DATE: 5 January 2021

LEAD OFFICER: Paul Sherman Planning Officer

SUBJECT: DIVERSION OF FOOTPATH AT NORTH MOORS ALLOTMENT SITE ("THE FOOTPATH") UNDER S257 TOWN AND COUNTRY PLANNING ACT 1990 ("THE ACT") ("THE DIVERSION ORDER")

DIVISION: WORPLESDON GUILDFORD SURREY

SUMMARY OF ISSUE:

- 1. Guildford Borough Council is referred to as "GBC"
- 2. On 17 June 2020 under Planning Reference 20/P/00197 ("the PP"), planning permission was granted by GBC for "Change of use of amenity land to deliver 78 allotment plots, bee keeping facilities, composting areas, community buildings, landscaping and associated cycle storage and car parking" ("the Development") at North Moors Allotment Site, North Moors, Worplesdon, Guildford, GU1 1SE ("the Site"). On 1 September 2021, a planning application was submitted under reference 21/P/01882 to make minor amendments to that PP ("the Minor Amendment Application"). The Minor Amendment Application has not yet been determined by GBC and is the subject of a later Report for this Committee, but the amendments are minor and not material or relevant to the diversion of the footpath.
- 3. The Report to and the Decision of Planning Committee authorising the grant of the PP "Report" is appended to this Report.
- 4.GBC was the applicant for the PP and is the applicant for the Minor Amendment Application and is also the applicant for the Diversion Order.
- 5. The Site is crossed by the Footpath and the diversion is necessary to enable the Development to be carried out in accordance with the PP.
- 6. A competent authority is able to make a Diversion Order where it is (a) "necessary to do so in order to enable development to be carried out in accordance with" a planning permission being a "planning permission granted under Part III of the Act" and/or (b) if they are satisfied that if "an application [for planning permission] were granted it would be necessary to authorise the diversion to enable the development to be carried out".
- 7. Thus, in respect of the footpath, the PP for the Development constitutes such a planning permission for the purposes of (a); and the Application constitutes such an application for the purposes of (b).
- 8. The Footpath now on Site is informal and is not registered on the official record of Footpaths on the Definitive Map but is a claimed route and understood to be well used by the public. An application is pending with Surrey County Council ("the County Council") to amend the Definitive Map to record the route of the Footpath. If the Diversion Order is made and confirmed, the County Council will be able to record the diverted route on the Definitive Map, for its route through the Site.
- 9. An informal consultation has been carried out prior to the preparation of this report and resulted in some objections and observations reported below.

RECOMMENDATIONS:

The Planning Committee (Guildford) is asked to agree that:-

- (i) The Diversion Order be made in the Form of that attached to this Report
- (ii) The Diversion Order be subject to statutory publication and notification: "the Consultation"
- (iii) If the Consultation results in no objections the power to finally confirm the Diversion Order be delegated to Head of Place /Director of Service Delivery
- (iv) If the Consultation results in objections that are unable to be resolved the Diversion Order and those objections be reported back to Planning Committee to determine whether to continue with the process for seeking confirmation of the Diversion Order via the Secretary of State, or to withdraw the made Diversion Order.

REASONS FOR RECOMMENDATIONS:

The Site is crossed by the Footpath in such a way that the diversion of the footpath is necessary to allow the Development to be carried out in accordance with the PP and for the Minor Amended Development to be carried out assuming planning permission is granted for the Application.

Condition 4 of the PP requires that the development authorised must be undertaken in accordance with the approved 'Landscape Proposals' plan. The Application updates that plan.

The PP Landscape Proposals plan is appended to this letter at Annex 5 and the proposed updated plan submitted with the Application is appended to this letter at Annex 6. This updated plan does not change the proposed diversion route facilitated by the Order.

As can be seen when comparing this plan with the plan accompanying the draft Diversion Order, there is currently a footpath which traverses part of the Site that is proposed to be used for the allotment plots shown on the Landscape Proposals Plan in Annex 5 (as proposed to be updated in Annex 6).

Although not recorded on the Definitive Map, it is claimed and the Borough Council acknowledges that a public right of way across the site exists, based on 20 years continuous use by local residents and which, upon establishment, would stay in place if the Diversion Order were not to be confirmed.

The position therefore is that there is a condition on the PP requiring compliance with a plan which, if the present route of the footpath were to be retained, would lead to incompatibility with the full layout of the proposed allotments. A similar incompatibility would exist in respect of the updated plan at Annex 6 submitted with the Minor Amendment Application.

Furthermore, it is noted that in common with all other allotment sites, it is intended that both the Site itself and the specific allotment plots, would be private land, fenced off (as shown on the Landscape Proposals plan in Annex 5 (as proposed to be updated in Annex 6)) and not accessible to the public. An unfenced footpath would thus be incompatible with the development authorised by the PP and any permission granted pursuant to the Minor Amendment Application in this respect.

