



21/P/01306 - Land at Effingham Lodge Farm, Lower Road, Effingham



Not to scale

**App No:** 21/P/01306  
**Appn Type:** Full Application  
**Case Officer:** John Busher  
**Parish:** Effingham  
**Agent :** Ms. Farhana Hussain  
Quod  
8-14 Meard Street  
London  
W1F 0EQ

**8 Wk Deadline:** 09/09/2021

**Ward:** Effingham  
**Applicant:** Berkeley Homes (Southern) Ltd c/o  
Agent

**Location:** Land at Effingham Lodge Farm, Lower Road, Effingham, Leatherhead, KT24 5JP

**Proposal:** Hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and full planning permission for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works on land at Effingham Lodge Farm, Lower Road, Effingham.

## **Executive Summary**

### **Reason for referral**

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

### **Key information**

This application site consists of three different parcels of land which are located within the ward of Effingham to the north of the village centre. All three sites are within and around the site known locally as Lodge Farm and all three are located to the south of Thornet Wood, to the east of Effingham Common Road and to the north of Lower Road. The largest part of the development (110 dwellings) would be to the north of the already approved housing and school proposal which was approved by the Secretary of State in 2018. The proposal would effectively form an 'extension' to this development, for reasons which will be set out in the main body of the report below.

The site is approximately 7.33 hectares in area and it is currently laid to grass and scrub and designated as being within the Green Belt.

This is a hybrid planning application which means that part of the development is for full planning permission and part is in outline.

### **Full permission**

Site A (110 dwellings):

Full planning permission is requested for the vast majority of the proposal, including the 110 dwellings, as well as the access, parking and new landscaping areas for community use. The proposed dwellings would occupy an 'L' shaped piece of land to the north-west of the site for the

replacement Howard of Effingham school. Some of the dwellings would share a boundary with the school, in particular the main parking area, the nursery and the caretakers dwelling. Some of the other properties would run along the boundary with the proposed school playing fields. Access into the dwellings would be from two points along the approved spine road, approximately 70 metres from the main entrance into the development from Effingham Common Road.

A total of 70 dwellings are proposed, as well as three apartment blocks which would provide a total of 40 units. 223 car parking spaces are proposed, which would include a mix of on-plot parking, parking courtyards and visitor parking.

As part of the development a large area of community open space is proposed between the dwellings and Thornet Wood. This would consist of orchards, meadows, new native woodland planting, an area of natural children's play and community growing gardens which will include sheds and composting areas.

Site C (open space):

Also as part of the proposal is a new area of public open space which the applicant has termed as a new village green. This area of land did form part of the original appeal proposal, but it formed part of the school outdoor amenity space. Now this area would be created into a public park for the village amenity grassland, seating, new planting and public paths through the site.

#### Outline permission:

Site B (four self-build units):

Outline permission is requested for four dwellings on the northern side of Lower Road which would replace the current 408 and 410 Lower Road which are currently unoccupied and derelict. These properties would be set aside for custom and self-build properties, which is why they are in outline. The prospective purchasers would submit reserved matters applications for each of the plots once the design was known.

### **Summary of considerations and constraints**

In 2014 a planning application for a replacement secondary school and 295 dwellings was submitted to the Local Planning Authority. Apart from 37 dwellings on a site along Brown's Field, the proposal was for outline planning permission. All matters apart from the access were reserved. In 2015, the Local Planning Authority refused planning permission for the development on various grounds including harm to the Green Belt, impact on ecology, harm to the conservation area and the character and appearance of the surroundings. The applicant appealed the decision and a Public Inquiry took place in May 2017. The appeal was subsequently recovered by the Secretary of State for his determination and it was allowed in March 2018. The applicant has successfully obtained reserved matters consent for the Lodge Farm and replacement school phases of the development. The reserved matters application for the re-development of the existing school site has been recommended for approval by Officers and is being reported to the Planning Committee on 21 March 2022. Members will be updated on this proposal via the late sheets. Some site clearance works have commenced on site, however, it is not known if the appeal permission has been implemented or not.

It is noted that the application would effectively form an 'extension' to the appeal scheme, however, it is a discreet planning application and needs to be considered on its own merits. The

applicant notes that despite changes which have been approved for the replacement school which have reduced its build costs, the approved appeal scheme, in today's economic climate, is unviable. The following is taken from the applicant's Planning Statement:

*'At the time of the original hybrid application, the viability modelling undertaken (and independently verified by GBC's advisors) demonstrated that 295 new homes would fund the assumed cost of the new school, while providing a surplus sufficient to provide circa 20 per cent affordable housing. Navigating the planning process to arrive at the implementation stage took over six years from the submission of the original application for the Lodge Farm development in 2014. During that intervening period, the cost of delivering the school has substantially increased. The need for the school has not diminished since the appeal and there remains a profound educational requirement for a new school. The Applicant remains committed to trying to deliver this new educational facility in partnership with the Howard of Effingham School but the Approved Masterplan scheme is no longer viable and Berkeley therefore cannot proceed with the delivery of the extant permission. Despite a concerted value engineering exercise conducted by Berkeley, which did identify some modest savings, the scheme is still unviable. There is no prospect of a public sector subsidy to fund the school and the only feasible remedy to the lack of viability, sufficient to allow Berkeley to deliver the new school, is to increase the housing numbers which are necessary to pay for the school and associated open space and infrastructure. The proposed development for which planning permission is now sought is therefore necessary to redress the lack of viability inherent in the Approved Masterplan. Its approval would secure permission for additional new homes, generating sufficient cross funding to allow the Approved Masterplan to also come forward. Importantly, the proposed development subject to this new application would only ever be built out in combination with the Approved Masterplan, with neither coming forward in isolation. It is proposed that this be secured by way of an amendment to the existing s.106 legal agreement'*

As such, to render development viable, the applicant has noted that additional housing is required. This scheme proposes an additional 114 dwellings in total, which the applicant notes is what is required to meet the new deficit in funding for school.

It is acknowledged that there is substantial and serious harm resulting from the proposal. This includes the harm to the Green Belt, as well as the more modest harm to the character of the area, the lack of a policy compliant provision of self-build properties and all other harms identified in this report. The harm arising from the appeal proposal is also substantial and includes further Green Belt harm and harm to heritage assets and the character of the village more generally.

