning Authority. The Inspection shall also consider whether an appropriate barriers has been placed between the lake and the play area.

Reason

To ensure that appropriate, safe and high quality play space is provided within the site, to accord with Policy LRC1 of the Local Plan 2018 (Part 1) and paragraph 96 of the NPPF 2019.

3. Condition

The LEAP shall not be used until a scheme has been submitted to and approved in writing by the Local Planning Authority providing details of future inspections to be carried out by a Competent Person for Health and Safety and arrangements for future maintenance of the equipment provided. The LEAP shall thereafter be inspected and maintained in strict accordance with the approved scheme for the lifetime of the development.

Reason

To ensure that appropriate, safe and high quality play space is provided within the site, to accord with Policy LRC1 of the Local Plan 2018 (Part 1) and paragraph 96 of the NPPF 2019.

4. Condition

Prior to commencement of development, other than that required to be carried out as part of demolition or approved scheme of remediation, the following shall be submitted to and approved in writing by the Local Planning Authority:

a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF.

b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property.

The scheme shall include

(i) All works to be undertaken

(ii) Proposed remediation objectives and remediation criteria

(iii) Timetable of works

(iv) Site management procedures

The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local

Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Reason

To prevent harm to future users of the LEAP through exposure to contaminated land in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework.

5. Condition

Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with condition ? and shall be submitted to the Local Planning authority for approval prior to occupation of the development.

Reason

To prevent harm to future users of the LEAP through exposure to contaminated land in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework.

6. Condition

Following commencement of the development hereby approved, if unexpected contamination is found on site at any time, other than that identified in accordance with Condition 4, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The following shall be submitted and approved in writing by the Local Planning Authority prior to the recommencement of works:

- a) An investigation and risk assessment, undertaken in the manner set out in Condition 4 of this permission.
- b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 4.
- c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 5.

Reason

To prevent harm to future users of the LEAP through exposure to contaminated land in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework.

7. Condition

The LEAP hereby approved shall not be first used until 6 suitable replacement trees have been provided within the blue line land shown on plan 2624-A-1104-A in accordance with specifications which have previously been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide suitable compensation for the loss of trees to offset adverse impact on biodiversity in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

8. Condition

The following pre-cautionary methods of working principles shall be adhered to in order to avoid adverse impacts on wildlife –

i) vegetation removal and site clearance should be timed in order to avoid the bird nest season of March to August inclusive. If this is not possible, a site inspection by a qualified Ecologist should be carried out prior to vegetation clearance and tree felling. If any breeding birds are identified in the area, works should stop and not proceed until suitable clearance is obtained from Natural England.

ii) all trenches left open overnight should include a means of escape such as a ramp for any animals which become trapped in them.

iii) the development shall comply with “Bats and Lighting in the UK – Bats and The Built Environment Series.”

iv) pre-cautionary measures shall be put in place to ensure that no contaminated run off from the site is allowed to enter the lake.

Reason

To prevent adverse impact on biodiversity in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

9. Condition

Prior to the commencement of the development, including the bringing of any materials or machinery onto the site, the measures identified in the Tree Protection Plan “Tree survey, Arboricultural Impact Assessment and Tree Protection Plan revision 7” dated 24th January 2019 shall be provided on site in full accordance with that document. The protection measures shall then remain in place in accordance with the details until the development is complete.

Reason

To provide suitable protection to existing trees in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

10. Condition

Prior to the commencement of the development hereby approved a detailed Arboriculture Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the Approved Details.

Reason

To provide suitable protection to existing trees in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

11. Condition

Construction works pursuant to this permission shall not take place other than between the hours 08:00 and 18:00 Mondays to Fridays and between 08:00 and 13:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.

Reason

Having regard to the amenities of neighbouring occupiers and to accord with Policy TD1 of the Waverley Local Plan (Part 1) 2018.

Informatives

1. "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.
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 2019.