As such, it is necessary for this diversion to be put in place to enable the development authorised by the PP, and that which would be authorised by any planning permission pursuant to the Minor Amendment Application, to be carried out.

The Diversion Order will:-

- [a] enable the Development to proceed in accordance with the PP and any planning permission granted pursuant to the Minor Amendment Application to provide allotments for public benefit
- [b] help facilitate the conversion of an informal footpath into a statutory footpath recognised and placed on the official Definitive Map; and
- [c] continue to promote non-vehicular movement

all to the benefit of the public. The proposed diverted route would essentially take a parallel route to that of the current claimed footpath with minimal effect on travel time and the diverted route will be able to be put in place in the green space at the western edge of the Landscape Proposals plan (at Annex 5 and as proposed to be updated at Annex 6), creating a better and more defined route than currently exists

The above forms the justification for the Diversion Order.

2. OPTIONS:

- 2.1 Make the Diversion Order and enable the Development authorised by the PP and any planning permission granted pursuant to the Minor Amendment Application to be carried out and preserve and promote the Footpath network.
- 2.2 Not Make the Diversion Order, requiring the Development to be amended to account for the current route of the footpath which would be sub-optimal for the development and for the footpath user.

3. CONSULTATIONS:

- 3.1 Prior to statutory consultation an informal consultation has occurred between 8 July 2021 to 6 August 2021 arranged by the Countryside Access Officer at Surrey County Council.
- 3.2 The following responses were received :-

No	Objector or Observer	Summary	Response
1	Vodafone/WS Atkins	Equipment not affected by proposed Diversion Order but request assurance and Wayleave Agreement	Reassurance was provided to Vodafone that their apparatus was not affected, and their objection was withdrawn.
2	Worplesdon Parish Council	No objection	n/a
3	J Smith Chair Jacobs Well Residents' Association	No objection	n/a

4	Ms J Bass	Objection because of outstanding failure to formalise Footpath on Definitive Map and considered there was a lack of sufficient	The Diversion Order will help formalise footpath provision in this area.
		notification on site notices. Concerned about drainage at the Site and ability to access diversion route given current works at the Site.	Site notices were posted in line with statutory requirements even for this informal consultation. Further notices will be provided for the Consultation.
			The information submitted as part of the PP and in discharging precommencement conditions demonstrate that a suitable drainage system will be in place at the Site.
			The diversion route will be in place before the existing route is closed.

3.2 As can be seen from the above, there were no objections from the Parish Council or the Jacobs Wells Residents Associations in relation to the preliminary consultation. There was one objection from Mrs Bass at this stage which has been responded to, but it should be noted that the issues raised by Mrs Bass are not relevant matters in determining whether the Diversion Order should be made, as the test is whether the proposed diversion is necessary to enable development authorised by a planning permission or which would be authorised by a planning application to be carried out, which is clearly the case in this instance. Thus, on this basis, it is recommended that the Diversion Order is made.

4. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

4.1 A budget has been set aside for the legal and consultation processes required to take forward the Diversion Order. GBC in its role as developer of the Development will undertake the physical works to create the diverted route.

5. EQUALITIES AND DIVERSITY IMPLICATIONS:

5.1 The Diversion Order will preserve and enhance the local footpath network for the benefit of all members of the local community, irrespective of age, ethnicity, ability, religion, status or other protected characteristics. It is likely to preserve or promote walking as an activity which will be of general benefit to the community as a means of preserving health and the local environment to the general community benefit. The Order will also help facilitate the delivery of statutory allotments at the Site, which has light-textured, freely drained soils well suited to support such uses. This in turn will help (through providing replacement allotments) support the development of the Weyside Urban Village development at Bellfields, a project to deliver much needed employment space, up to 1550 homes (including 40% affordable) and significant infrastructure improvements and provision.

6. LOCALISM:

The Diversion Order will preserve and enhance the local footpath network to the benefit of the local community

7. OTHER IMPLICATIONS:

Area assessed:	Direct Implications:	
Crime and Disorder	No significant implications arising from	
	this report	
Sustainability (including Climate Change	No significant implications arising from	
and Carbon Emissions)	this report	
Corporate Parenting/Looked After	No significant implications arising from	
Children	this report	
Safeguarding responsibilities for	No significant implications arising from	
vulnerable children and adults	this report	
Public Health	No significant implications arising from	
	this report	

8. CONCLUSION AND RECOMMENDATIONS:

The Planning Committee (Guildford) is asked to agree that ;-

- (i) The Diversion Order be made in the Form of that attached to this Report
- (ii) That the Diversion Order be subject to statutory publication and notification ("the Consultation")
- (iii) That if the Consultation results in no objections the power to finally confirm the Diversion Order be delegated to Head of Place /Director of Service Delivery
- (iv) That if the Consultation results in objections that are unable to be resolved the Diversion Order and those objections be either:-
 - (a) referred and delegated to the Borough Councils Head of Place to determine; or
 - (b) reported back to Planning Committee to determine,

and a decision made whether to continue with the process for seeking confirmation of the Diversion Order via the Secretary of State, or to withdraw the made Diversion Order.