However, the benefits of the scheme are also substantial. The fact that this proposal would secure the delivery of the replacement Howard of Effingham school weighs very heavily in favour of the application. Although the Council has a healthy housing land position, the provision of additional new housing, which would now total 409 units (taking the proposal and the appeal scheme together), is still considered to be a sizeable benefit of the scheme, albeit at a reduced weight to what the Inspector concluded. These properties are also likely to be delivered earlier in the plan period. While the number of affordable units would not be the 40% required by policy, the proposal would nonetheless still provide a significant number of affordable units. These benefits of the scheme are fundamental and long lasting and the school improvements in particular would benefit a large part of the community. Other benefits include the sustainability measures which are beyond the policy requirement, the provision of new areas of community open space, the provision of the dedicated Cullum centre and the range of other benefits that the proposal would bring.

Notwithstanding certain identified conflicts with relevant development plan policies above, overall the proposal accords with the development plan read as a whole. It is considered that other material considerations include harms and benefits resulting from the proposal and the appeal scheme. Overall, the benefits clearly outweigh the harms, and in particular the benefit of securing the delivery of the school is such that even if it were found that there was a conflict with the development plan read as a whole, the benefit of securing that delivery is such as to outweigh that conflict so that planning permission would be granted in any event.

Following the balancing exercise, it is felt that the harm caused to the Green Belt, as well as the other harm identified, is clearly outweighed by the benefits of the proposal. As such, it is recommended that planning permission should be granted.

**RECOMMENDATION:**

**(i) That a s.106 agreement be entered into to secure:**

- **the delivery of 22 affordable housing units;**
- **provision of SMM contributions;**
- **secure SANG land to mitigate the impact of the development on the TBHSPA;**
- **contribution towards Police infrastructure;**
- **contribution towards early years education projects;**
- **contribution towards health care infrastructure;**
- **contribution towards but not limited to, the Digital Demand Responsive Transport (DRT) bus service and enhancements of the existing local public bus service as required;**
- **a contribution towards the 'Lower Road/Effingham Common Road Traffic Calming' scheme;**
- **a Travel Plan auditing fee;**
- **secure triggers which prohibit the commencement of the development until certain circumstances are met (these may be tied to the construction of the replacement school and/or the already approved residential phase on Lodge Farm); and**
- **securing the provision, maintenance and management of the open space areas proposed through the planning application, including the new village green area, the natural play area, community growing gardens, amenity space and a community orchard.**

**If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.**

**(ii) That upon completion of the above, the application be determined by the Head of Place / Director of Service Delivery. The recommendation is to approve planning permission, subject to conditions.**

**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.

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

Drwg / Doc No.	Drawing / Document Title
01023C_S01	Site Location Plan
01023C_MP02	Illustrative Masterplan
01023C_S01	Site Sections - Sheet 1
01023C_S02	Site Sections - Sheet 2
01023C_S03	Site Sections - Sheet 3
01023C_S04	Site Sections - Sheet 4
01023C_S05	Site Sections - Sheet 5
01023C_001A	Plot 1 - Elevations
01023C_001C	Plot 1 - Plans
01023C_002A	Plot 2 - Elevations
01023C_002B	Plot 2 - Plans
01023C_003A	Plot 3 - Elevations
01023C_003B	Plot 3 - Plans
01023C_004A	Plot 4 - Elevations
01023C_004B	Plot 4 - Plans
01023C_005A	Plot 5-6 - Elevations 1
01023C_005B	Plot 5-6 - Elevations 2
01023C_006A	Plot 5-6 - Plans 1
01023C_006B	Plot 5-6 - Plans 2
01023C_007A	Plot 7-8 - Elevations 1
01023C_007B	Plot 7-8 - Elevations 2
01023C_008A	Plot 7-8 - Plans 1
01023C_008B	Plot 7-8 - Plans 2
01023C_009A	Plot 9 - Elevations
01023C_009B	Plot 9 - Plans
01023C_010A	Plot 10 - Elevations
01023C_010B	Plot 10 - Plans
01023C_011A	Plot 11 - Elevations
01023C_011B	Plot 11 - Plans
01023C_012A	Plot 12 - Elevations
01023C_012B	Plot 12 - Plans
01023C_013A	Plot 13 - Elevations
01023C_013B	Plot 13 - Plans
01023C_014A	Plot 14 - Elevations
01023C_014B	Plot 14 - Plans
01023C_015A	Plot 15 - Elevations
01023C_015B	Plot 15 - Plans
01023C_016A	Plot 16 - Elevations
01023C_016B	Plot 16 - Plans
01023C_017	Plot 17-18 - Elevations

01023C 018	Plot 17-18 - Plans
01023C 019A	Plot 19-20 - Elevations 1
01023C 019B	Plot 19-20 - Elevations 2
01023C 020A	Plot 19-20 - Plans 1
01023C 020B	Plot 19-20 - Plans 2
01023C 021A	Plot 21 - Elevations
01023C 021B	Plot 21 - Plans
01023C 022A	Plot 22 - Elevations
01023C 022B	Plot 22 - Plans
01023C 023A	Plot 23 - Elevations
01023C 023B	Plot 23 - Plans
01023C 024A	Plot 24 - Elevations
01023C 024B	Plot 24 - Plans
01023C 025A	Plot 25-26 - Elevations 1
01023C 025B	Plot 25-26 - Elevations 2
01023C 026A	Plot 25-26 - Plans 1
01023C 026B	Plot 25-26 - Plans 2
01023C 027A	Plot 27 - Elevations
01023C 027B	Plot 27 - Plans
01023C 028	Plot 29-30 - Elevations1
01023C 029	Plot 29-30 - Elevations1
01023C 030	Plot 29-30 - Plans
01023C 031A	Plot 31-32 - Elevations 1
01023C 031B	Plot 31-32 - Elevations 2
01023C 032	Plot 31-32 - Plans
01023C 033	Plot 33-34 - Elevations
01023C 034	Plot 33-34 - Plans
01023C 035A	Plot 35 - Elevations
01023C 035B	Plot 35 - Plans
01023C 036	Plot 36-39 - Elevations 1
01023C 037	Plot 36-39 - Elevations 2
01023C 038	Plot 36-39 - Plans
01023C 040	Plot 40-41 - Elevations
01023C 041	Plot 40-41 - Plans
01023C 042	Plot 42-47 - Elevations 1
01023C 043	Plot 42-47 - Elevations 2
01023C 044	Plot 42-47 - Plans 1
01023C 045	Plot 42-47 - Plans 2
01023C 048	Plot 48-53 - Elevations 1
01023C 049	Plot 48-53 - Elevations 2
01023C 050	Plot 48-53 - Plans 1
01023C 051	Plot 48-53 - Plans 2
01023C 054A	Plot 54 - Elevations
01023C 054B	Plot 54 - Plans
01023C 055A	Plot 55 - Elevations
01023C 055B	Plot 55 - Plans
01023C 056A	Plot 56 - Elevations
01023C 056B	Plot 56 - Plans
01023C 057A	Plot 57 - Elevations
01023C 057B	Plot 57 - Plans
01023C 058A	Plot 58-59 - Elevations 1
01023C 058B	Plot 58-59 - Elevations 2
01023C 059A	Plot 58-59 - Plans 1
01023C 059B	Plot 58-59 - Plans 2
01023C 060A	Plot 60 - Elevations
01023C 060B	Plot 60 - Plans
01023C 061A	Plot 61 - Elevations
01023C 061B	Plot 61 - Plans