Contact Officer:

Name Paul Sherman Job Title Senior Specialist Development Control Officer Extension 01483 444668

Consulted:

Those listed at para 3 of this Report

Annexes:

- 1. Planning Committee Report dated 17 June 2020 under Planning Reference 20/P/00197
- 2. Planning Permission ref 20/P/00197
- 3. Draft Footpath Diversion Order "FDO"

- 4. FDO Plan
- 5. Landscape Plan
- 6. Proposed Updated Landscape Plan lodged with the Minor Amendment Application

Sources/background papers: nil because all are as disclosed above

App No: 20/P/00197 **8 Wk Deadline**: 18/06/2020

Appn Type: Full Application **Case Officer:** Paul Sherman

Parish:WorplesdonWard:WorplesdonAgent:Mr BeavanApplicant:Mr Edwards

Savills Guildford Borough Council

Savills

2 Charlotte Place

Southampton c/o Agen

so14 0tb

Location: North Moors Allotment Site, North Moors, Worplesdon, Guildford,

GU1 1SE

Proposal: Change of use of amenity land to deliver 78 allotment plots, bee

keeping facilities, composting areas, community buildings,

landscaping and associated cycle storage and car parking.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because the Council is the owner of the land and it is also the applicant.

Key information

The application site comprises approximately 2.4ha of land to the north of Slyfield Industrial Estate. The site currently comprises scrub grassland with a small areas of young regenerating woodland in the northern part of the site. The boundaries are marked by a mix of woodland, hedgerows and dry ditches. The site is accessed from North Moors which is within the Industrial Estate. There is a public footpath running adjacent to the east boundary of the site which links Slyfield to Jacobs Well.

The application seeks the change of use of the land to allotments and would provide 78 new allotment plots (724 rods) and 2 bee keeping plots. The application also includes the provision of a small building containing w.c. facilities, an office and storage areas. Each of the plots would include a 6x4ft shed and a water-butt. Water for the plots would also be available from standpipes distributed throughout the site. Access to the site would be from North Moors which would lead to a small car park for 9 vehicles and approximately 6 bicycles.

Summary of considerations and constraints

The application site is located within the Green Belt and is adjacent to the Slyfield Area Regeneration Project site. The part of SARP allocation closest to the application site is also allocated for waste management facilities and sewage treatment works by the Surrey Waste Plan.

There is no objection to the principle of the development, and it would not prejudice the delivery of the adjoining waste allocation or the Slyfield Area Regeneration Project. The proposal is appropriate development in the Green Belt; it would not impact on the openness of the Green Belt and would not conflict with it.

The proposed development would deliver 78 new plots and 2 bee keeping plots and this would be a significant benefit to the local community supporting local and national objectives for healthy and active lifestyles.

The development results in the loss of a number of young trees and scrub which is of biodiversity value but this would be mitigated through the Landscape and Ecology Management Plan. There would be no loss of biodiversity value on the site with net benefits associated with the future management of the land for biodiversity purposes. The development would not materially impact on the character of the area, residential amenity or highway safety.

RECOMMENDATION:

Approve - subject to the following condition(s) and reason(s) :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004./ In pursuance of Section 196D of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

<u>Drawing Title</u>	<u>Drawing Number</u>
Site Location Plan	442977_303
Car Parking Access Road	19215-MA-SK-101
Rev P08	
Landscape Proposals	42287/31111/003 Rev
В	
Proposed Facilities	442977_302 Ref F
Proposed Lighting Layout	42287/2001/001
2.44m High Securimesh Fence Detail	J6/04030
Tree Constraints Plan	
190912-1.0-SARPG-TCP-MM	

<u>Reason:</u> To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. No development, other than in connection with the creation of the access road and car parking area, shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) and in general accordance with the submitted Arboricultural Impact Assessment (Ref: 200317-1.3-ARAG-AIA-LF) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree

Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

<u>Reason:</u> To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. This is required to be a pre-commencement condition to ensure that tree protection is installed before work commences.

4. The development shall be undertaken in accordance with the approved Landscape Proposals. There shall be no variation from the approved details and the landscaping scheme shall be fully implemented before the allotments hereby approved are first brought in to use. Any of the proposed trees, shrubs or plants that die, become damaged or diseased within 10 years of planting shall be replaced by replacement of a similar size and species to those that are to be removed.

<u>Reason:</u> To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no buildings, structures, fences or hard surfaces shall be erected or created on the site other than those shown on the approved plans.

<u>Reason:</u> In the interests of visual amenity and to control further development within the site.

6. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the Ecological Assessment Report (dated January 2020) and the Landscape and Ecological Management Plan (dated January 2020) and there shall be no variation from the approved details unless first agreed in writing with the Local Planning Authority. Following the completion of the development the site and the proposed replacement landscaping areas shall continue to be managed in accordance with the recommendations of these documents.

Reason: To mitigate against the loss of existing biodiversity and natural habitats

7. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20 allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 l/s.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

8. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas,flo w restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

9. The development hereby approved shall not be occupied until written scheme for the reduction of the opportunities for crime, including details to be implemented such as locks, lighting and cctv, has been submitted to and approved by the Local Planning Authority. Once approved, the agreed measures shall be implemented, reviewed and developed to the reasonable satisfaction of the Local Planning Authority.

Reason: To manage the risk of crime and anti-social behaviour.

10. The development hereby approved shall not be first opened to the public unless and until at least 1 of the proposed parking spaces are provided with a fast charge socket (minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

<u>Reason:</u> To encourage the use of electric cars in order to reduce carbon emissions.

Informatives:

- This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

 The applicant is advised that the site is in close proximity to sites known to be contaminated. Should any unexpected contamination be found during construction this should be notified to the Councils Environmental Services team immediately and all work should cease until the Council has advised that it is safe to continue.

Officer's Report

Site description

The application site comprises approximately 2.4ha of land to the north of Slyfield Industrial Estate. The site currently comprises scrub grassland with a small areas of young regenerating woodland in the northern part of the site. The boundaries are marked by a mix of woodland, hedgerows and dry ditches. The site is accessed from North Moors which is within the Industrial Estate. There is a public footpath running adjacent to the east boundary of the site which links Slyfield to Jacobs Well.

The site is bounded to the south by a Royal Mail depot which is within the Industrial Estate while the north, east and west boundaries adjoin open fields.

The application site is also adjacent to the Slyfield Area Regeneration Project site which is allocated for approximately 1,500 homes, 6 gypsy and traveller pitches, community facilities, light industrial uses, waste management facilities and a new sewage treatment works. The part of SARP allocation closest to the application site is also allocated for waste management facilities and sewage treatment works by the emerging Surrey Waste Plan 2019-2033. This plan is due for adoption in June this year.

Proposal

The application seeks the change of use of the land to allotments and would provide 78 new allotment plots (724 rods) and 2 bee keeping plots. The application also includes the provision of a small building containing w.c. facilities, an office and storage areas.

Each of the plots would include a 6x4ft shed and a water-butt. Water for the plots would also be available from standpipes distributed throughout the site. Access to the site would be from North Moors which would lead to a small car park for 9 vehicles and approximately 6 bicycles.

The application is presented as the provision of replacement allotments of those that may be lost through the redevelopment of the Slyfield Area Regeneration Project site (Weyside Urban Village) however this application must be considered on its own merits. This application does not rely on the SARP scheme to proceed and the full details of that project are not currently known.

Relevant planning history

There is no planning history relevant to the current proposal.

Consultations

Statutory consultees

County Highway Authority: No objection subject to conditions

Lead Local Flood Authority: No objection subject to a condition secure the detailed SuDS design and a verification report.

Environment Agency: No comments to make on proposal

Internal consultees

Arboricultural Officer: No objection subject to a condition to secure an Arboricultural Method Statement.

Head of Environmental Health and Licensing: No objection.

Non-statutory consultees

Surrey Wildlife Trust: No objection subject to conditions.

Parish Council

Worplesdon Parish Council: Support subject to conditions recommended by SCC as well as requesting conditions to secure details of the proposed gate and the provision of a Construction Management Plan. It notes that Jacobs Well Village Hall car park is private and not available for allotment holders without prior consent.

Amenity groups / Residents associations

Guildford Allotment Society: Do not feel this site is a suitable replacement for the plots that would potentially be lost at Bellfields. The site is well screened and isolated and would be a concern for the safety as well as being unsustainable due to its location and it is unlikely people would walk or cycle to the site. (Officer note: this application must be considered on its merits and this application would not require or cause the closure of the Bellfields allotment site)

Westborough & Broadacres Residents Association: Supports the provision of the allotments.

Third party comments:

There have been 10 letters of objection received raising the following issues

- Site currently used for recreation / BMX cycling
- Insufficient parking
- Isolated / risk of crime
- Remote from residents who may use it
- Not accessible by walking or cycling
- Traffic and congestion
- Transport Assessment underestimates impact / trips
- · Contamination from adjacent landfill
- Impact on public footpaths (See Officer notes)
- Impact on biodiversity / impact on existing beekeepers
- Additional Impact of Weywide Urban Village (See Officer notes)
- Air Quality impact
- Not suitable replacement for Bellfield's allotments (See Officer notes)
- Loss of wildlife at Bellfields site (See Officer notes)

There have been 2 letters of support received which make the following comments:

• New allotment site would be a great asset to the area

Officer notes: The application must be considered on its merits which is for the change of use of land to allotments. This application does not require, cause or grant approval for any loss of allotment plots at other sites.