01023C_062A	Plot 62 - Elevations 1
01023C_062B	Plot 62 - Elevations 2
01023C_062C	Plot 62 - Plans
01023C_063A	Plot 63 - Elevations 1
01023C_063B	Plot 63 - Elevations 2
01023C_063C	Plot 63 - Plans
01023C_064A	Plot 64 - Elevations
01023C_064B	Plot 64 - Plans
01023C_065	Plot 65-67 - Elevations
01023C_066	Plot 65-67 - Plans
01023C_068	Plot 68-69 - Elevations
01023C_069	Plot 68-69 - Plans
01023C_070	Plot 70-71 - Elevations
01023C_071	Plot 70-71 - Plans
01023C_072	Plot 72-79 - Elevations 1
01023C_073	Plot 72-79 - Elevations 2
01023C_074	Plot 72-79 - Plans 1
01023C_075	Plot 72-79 - Plans 2
01023C_080A	Plot 80 - Elevations
01023C_080B	Plot 80 - Plans
01023C_081A	Plot 81-82 - Elevations 1
01023C_081B	Plot 81-82 - Elevations 2
01023C_082	Plot 81-82 - Plans
01023C_083A	Plot 83 - Elevations
01023C_083B	Plot 83 - Plans
01023C_084	Plot 84-91 - Elevations 1
01023C_085	Plot 84-91 - Elevations 2
01023C_086	Plot 84-91 - Plans 1
01023C_087	Plot 84-91 - Plans 2
01023C_092	Plot 92-94 - Elevations
01023C_093	Plot 92-94 - Plans
01023C_095	Plot 95-106 - Elevations 1
01023C_096	Plot 95-106 - Elevations 2
01023C_097	Plot 95-106 - Plans 1
01023C_098	Plot 95-106 - Plans 2
01023C_099	Plot 95-106 - Plans 3
01023C_107A	Plot 107-108 - Elevations 1
01023C_107B	Plot 107-108 - Elevations 2
01023C_108A	Plot 107-108 - Plans 1
01023C_108B	Plot 107-108 - Plans 2
01023C_109	Plot 109-110 - Elevations 1
01023C_110	Plot 109-110 - Plans
1581-002E	Thornet Wood Community Open Space
1581-003D	Residential Landscape Masterplan
1581-004E	Village Green Landscape Plan

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

3. No residential development shall take place until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANG) to mitigate the impact of the development has been secured and no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANG standard have been completed.

Reason: This is required as a pre-commencement condition as the development is only acceptable if the impact on the Thames Basin Heaths Special Protection Area can be mitigated. This is reliant on the provision of SANG. Avoidance works associated with development need to be carried out prior to the occupation of the development so that measures can cater for increased number of residents to avoid adverse impact on the Thames Basin Heaths Special Protection Area.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work on the site in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Written Scheme of Investigation.

Reason: To ensure archaeological investigation(s) are carried out before any archaeological remains are disturbed by the approved development. This is required to be a pre-commencement condition because it is necessary to understand the nature and extent of any archaeological remains on the site before development commences.

5. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Including the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment shall be protected during the works. This shall:

- a) include measures for noise and vibration mitigation during each phase of construction, together with plans to monitor noise and vibration during construction;
- b) include details of lighting requirements during construction;
- c) include a Dust Management Plan to minimise dust and emissions including an inventory and timetable of dust generating activities, emission control methods and where appropriate air quality monitoring;
- d) measures on avoiding impacts to nesting birds during clearance of the site;
- e) a plan showing habitat areas to be specifically protected during the works and how they shall be protected (i.e. with fencing). This should include the 15m buffer zone to the ancient woodland;
- f) any necessary pollution protection methods; and
- g) information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The CEMP measures shall be implemented and maintained for the course of the development works.

Reason: In order to safeguard against the emission of noise, vibration and dust and protect the wildlife on the site and along the watercourse and in the

buffer zone. This is required to be a pre-commencement condition as these matters need to be agreed before development commences, in order to protect the amenities of the locality and by minimising impacts on habitats and biodiversity.

6. No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority, to include details of:
- a) parking for vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials;
  - d) programme of works (including measures for traffic management);
  - e) provision of boundary hoarding behind any visibility zones;
  - f) HGV deliveries and hours of operation;
  - g) vehicle routing;
  - h) measures to prevent the deposit of materials on the highway;
  - i) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm;
  - (j) details of how the lay-up and waiting of HGVs associated with the development in Lower Road, Orestan Lane, Effingham Common Road, Church Street, Manorhouse Lane or The Street during these times (set out in (i)) will be discouraged; and
  - j) on-site turning for construction vehicles

The CTMP measures shall be implemented and maintained for the course of the development works.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This is required to be a pre-commencement condition as the details go to the heart of the planning permission as the impact on the highway will be on commencement of any construction activity.

7. No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority that demonstrates how waste generated from construction and excavation activities would be dealt with in accordance with the waste hierarchy. The development shall only be carried out in accordance with the approved Site Waste Management Plan which will subsequently be kept up-to-date throughout the development process in accordance with established methodology.

Reason: To ensure that the development takes waste hierarchy into account to manage waste. It is considered necessary for this to be a pre-commencement condition because waste will begin to be generated as soon as any development commences on the site.

8. No development shall commence until an assessment of the risks posed by any contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority and until the measures

approved in that scheme have been implemented. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall include relevant sub-surface, soil gas and groundwater sampling together with the results of analysis and a risk assessment of the impact to receptors assess any contamination on the site, whether or not it originates on the site. Copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is required to be a pre-commencement condition as the nature and extent of any contamination, along with any necessary remediation measures, need to be identified before development commences, in order to ensure that risks can be managed.

9. No development shall commence (excluding works for the site access) until details of a woodland management plan have been submitted to and approved in writing by the Local Planning Authority. This must include but not limited to details on exclusion zones, public access, root protection zones and details of interpretation boards which provides information on the ancient woodland and its management. The approved details shall be implemented and thereafter maintained.

Reason: In order to safeguard against the woodland and protect the wildlife on the site. This is required to be a pre-commencement condition as these matters need to be agreed before development commences, in order to protect the ancient woodland and by minimising impacts on habitats and biodiversity.

10. No development shall commence (excluding site preparation/ earthworks/ enabling works) until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the Local 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) evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 7.6 l/s.
- b) 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.).

- c) 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 from increased flood risk.
- d) proposed point of discharge to public network, method of connection (pumped or gravity), etc.
- 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.

The development shall be built in accordance with the approved details and thereafter maintained.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development. This is required to be a pre-commencement condition as the design of a surface water drainage scheme goes to the heart of the permission and must be secured before development commences.

11. No development shall commence until levels details including the existing and proposed ground, finished floor, ridge height and hard surfaced areas levels, a datum point and spot heights of the adjoining building(s) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved levels.

Reason: In order to ensure the height of the development is appropriate to the character of the area. It is considered necessary for this to be a pre-commencement condition to ensure the development respects the scale of existing adjoining buildings.

12. No development shall take place until a finalised Arboricultural Method Statement (AMS) (detailing all aspects of construction and staging of works) and a finalised Tree Protection Plan (TPP), in accordance with British Standard 5837:2012. 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. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees. This is required to be a pre-commencement condition as details relating to the protection of trees during and after construction goes to the heart of the permission.

13. No development (including demolition, site clearance and groundworks) shall commence until, a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be based on the recommendations within section 6 of EclA (Derek Finnie Associates, 2021). All approved details shall be implemented in full prior to the first occupation of the development (or in accordance with an agreed timetable) and in accordance with the Reptile Mitigation Strategy.

Reason: To ensure that a suitable mitigation strategy is implemented to safeguard reptiles. This is required to be a pre-commencement condition as details relating to habitat mitigation goes to the heart of the permission.

14. Prior to the commencement of development above the damp proof course (dpc) level, large scale plans to a scale of at least 1:20 shall be submitted to and approved in writing by the Local Planning Authority for:

- a) fenestration details including depths of reveal, sections, mouldings, glazing bars, trickle vents, materials, finishes and method of opening;
- b) pattern/header brickworks and pattern hanging tile work;
- c) headers and cills;
- d) balcony, access ramp and other balustrading, excluding the use of glass and sheet materials;
- e) garage doors, including panelisation, glazed window and door within a door (where practicable)
- f) porches;
- g) chimneys;
- h) roof verges and eaves including brick corbels;
- i) dormer windows;
- j) standing seams to metal roofs;
- k) fascias and soffits;
- l) rainwater goods, vents and flues.

The development shall be carried out in accordance with the plans approved by the Local Planning Authority.

Reason: To ensure that a satisfactory external appearance is achieved of the development.

15. Prior to the commencement of development above the damp proof course (dpc) level, details and samples of the proposed external facing and roofing materials and any hardstanding materials including colour and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the development is satisfactory.

16. Prior to the commencement of development other than the access and groundworks, details shall be submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to each dwelling/building hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of each dwelling where practicable or supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP.

Reason: To ensure that the new development in Guildford is provided with high quality broadband services and digital connectivity.

17. Prior to the first occupation of the development hereby approved, a Refuse Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include refuse collection and storage points. The agreed details shall be installed and made available for use before the first occupation of the dwellings that they serve. Thereafter, the approved details shall be retained for the lifetime of the development.

Reason: To ensure that waste collection details are satisfactory.

18. Prior to the commencement of development other than the access and groundworks, details shall be submitted to and approved in writing by the Local Planning Authority for the proposed vehicular accesses to the spine road have been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: To ensure satisfactory functioning and access to the development and so that the development should not prejudice highway safety nor cause inconvenience to other highway users.

19. Prior to the commencement of development other than the access and groundworks, details shall be submitted to and approved in writing by the Local Planning Authority for the layout of internal roads, footways and cycle routes. Including details of the following:

- a) visibility splays (including pedestrian inter-visibility splays) for all road users;
- b) pram crossing points;
- c) any required signage; and
- d) road markings.

The approved details shall be implemented before the first occupation of the development and all internal roads, footways and cycle routes shall remain

open and accessible to the public at all times. There shall be no obstruction to visibility splays between 0.6m and 2m high above ground level.

Reason: To ensure satisfactory functioning and access to the development and so that the development should not prejudice highway safety nor cause inconvenience to other highway users.

20. Any contaminated land remediation schemes submitted shall be carried out in accordance with the approved details. Including details of the following which shall be submitted to and approved in writing by the Local Planning Authority:

a) documentary proof together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy;

b) post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste material has been removed from the site before the development hereby permitted is occupied by any person not directly involved in constructing the development.

The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To ensure any contamination of the site is remediated to a 'suitable for use' standard and to protect existing/proposed occupants of applicant site and/or adjacent land.

21. Prior to first occupation a plan indicating the positions, height, species (if applicable), design, materials, and type of boundary treatment to be erected within and around the site, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be completed prior to first occupation. Development shall be carried out in accordance with the approved details and shall be permanently maintained.

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

22. Prior to the first occupation of the development (or phased in accordance with a scheme which is first to be submitted to and approved in writing by the Local Planning Authority), a verification report carried out by a suitably qualified drainage engineer shall be submitted to and approved in writing 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 engaged to manage the drainage system and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls) and confirm any defects have been rectified.

Reason: In order to reduce the impact of the development on flooding,

manage run-off flow rates, protect water quality, and improve biodiversity and the appearance of the development.

23. Prior to first occupation, the proposed vehicular accesses to the spine road shall be constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: To ensure satisfactory functioning and access to the development and so that the development should not prejudice highway safety nor cause inconvenience to other highway users.

24. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (drawing number 01023C\_MP02 Rev\_P01) for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: To ensure satisfactory functioning and access to the development and so that the development should not prejudice highway safety nor cause inconvenience to other highway users.

25. Prior to first occupation the secure, covered, illuminated storage cycle facilities shall be laid out within the site in accordance with the approved plans (drawing numbers 01023C\_G06 Rev\_P01, No. 01023C\_G07 Rev\_P01, 01023C\_G08 Rev\_P01 & No. 01023C\_097 Rev\_P01) for cycles to be parked to serve the blocks of flats within the site. Thereafter the cycle parking facilities shall be maintained for their designated purpose.

Reason: to support sustainable travel choices for new occupants.

26. Prior to first occupation each of the proposed cycle parking spaces within garages and at least 20% of cycle spaces within communal storage facilities shall be provided with an electrical plug socket for the charging of electric bicycles.