Planning policies

National Planning Policy Framework (NPPF):

Chapter 8. Promoting healthy communities

Chapter 13. Protecting Green Belt land

Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Guildford Local Plan: Strategy and Sites (2015-2034)

Policy S1: Presumption in favour of sustainable development

Policy P2: Green Belt

Policy P4: Flooding, flood risk and groundwater protection zones

Policy D1: Place shaping

Policy D2: Climate change, sustainable design, construction and energy

Policy ID4: Green and blue infrastructure

Policy A21: Aldershot Road allotments

Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

Policy NE4: Species Protection

Policy NE5: Development Affecting Trees, Hedges and Woodlands

Surrey Waste Plan 2008

Policy WD1: Civic Amenity Sites

Policy WD2: Recycling, Storage, Transfer, Materials Recovery and Processing Facilities

(Excluding Thermal Treatment)

Surrey Waste Plan 2019-2034

Policy 11A: Strategic Waste Site Allocations Policy 12: Wastewater Treatment Works

The Surrey Waste Plan 2019-2034 was submitted for examination on the 12th April 2019 and was subject to public hearings with a further consultation period on the proposed main modifications. The County Council received the Inspectors Report which recommends that the plan be adopted subject to the main modifications.

The plan is due to be considered by Cabinet on the 23rd June 2020 with the recommendation that the County Council adopt the plan. Given the late stage in the preparation the plan carries substantial weight.

Supplementary planning documents:

Sustainable Design & Construction SPD 2011 (updated 2015) Vehicle Parking Standards SPD 2006

Planning considerations

The main planning considerations in this case are:

- the principle of development
- compliance with the Surrey Waste Plan
- the impact on trees and vegetation and the character of the area
- the impact on protected species and biodiversity
- drainage and the impact on flood risk
- the level of parking and the impact on highway safety
- the risk of crime and anti-social behaviour

The principle of development

The application site is located outside of the urban area and is within the Green Belt. While there are some informal footpaths within the site and evidence of recreation use by BMX style cycling the land is private and does not benefit from any established recreational use.

Development within the Green Belt is inappropriate unless it falls within a limited number of exceptions set out in paragraphs 145 and 146 of the NPPF and these are reflected in Policy P2 of the Local Plan. One exception to the general presumption against development is the provision of appropriate facilities (including with a change of use of land) for outdoor sport,

outdoor recreation, burial grounds and allotments, provided that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The change of use of land is also appropriate development provided in maintains the openness of the Green Belt and therefore the main consideration in assessing compliance with Green Belt policy is whether the built facilities are appropriate to the proposed use of the site as allotments.

The development proposed includes very little in the way of built facilities with only a small building close to the entrance, which would include a small office, kitchenette and toilet facilities. Each plot would be provided with a 6x4 shed and a water butt; there would be a small structure for rainwater storage and the site would be secured by 2.4m mesh fencing. The built facilities are individually and cumulatively small in scale, are typical to support allotment sites, and are appropriate in all other respects. The development would have very little impact on the openness of the Green Belt and would not conflicting with the purposes of including land within it.

Accordingly, it is concluded that the development represents appropriate development of this Green Belt site. The proposal complies with the objectives of the NPPF and Policy P2 of the Local Plan. The principle of the development is therefore acceptable.

Compliance with the Surrey Waste Plan

The application site is located adjacent to land allocated in both the existing and emerging Surrey Waste Plan for waste processing and management uses. The emerging Surrey Waste Plan (likely to be adopted imminently) allocates the land for waste management and a sewage treatment plant which accords with the Guildford Local Plan allocation for the Slyfield Area Regeneration Project. The waste allocation excludes the thermal treatment of waste.

While the exact nature of the development on the waste allocation is unknown there is a requirement to relocate the water treatment works, the civil recycling facility and the other waste management uses on the SARP site to facilitate the residential development (Weyside Urban Village). It is reasonable to assume that these are the uses that would be provided on the waste allocation site. While new facilities are likely to perform better in terms of managing noise and odour it is likely that the proposed development of this site would give rise to environmental impacts beyond its boundary. Any application for the development of the waste site, or any of the adjoining sites, will need to be considered on its merits but it is a relevant material consideration as to whether the development of this site in the form proposed would prejudice the ability of the waste site to be developed for its allocated use.

The proposed use as allotments is not a highly noise sensitive use, such as residential, and some level of background noise would not be unexpected on such a site. This is particularly the case in this instance given the location of the site adjacent to an established industrial site. It is very unlikely that this proposal would curtail the development of the adjacent waste allocation site provided suitable mitigation measures were applied. The proposed development would not prejudice the delivery of the strategic waste allocation and would not conflict with the Surrey Waste Plan.

The impact on trees, vegetation on the character of the area

The application site currently includes areas of scrub and grassland as well as an area of young regenerating woodland that is of relatively limited arboricultural value. There are little features of landscape interest in the site itself however the trees that mark the field boundaries make a positive contribution to the area and should be retained wherever possible.

The applications site is limited to the central area of this land parcel and the field boundaries, with the exception of the access point, are outside the application site but within the same ownership.