Reason: To support sustainable travel choices for new occupants.

27. Prior to first occupation of each of the proposed dwellings (flat or house) details of fast charge sockets (current minimum requirements – 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of that dwelling and maintained thereafter in perpetuity.

Reason: To encourage the use of electric cars in order to reduce carbon emissions and improve air quality.

28. Prior to first occupation of the development, details of (i) where one electric

car club vehicle will be provided on the site; (ii) how the car club shall be promoted as part of sales and marketing of the development; and (iii) details of membership offers to be provided for residents; for example, one years free membership and some free drive time shall be submitted to and approved in writing by the Local Planning Authority. The car club parking space shall be provided with a fast-charge electric vehicle charging point (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) and nearby to accessible cycle parking facilities. The car club space shall be provided in accordance with a timetable to be agreed in writing by the Local Planning Authority and the car club space, vehicle and facilities shall remain in place and operational for at least a period of five years following the first provision of the car club. Thereafter, the demand for the car club shall be reviewed through the Travel Plan monitoring process.

Reason: to support sustainable travel choices for new occupants.

29. Prior to the first occupation of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document. The approved Travel Plan shall be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority. Thereafter the Travel Plan shall be maintained and developed to the satisfaction of the Local Planning Authority.

Reason: to support sustainable travel choices for new occupants.

30. Prior to the first occupation of the development, the improvements to the junction of Lower Road, Church Road and High Street in Great Bookham shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory functioning and access to the development and so that the development should not prejudice highway safety nor cause inconvenience to other highway users.

31. Prior to the first occupation of the development, the capacity improvements to the signalised junction of The Street, Guildford Road and Beech Avenue shall be constructed in general accordance with the approved plans (drawing number 2012009-05). The junction controller shall be updated to incorporate Microprocessor Optimised Vehicle Actuation (MOVA) technology as part of the works in consultation and agreement with Surrey County Council Traffic Operations team.

Reason: To ensure satisfactory functioning and access to the development and so that the development should not prejudice highway safety nor cause inconvenience to other highway users.

32. Prior to first occupation of the development hereby permitted a landscape

and ecological management plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management plan shall be carried out and maintained thereafter. Depending on the time period between the completed ecological surveys and the commencement of development activities, updated survey works may be required prior to drafting this plan. The plan shall also include the additional elements listed below:

- a) aims and objectives of the management plan;
- b) description of the ecological features of the site to be managed and habitat condition to be achieved;
- c) ecological trends and constraints on site that might influence management;
- d) details of maintenance regimes for each habitat type supported by a detailed map;
- e) timings of maintenance activities and ecological considerations;
- f) landscape maintenance for a minimum period of 10 years, including timings, work programmes, replacements etc
- g) details of the ecological enhancements;
- h) monitoring for and control of non-native invasive species;
- i) details of on-going ecological survey work to further shape the Management Plan details of management responsibilities
- j) all native planting is to be of local provenance.
- k) details of the legal and funding mechanism(s) by which long term implementation of the plan shall be secured by the developer with the management body responsible for its delivery

The LEMP shall be implement in accordance with the approved details and thereafter maintained.

Reason: to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

33. Prior to first occupation, a water efficiency statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of water management measures that achieve a maximum water usage of 110 litres per person per day and prioritises demand reduction measures over supply measures for each dwelling.

Reason: To improve water efficiency and respond to climate change.

34. Before the development hereby approved is commenced, a plan showing the location of the 11 Building Regulations 'accessible and adaptable dwellings M4(2) and the six Building Regulations M4(3)(2) wheelchair accessible dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In order to provide a flexible housing stock to meet a wide range of accommodation needs.

35. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 and 1330 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period.

36. 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) any garage or car barn which has been approved with open sides, fronts or backs shall remain as such in perpetuity and they shall not be further enclosed in full or in part at any time.

Reason: To prohibit the unsightly enclosure of the structures and in an ad-hoc manner, to protect the character and appearance of the development and ensure that parking provision is maintained to prevent obstruction of the highway.

37. The development hereby approved shall be based upon the principles of Secured by Design (physical security) or the Building Regulations equivalent and the scheme shall be implemented in accordance with those principles.

Reason: To ensure that the development is acceptable in terms of crime and safety.

38. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

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

39. The development hereby permitted shall be built in accordance with the measures, processes and standards set out in the following documents:

- Energy Statement Rev B (prepared by Southern Energy Consultants, dated 28/02/2022).
- Supplementary Sustainability Statement (prepared by Berkeley Homes, dated February 2022)

- Sustainable Specification and Procurement Policy (prepared by Berkeley Group PLC, dated June 2017)

The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

Reason: To ensure that the development takes sustainable design and construction principles into account, including climate change adaption and reducing carbon emissions and addressing the performance gap.

40. Prior to the occupation of each completed building, a pressure test must be undertaken and the results submitted to and approved in writing by the Local Planning Authority. Where a pressure test does not meet the standards proposed in the Energy Statement (a maximum air leakage rate of [4m3/h.m2@50Pa](#)) the building must be brought up to standard prior to the occupation of each completed building.

Reason: To ensure that the development is built in accordance with the fabric standards set out in the Energy Statement.

41. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a Sensitive Lighting Management Plan (to comply with 'Bats and Lighting in the UK - Bats and Built Environment Series) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the works. The development shall then be carried out in accordance with the approved details.

Reason: To prevent adverse impacts on protected species, in particular bats, resulting from the proposed development works.

42. The self-build units hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

43. Details of the appearance, landscaping, layout, and scale, hereinafter called "the reserved matters" shall be submitted to and approved in writing by the Local Planning Authority before any development begins on the site of the self-build plots and the development shall be carried out as approved.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

44. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

45. The outline development hereby permitted shall be carried out in accordance with the design parameters set out in pages 74-87 of the Design and Access Statement as well as the following approved plans: 01023C\_S01 P01 and 01023C\_MP02 P01.

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

#### **Informatives:**

1. 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

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was sought and provided. The application is deemed to be acceptable.

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk).

3. County Highway Authority Informatives:

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle->

[crossovers-or-dropped-kerbs.](#)

2. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management/permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders.
4. The developer is advised that a standard fee may be charged for input to, and future monitoring of any Travel Plan.
5. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
6. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
7. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
8. The developer is advised that a standard fee may be charged for input to, and future monitoring of, any Travel Plan.
9. Any unilateral undertaking shall be in accordance with Surrey County Council's

standard format.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrast ructure.html> for guidance and further information on charging modes and connector types.

4. Lead Local Flood Authority Informatives:

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

5. Thames Water Informatives:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. [https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/ Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes). Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

## **Officer's Report**

### **Site description**

This application site is located within the ward of Effingham to the north of the village centre. The site is immediately to the south of Thornet Wood, to the east of Effingham Common Road and to the north of Lower Road. Altogether, the site is approximately 7.33 hectares in area and it is currently laid to grass and scrub and designated as being within the Green Belt. The majority of

the site is also within the 5 to 7 kilometre buffer of the SPA.

The proposal consists of three separate sites.

Site A is located to the north of the already approved housing and school proposal which was approved by the Secretary of State in 2018. The proposal would effectively form an 'extension' to this development, for reasons which will be set out in the main body of the report below. It is located approximately 280 metres to the north of Effingham Conservation Area. Thornet Wood, which is located immediately to the north of the site is an area of ancient woodland and a Site of Nature Conservation Importance (SNCI).

Site B, which is the site for the proposed self-build properties, is currently occupied by a pair of semi-detached dwellings which are now derelict and un-occupied. The site is located on the northern side of Lower Road, directly opposite the existing Howard of Effingham school. This site lies directly adjacent to, but not within, Effingham Conservation Area.

Site C is also located to the north of Lower Road and previously formed part of the replacement school (open space area). It also lies adjacent to the conservation area.

In terms of surrounding land uses, it is noted that there is residential ribbon development along Effingham Common Road to the north and south of the site. These properties are two storeys and detached and are located a significant distance from the application site. There are a mix of uses on Lower Road consisting of residential, religious and commercial uses.

In terms of listed buildings, the closest to the application site is The Red House which is located on Lower Road. This building would be approximately 350 metres to the north of Site A and between 100 and 180 metres to the west of Sites B and C. In addition, it is noted that the Church of Our Lady of Sorrows is a locally listed building. This is located close to The Red House and therefore the distances of separation are similar.

## Proposal

Hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and full planning permission for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works on land at Effingham Lodge Farm, Lower Road, Effingham.

As noted above, this is a hybrid planning application which means that part of the development is for full planning permission and part is in outline. The proposed mix of units for the scheme as a whole is summarised in the table below.

<b>Proposed Mix</b>					
	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4+-bed</b>	<b>Total</b>
<b>Total dwellings</b>	<b>20</b>	<b>42</b>	<b>28</b>	<b>20</b>	<b>110</b>
<b>Of which...</b>					
<b>Houses</b>	--	22	28	20	70
<b>Apartments</b>	20	20	--	--	40
<b>Affordable</b>	8	8	6	--	22

### Full permission

Site A (110 dwellings):

Full planning permission is requested for the vast majority of the proposal, including the 110 dwellings, as well as the access, parking and new landscaping areas for community use. The proposed dwellings would occupy an 'L' shaped piece of land to the north-west of the site for the replacement Howard of Effingham school. Some of the dwellings would share a boundary with the school, in particular the main parking area, the nursery and the caretakers dwelling. Some of the other properties would run along the boundary with the proposed school playing fields. Access into the dwellings would be from two points along the approved spine road, approximately 70 metres from the main entrance into the development from Effingham Common Road.

A total of 70 dwellings are proposed, as well as three apartment blocks which would provide a total of 40 units. 223 car parking spaces are proposed, which would include a mix of on-plot parking, parking courtyards and visitor parking.

As part of the development a large area of community open space is proposed between the dwellings and Thornet Wood. This would consist of orchards, meadows, new native woodland planting, an area of natural children's play and community growing gardens which will include sheds and composting areas.

Site C (open space):

Also as part of the proposal is a new area of public open space which the applicant has termed as a new village green. This area of land did form part of the original appeal proposal, but it formed part of the school outdoor amenity space. Now this area would be created into a public park for the village amenity grassland, seating, new planting and public paths through the site.

### Outline permission:

Site B (four self-build units):

Outline permission is requested for four dwellings on the northern side of Lower Road which would replace the current 408 and 410 Lower Road which are currently unoccupied and derelict. These properties would be set aside for custom and self-build properties, which is why they are in outline. The prospective purchasers would submit reserved matters applications for each of the plots once the design was known.

### **Relevant planning history**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
21/P/01283	Variation of condition 1 (approved plans) of planning permission 14/P/02109, approved at appeal on 21/03/2018, to refer to updated parameter plans annotated to show the areas no longer to be developed pursuant to that application.	See separate report also on this agenda	N/A

21/P/00428	Reserved matters application pursuant to outline permission 14/P/02109 approved on 21/03/2018, to consider appearance, landscaping, layout and scale in respect of the erection of 99 dwellings.	Planning Committee resolved to refuse planning permission.	N/A
20/P/02048	Reserved matters application pursuant to hybrid application 14/P/02109 for the replacement of Howard of Effingham School to consider the detailed design, associated playing fields, MUGA, parking and landscaping works.	Approve 01/03/2021	N/A
20/P/00373	Erection of 4 dwellings (2x 2bed and 2x 3bed) with associated access, parking and landscaping works following the demolition of existing dwellings (2 x 4 bed houses).	Refused 23/04/2020	Appeal Dismissed
20/P/00249	Reserved matters application pursuant to outline application 14/P/02109, approved on 21/03/2018 for the nursery school and caretakers lodge.	Approve 15/04/2020	N/A
19/P/01760	Reserved matters application pursuant to outline application 14/P/02109 for the development of 159 dwellings with associated access, parking and landscape works.	Approve 18/02/2020	N/A
19/P/01451	Reserved matters application pursuant to hybrid application 14/P/02109 for the replacement of Howard of Effingham School to consider the detailed design, associated playing fields, MUGA, parking and landscaping works (amended plans received which alter the size of the sports hall from 33m x 27m to 34.5m x 25.87m).	Approve 10/01/2020	N/A
14/P/02109	Hybrid planning application for outline permission (only access to be considered) for the erection of a replacement secondary school for Howard of Effingham and up to 258 residential dwellings with means of access at Howard of Effingham School and Lodge Farm, Lower Road following demolition of all existing buildings; and	Refused	Appeal Allowed

full permission for the erection of 37 dwellings, with access, parking and landscaping works on land at Brown's Field, Brown's Lane, Effingham.

## **Consultations**

### Statutory consultees

County Highway Authority, Surrey County Council: No objection raised. In relation to the 110 dwellings at Lodge Farm it is noted that the proposed development have been considered by The County Highway Authority who recommends an appropriate agreement be secured prior to the grant of planning permission to secure the following:

- £2,500 per dwelling towards, but not limited to, the County Council's Digital Demand Responsive Transport (DRT) bus service and enhancements.
- a sum of £50,000 towards the Council's Lower Road/Effingham Common Road Traffic Calming O/S St Lawrence Primary School scheme.
- £6,150 Travel Plan Auditing fee.