The application is supported by an Arboricultural Impact Assessment and Tree Protection Plan which states the mature trees on the boundaries of the site will be retained and outlines measures for their protection during construction. The Councils Arboricultural Officer has visited the site and raises no objection to the proposal subject to a condition to secure the submission of an Arboricultural Method Statement. Suitable replacement planting for the trees within the site that are to be removed would be secured by a landscaping condition.

The retention of the boundary trees would ensure that the development would have little impact on the visual amenities of the wider area and limit longer range views into the site, including those from Jacobs Well. While glimpsed views of the allotments will be visible from the surrounding area, and from the PRoW to the east of the site, the development would adjoin an area characterised by large buildings and would not materially impact on the character or the appearance of the local area.

Accordingly, it is concluded that the impact on the existing trees and landscape features would be suitably mitigated and the development would not materially impact on the character or the appearance of the wider area. The proposal is therefore acceptable in these respects.

The impact on protected species and biodiversity

The application site includes areas of potential habitat for protected species which includes the regenerating woodland, scrub and grassland as well as the trees and hedges which mark the boundary of the site. The tree belts on the east and south boundaries of the site have been identified as Broadleaved Deciduous Woodland which is also a habitat of principle importance to the conservation of biodiversity.

The applicant has submitted an Ecological Assessment Report and a Landscape Management report that have considered the impact of the proposed development and identify a scheme of mitigation that would be implemented alongside the development. This includes new grassland and scrub planting, new trees within the woodland belts and the creation of shelter/hibernation features for reptiles.

Surrey Wildlife Trust has considered the proposal and has advised that the documents submitted are sufficient to inform the consideration of the application. It recommends that any planning permission granted should secure the proposed scheme of mitigation and measures to ensure protected species are not harmed by the proposed development during the construction phase. It also recommends that replacement planting and habitat is managed for the lifetime of the development for its biodiversity value. This can be controlled by planning conditions and accordingly the application is considered acceptable in biodiversity terms.

Drainage and the impact on Flood Risk

The application site is located partly in Flood Risk Zone 2 where there is a 'medium' risk (between a 1 in 100 and 1 in 1,000 annual probability) of fluvial flooding and part of the northern boundary of the site is also at risk of surface water flooding. The application is supported by a Flood Risk Assessment which includes details of the proposed surface water strategy.

The use of land for allotments is considered to be a 'less vulnerable' use and is an appropriate use for land in Flood Zone 2. The development would not be at an unacceptable risk from flooding. The application also includes details of the proposed the Sustainable Drainage Scheme (SuDS) which is designed to ensure that the surface water discharge rate for the site is not increased by the development. Surrey County Council, acting as Lead Local Flood Authority, have considered the scheme and raised no objection to the proposal subject to suitable conditions to secure the final SuDS details.

Accordingly, the development would not be at a significant risk of flooding and would not give rise to an increased risk of flooding to people or property elsewhere.

The level of parking and the impact on highway safety

The primary site access would be from the south of the site via North Moors which would include vehicle, cycle and pedestrian access to the site. A secondary access point would be provided to the north via gate in the fence for pedestrians only. North Moors is a private road which currently serves as access to a number of commercial buildings on the industrial estate; it joins the public highway at Westfield Road. The access is considered suitable for the proposed use of the site and the Country Highway Authority have raised no objection to the proposals on these grounds.

The application site does not include any Public Rights of Way (PRoW) although Public Footpath 438 runs adjacent to the east boundary of the site; it is outside the application site but within the same ownership and there are no proposals to alter or divert the PRoW. The pedestrian routes that pass through the site which are informal and are not adopted PRoWs. These would need to be diverted to accommodate the development as the majority of the site would no longer be publicly accessible. The application proposes that these routes be diverted along the south and west of the application site, outside the allotment fencing, and would continue to provide a route from Jacobs Well to Slyfield in addition to the adopted PRoW. The development would not materially diminish the connectivity between these areas and would not impact on sustainability.

The application site is located in an area that is not predominantly residential and it is relatively unlikely, but not impossible, that people employed on the industrial estate would make use of the proposed facility. The site is however very close to Jacobs Well, approximately 300m via the PRoW, and is also within reasonable walking distance of the residential areas of Slyfield (approximately 900m) and Bellfields (approximately 1.1km). The constraints of urban land are such that any new allotment site is likely to be in the countryside and in this instance the proposed site is close to a number of residential areas and has good pedestrian and cycle connectivity. The site is also close to a number of bus stops including those within Jacobs Well and on Woodlands Road which are within a short walking distance of the site.

While the site is well served by sustainable modes of transport it is likely that some plot holders will chose to travel to the site by car. Accordingly, the application includes 9 car parking spaces to meet this demand. While the Council has no adopted standard for parking at allotments it is considered that the level proposed is appropriate to serve the scale of the development and the County Highway Authority has raised no objection to the proposal on these grounds. It has requested that a condition be included to ensure that at least 1 electric vehicle charging point is provided on the site and this is reasonable to ensure that the use of electric vehicles is encouraged. A condition will be included to secure this.

Concerns have been raised that the proposed development would result in increased traffic and congestion to an area where the network is congested however the development is likely to generate very few vehicle movements and would not materially change the level of traffic or congestion in the area. It is also likely that trips would be staggered across the day and are less likely to be in peak hours compared the other uses in the area. The County Highway Authority has considered the proposal and has raised no concern with capacity or the impact of the development on the network. Worplesdon Parish Council have requested a condition requiring the submission of a Construction Management Plan however the proposed development includes relatively little physical development and there are very few limitations in terms of construction access. It is not considered that a CMP is required in this instance.

The development would therefore not give rise to condition prejudicial to highway safety, would not inconvenience existing users or the highway and would provide a suitable quantity of off-street parking. The site is located in a sustainable location easily access by a number of sustainable transport modes.

The risk of crime and anti-social behaviour

The application site is located in an area that is not residential in character. While it is only a short walk from Jacobs Well it is largely screened from view by the existing trees and vegetation. While the site is not overlooked by residential properties the vehicle access and entrance to the site would be along well used commercial routes, including North Moors, which would have some level of activity even outside traditional working hours. The secluded location of the site does, however, increase the risk or crime and anti-social behaviour.

While the risk of crime is a material planning consideration its is unlikely that any risk would be so high as to warrant the refusal of a planning application for an otherwise acceptable use. Decision makers should seek to ensure that the risk of crime and anti-social behaviour is mitigated through design and other mechanisms such as lighting and CCTV. Accordingly, it is recommended that a condition be included in any permission granted to ensure suitable measures are implemented before the site is first brought in to use.

Conclusion

There is no objection to the principle of the development and it would not prejudice the delivery of the adjoining waste allocation or the Slyfield Area Regeneration Project. The proposal is appropriate development in the Green Belt; it would not impact on the openness of the Green Belt and would not conflict with it. The proposed development would deliver 78 new plots and 2 bee keeping plots and this would be a significant benefit to the local community supporting local and national objectives for healthy and active lifestyles.

The development results in the loss of a number of young trees and scrub which is of biodiversity value but this would be mitigated through the Landscape and Ecology Management Plan. There would be no loss of biodiversity value on the site with net benefits associated with the future management of the land for biodiversity purposes. The development would not materially impact on the character of the area, residential amenity or highway safety.

For these reasons it is considered that the application should be approved.



Mr Beavan Savills Savills 2 Charlotte Place Southampton so14 0tb

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2015

Approval of planning permission: 20/P/00197

Date of Decision: 17/06/2020

Proposal: Change of use of amenity land to deliver 78 allotment plots, bee keeping

facilities, composting areas, community buildings, landscaping and associated

cycle storage and car parking.

Location: North Moors Allotment Site, North Moors, Worplesdon, Guildford, GU1 1SE

For: Mr Edwards

Guildford Borough Council

The application is hereby approved subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004./ In pursuance of Section 196D of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

<u>Drawing Title</u>	<u>Drawing Number</u>
Site Location Plan	442977_303
Car Parking Access Road	19215-MA-SK-101 Rev
P08	
Landscape Proposals	42287/31111/003 Rev
В	
Proposed Facilities	442977 302 Ref F
Proposed Lighting Layout	42287/2001/001
2.44m High Securimesh Fence Detail	J6/04030
Tree Constraints Plan	
190912-1.0-SARPG-TCP-MM	

<u>Reason:</u> To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. No development, other than in connection with the creation of the access road and car parking area, shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) and in general accordance with the submitted Arboricultural Impact Assessment (Ref: 200317-1.3-ARAG-AIA-LF) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition. nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered. no excavations shall be made, nor shall any fires be lit. without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

<u>Reason:</u> To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. This is required to be a pre-commencement condition to ensure that tree protection is installed before work commences.

4. The development shall be undertaken in accordance with the approved Landscape Proposals. There shall be no variation from the approved details and the landscaping scheme shall be fully implemented before the allotments hereby approved are first brought in to use (or other timescale as may be agreed in writing with the Local Planning Authority). Any of the proposed trees, shrubs or plants that die, become damaged or diseased within 10 years of planting shall be replaced by replacement of a similar size and species to those that are to be removed.

<u>Reason:</u> To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no buildings, structures, fences or hard surfaces shall be erected or created on the site other than those shown on the approved plans.

<u>Reason:</u> In the interests of visual amenity and to control further development within the site.

6. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the Ecological Assessment Report (dated January 2020) and the Landscape and Ecological Management Plan (dated January 2020)and there shall be no variation from the approved details unless first agreed in writing with the Local Planning Authority. Following the completion of the development the site and the proposed replacement landscaping areas shall continue to be managed in accordance with the recommendations of these documents.

Reason: To mitigate against the loss of existing biodiversity and natural habitats

- 7. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20 allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 l/s.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

8. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas,flo w restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

9. The development hereby approved shall not be occupied until written scheme for the reduction of the opportunities for crime, including details to be implemented such as locks, lighting and cctv, has been submitted to and approved by the Local Planning Authority. Once approved, the agreed measures shall be implemented, reviewed and developed to the reasonable satisfaction of the Local Planning Authority.

Reason: To manage the risk of crime and anti-social behaviour.

10. The development hereby approved shall not be first opened to the public unless and until at least 1 of the proposed parking spaces are provided with a fast charge socket (minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

<u>Reason:</u> To encourage the use of electric cars in order to reduce carbon emissions.

Informatives:

- This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

2. The applicant is advised that the site is in close proximity to sites known to be contaminated. Should any unexpected contamination be found during construction this should be notified to the Councils Environmental Services team immediately and all work should cease until the Council has advised that it is safe to continue.

Please read the Important Notes attached.

Dawes

Tim Dawes

Planning Development Manager

Important Notes

The applicant is recommended to retain this decision notice in a safe place or with the title deed of the property.

Compliance with Approved Plans and Conditions

Any failure to adhere to the details of any plans approved or to comply with any conditions detailed in this notice constitutes a contravention of the provisions of the Town and Country Planning Act 1990 (as amended) and may lead to enforcement action being taken by the Council. If you want to depart in any way from the approved development, you are advised to seek the agreement of the Council before carrying out any work.

The applicant is advised that there will be a fee for each separate submission of information and details required to discharge the reserved matters and other conditions.

For further information contact planningenquiries@guildford.gov.uk or 01483 444609

Building Regulations and other legislation

This permission relates only to planning legislation. It is your responsibility to seek any authorisations required under other legislation.

In particular, Building Regulations approval may be required for this work. For free informal advice please contact our Building Control Service at www.guildford.gov.uk/buildingcontrol or telephone 01483 444545.

Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

Appeals to the Secretary of State

General

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 (as amended).

You, or an agent acting on your behalf, can appeal if you were the person who made the application. Appeals are dealt with by the Planning Inspectorate, an executive agency of the Department for Communities and Local Government. Its primary function is to determine appeals on behalf of the Secretary of State.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

Planning Permission

If you want to appeal against the refusal of this application or against condition(s) attached to this approval, then you must do so within 6 months of the date of this decision notice.

If an enforcement notice is served relating to the same or substantially the same land and

development as in your application and if you want to appeal against the Council's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

If either the Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Public Path Diversion Order

Town And Country Planning Act 1990, Section 257

Guildford Borough Council

Footpath at North Moors

Public Path Diversion Order 2021

This Order is made by Guildford Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 (Ref. 20/P/00197) namely: Change of use of amenity land to deliver 78 allotment plots, bee keeping facilities, composting areas, community buildings, landscaping and associated cycle storage and car parking. —

BY THIS ORDER:-

- 1 THE footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule of this Order ("the schedule") shall be diverted.
- 2. There shall be created to the reasonable satisfaction of Surrey County

 Council an alternative highway for use as a replacement for the said

 footpath as provided in Part 2 of the Schedule and shown by bold black

 dashes on the attached map.
- 3. The diversion of the footpath shall have effect on the confirmation of this Order by the Guildford Borough Council AND for avoidance of doubt the confirmation shall not occur until Surrey County Council certifies its reasonable satisfaction with the alternative highway for use as replacement for the said footpath

- 4. <u>Guildford Borough Council</u> is hereby required to pay the cost of all works required including:-
 - Signposting and waymarking, to bring the proposed diversion into use;
 - Providing a surfaced path with a minimum width of 2.0 metres to the satisfaction of Surrey County Council;
 - The costs incurred in making the Order.
- 6. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE PART 1

Description of site of existing path or way

Footpath from point A 182 metres south south east of Jacobs Well Village Hall and Club at the north west corner of the proposed allotment site (Grid Ref. 500113 152813) in a generally south easterly direction for 237 metres to Point B (Grid Ref. 500285 152682), as shown on Drawing No. 3/1/74/H18A

PART 2

Description of site of alternative highway

Footpath from point A 182 metres south south east of Jacobs Well Village Hall and Club at the north west corner of the proposed allotment site (Grid Ref. 500113 152813) in a south south easterly direction for 160 metres to Point C (Grid Ref. 500176 15266) then in an easterly direction for 110 metres to Point

D (Grid Ref. 500287 152665), as shown on Drawing No. 3/1/74/H18A. The Footpath to have a width of 2 metres throughout and to be known as Public Footpath 581 (Worplesdon).
Executed as a Deed by affixing the Seal of GUILDFORD BOROUGH COUNCIL on ******** 2021 in the presence of :-
Authorised Signatory

DATED ******* 2021

TOWN & COUNTRY PLANNING ACT 1990
SECTION 257
GUILDFORD BOROUGH COUNCIL
FOOTPATH AT NORTH MOORS
DIVERSION ORDER 2021

Proposed Public Footpath Diversion