As well as conditions regarding the following: vehicle accesses and visibility; a scheme for the layout of internal roads, footways and cycle routes; parking of vehicles and cycles, turning provision for vehicles to enter and leave the site in forward gear; secure, covered and illuminated cycle parking for flats; electric charging for electric bikes; a Construction Transport Management Plan; details and facilities for bulk movement of earthworks; electric vehicle charging; improvements to the junction of Lower Road, Church Road and High Street; a Travel Plan; improvements to the signalised junction of The Street, Guildford Road and Beech Avenue; provision of one electric car club vehicle, its location and electric fast charge parking space and implementation of a car club. As regards the self-build dwellings it is noted that the County Highway Authority has no highway requirements.

Natural England: No objection subject to financial contribution being secured as required by the adopted strategy. Natural England is satisfied that the development can mitigate against the potential adverse effects of the development on the integrity of the European Site(s).

Lead Local Flood Authority (LLFA), Surrey County Council: The LLFA have reviewed the submitted Flood Risk Assessment and Drainage Strategy Report and assessed against the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems. No objection subject to conditions to secure details of a surface water drainage scheme and a verification report.

County Archaeologist, Surrey County Council: Desk based archaeological assessment accompanying the application concludes there is moderate potential for remains. Recommend condition to secure a written scheme of investigation.

Environment Agency: No comments to offer.

Historic England: No comments to offer.

### Internal consultees

Tree Officer: No objection subject to conditions regarding a revised Arboricultural Method Statement and Tree Protection Plan and a revised Thornet Wood Mitigation and Management

Plan. The Tree Officer is satisfied that the proposed buffer to the Ancient Woodland accords with the NPPF, Natural England and Forestry Commission Standing Advice.

Operational Services, Recycling and Waste: No comments received.

Environmental Health: No objection. The noise and air quality assessment conclusions are satisfactory. Conditions are recommended to secure a CEMP and contaminated land assessment.

#### Non-statutory consultees

Surrey County Council, Education Authority: The County Council supports the rebuilding of The Howard of Effingham school.

Mole Valley District Council (MVDC): It is for GBC to consider the planning balance including the weight to be attached to the level of harm to the Green Belt against any other very special circumstances. Since the approval at appeal and following the adoption of the Guildford Local Plan circumstances in relation to housing land supply have changed. MVDC urge GBC to satisfy themselves that the evidence exists to justify this level of additional development in the Green Belt. Request any potential cross boundary impacts on infrastructure, traffic, drainage and wildlife corridors is fully considered.

Thames Water: Thames Water have provided three responses to the planning application. Regarding the outline application for the four self-build properties, no objections are raised. With regard to the full permission, while concerns were originally raised, the latest position is that no objections are raised, subject to standard informatives.

Surrey Police, Designing Out Crime: No objections. Secured by Design accreditation recommended.

Woodland Trust: Object, raising the following concerns:

- detrimental impact to Thornet Wood SNCI
- potential detrimental impact and disturbance to Thornet Wood, an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory
- contrary to NPPF para 180
- cumulative impact on the ancient woodland from the adjacent land's change of use
- intensification of recreational activity of humans and pets
- fragmentation of adjacent semi natural habitats
- noise, light and dust pollution during construction and operational phases
- pressure to reduce/fell overhanging trees
- increased nitrogen deposition
- mitigation necessary in accordance with Natural England's Standing advice
- a buffer zone of at least 50 metres unless clearly demonstrated a smaller buffer will suffice. Current buffer not tailored to the proposed operations
- play space within close proximity if ancient woodland, needs to be relocated at least 15m from Ancient woodland

#### Parish Council

Effingham Parish Council: The Parish Council objects to the proposal. The following points are noted:

- misleading and lacking transparency
- the masterplan should be revisited in whole
- Green Belt balancing exercise in Inspectors report is significantly altered
- GBC can now demonstrate a five year housing land supply
- no very special circumstances
- demand for additional school places need to be re-evaluated
- design of school should be re-evaluated
- total homes should be re examined in planning balance not just the additional 114 homes
- cumulative harmful effect of increased traffic on rural roads and infrastructure
- increased impact on wildlife, biodiversity and climate change
- financial viability assessment is insufficient in detail
- harm to Green Belt
- conflict with Effingham Neighbourhood Plan
- lack of affordable housing
- proposed mix is in conflict with SHMA
- no justification to support additional community facilities as part of application
- conflict with reserved matters conditions 1 and 7 (drawing numbers and landscaping) to maintain openness of the site.

Further comments were received on 28 February 2022 and these add that

- uplift in costs appears to be result of material amendments to scope and design of the approved scheme
- concern viability not being adequately challenged
- application is a material amendment and a whole new application should be required

East Horsley Parish Council: The Parish Council objects to the proposal. The following concerns are raised:

- inappropriate development in the Green Belt, no very special circumstances to outweigh harm
- Guildford can now demonstrate a five year housing land supply, weight afforded to housing benefit should be 'limited'.
- not an allocated site
- financial assumptions need to be tested
- SANG and highway improvements are essential to mitigate and not considered to be planning gain
- harm to character of area through huge population growth in short period of time
- harm to ecology and wildlife corridors through development of 7.33 ha green field site
- highways impact severe
- no meaningful provision for new social infrastructure

#### Amenity groups/Residents associations

Effingham Residents Association: The Residents' Association object to the proposal. The following points are noted:

- increases number of enabling dwellings from 295 to 405 represents an increase of 36% over that approved at appeal and 69% increase on Effingham Lodge Farm
- addition of 5.7ha of land to that agreed by Secretary of State
- 27% increase in land lost from Green Belt
- addition requires parameter plans and resubmission of the whole scheme
- harm to openness of the Green Belt
- no very special circumstances
- harm to ancient woodland

- harm to character of area by extending development down Effingham Common Road
- harm to ecology and wildlife corridors
- contrary to Green Belt policies in Local Plan, Effingham Neighbourhood Plan and the NPPF
- financial viability is not appropriate for deciding such a major change
- financial Viability Report is inadequate, misleading and insufficient
- change in circumstances since the appeal allowed, GBC can now demonstrate a five year housing land supply
- environmental impact of demolishing existing school and travel to school
- non-compliance with condition three timing of submission of reserved matters and condition two reserved matters
- would result in urban sprawl

Bookham Residents Association: The Residents' Association object to the proposal. The following points are noted:

- this is not simply an additional or revised application but warrants a completely new application
- the increased costs for the school are overstated and several financial assumptions made are incorrect
- the school design is beyond normal accepted government standards
- the need for additional secondary school places is now different than when the application was submitted
- when the original appeal was allowed GBC did not have a sufficient land supply which they now do having an adopted local plan
- considerable harm will be done to the green belt
- Bookham itself will be impacted should this development go ahead in relation to the key infrastructure services in this village. Many Effingham residents use Bookham and Fetcham GP practices and the two in Bookham are already under stress. Should this development go ahead the strain will inevitably increase
- in a recent report by Surrey Highways it is recognised that the Lower Road, Bookham will be affected by increased traffic
- other sites may be released for housing in the area
- the physical gap between these conurbations would be less than 400 meters
- all these developments will have a major impact on local infrastructure

Guildford Society: The Society objects to the application on the following grounds:

- do not accept the viability arguments presented and the impact on the Green Belt
- change in circumstances since 2014. Not appropriate to conflate funding the school and the acceptability of housing development in this location.
- viability calculations need to be challenged and independently reviewed
- do not accept all of revised school cost should form part of appraisal, and not at the expense of reduced affordable housing
- appraisal is misleading in its presentation
- further incursion into Green Belt
- impact on ancient woodland
- viability needs should have been established at outset not after consent

Campaign to Protect Rural England (CPRE): Object, raising the following concerns:

- inappropriate development no very special circumstances;
- EIA application;
- area of high flood risk;
- question need for large replacement, high specification school in rural area;

- major material amendment to appeal scheme resulting in substantial change, needs to be considered either separately or submitted as a whole new application for 409 dwellings and new school against current material considerations; and
- loss of open space within the proposed school grounds.

### **Third party comments**

590 letters of representation have been received raising a number of objections and concerns. The principal issues are summarised below:

- over development
- insufficient infrastructure to support development
- displacement of students from surrounding villages due to new school catchment area
- no requirement for new school as demand has plateaued
- reduced playing fields for school detrimental
- viability appraisal lack of detail, transparency and question figures
- school provision (primary) is insufficient and would be overwhelmed
- insufficient parking, increase parking pressure on surrounding roads
- increased traffic
- increase demand for cars, contrary to government policy to reduce private car ownership
- no provision of electric car charging [Officer Note: Electric vehicle charging points are proposed and will be secured by condition]
- loss of open green space
- loss of open space within the approved development is integral to the approved scheme
- major material changes to original permission, whole scheme needs to be re-examined
- harm to Green Belt, inappropriate development
- no very special circumstances
- out of character, design not in keeping with local vernacular
- harm to character of area and rural village
- urban sprawl
- lack of affordable housing
- concentrated location of affordable housing, fails to be mixed with the private housing
- increased flooding
- harm to Ancient Woodland
- harm to biodiversity, wildlife and protected species
- no additional housing required
- negative impact on mental health as result of less open space
- increased light pollution and loss of dark skies
- negative environmental impacts from construction and new housing
- application is more than 3 years after outline application
- GBC can now demonstrate a five year housing land supply
- not an allocated site, not windfall, no need for additional housing
- concern that further development will be sought to cover any further increase in costs
- should include provision for a new primary school
- 408 and 410 Lower Road should be retained and refurbished
- contrary to Effingham Neighbourhood Plan policies including housing local needs assessment; loss of Green Belt; housing mix; wildlife corridors; dark skies and flood risk

Seven letters of representation have been received which support the proposal. The principal points raised are summarised below:

- there is a need for housing

- there is a need for the new school
- support housing to facilitate new school
- current school too small and not fit for purpose
- benefits to the community of new housing improved infrastructure and public spaces

## **Planning policies**

### National Planning Policy Framework (NPPF):

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well designed places

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

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

### National Design Guide 2019

### South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

### Guildford Borough Local Plan: Strategy and Sites 2015-2034:

It is noted that the Guildford Borough Local Plan: Strategy and Sites 2015-2034 was adopted by the Council on 25 April 2019. Its policies now carry full weight in the assessment of planning applications. The policies considered relevant to this proposal are set out below.

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough - our spatial strategy

Policy H1 Homes for all

Policy H2 Affordable homes

Policy P4 Flooding, flood risk and groundwater protection zones

Policy P5 Thames Basin Heaths Special Protection Area

Policy D1 Place shaping

Policy D2 Sustainable design, construction and energy

Policy D3 Historic Environment

Policy ID3 Sustainable transport for new developments

Policy ID4 Green and blue infrastructure

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

Although the Council has now adopted the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), some policies of the saved Local Plan 2003 continue to be relevant to the assessment of planning applications and carry full weight. The extant policies which are relevant to this proposal are set out below.

Policy G1 General standards of development

Policy G5 Design code

Policy HE4 New development which affects the setting of a listed building

Policy HE10 Development which affects the setting of a conservation area

Policy R2 Recreational open space provision in relation to large residential developments  
Policy NE4 Species protection

Effingham Neighbourhood Plan:

Policy G1 A spatial plan for Effingham  
Policy G2 Landscape, heritage, character and design  
Policy G3 Archaeology and the historic environment  
Policy G5 Assessing suitability of sites for residential development  
Policy H1 New homes in Effingham  
Policy H2 Mix of housing  
Policy ENV4 Dark skies  
Policy ENV5 Air quality  
Policy R1 Car parking  
Policy R2 Sustainable movement: cycle routes, footways and pedestrian routes  
Policy SA2 Previously developed land at Effingham Lodge Farm

Supplementary planning documents:

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD  
Sustainable Design and Construction SPD  
Planning Contributions SPD  
Vehicle Parking Standards SPD  
Residential Design SPG

**Planning considerations**

The main planning considerations in this case are:

- background
- EIA development
- the principle of development and impact on the Green Belt
- viability
- housing
- impact on the character of the area and design of the proposal
- impact on the setting of the conservation area
- impact on the setting of listed buildings
- impact on neighbouring amenity
- amenity of proposed development
- highway/parking considerations
- flooding and drainage considerations
- sustainable energy
- open space provision
- impact on ecology
- impact on trees and ancient woodland
- Thames Basin Heaths SPA
- planning contributions and legal tests
- balancing exercise

**Background**

In 2014 a planning application for a replacement secondary school and 295 dwellings was submitted to the Local Planning Authority. Apart from 37 dwellings on a site along Brown's Field,

the proposal was for outline planning permission. All matters apart from the access were reserved. In 2015, the Local Planning Authority refused planning permission for the development on various grounds including harm to the Green Belt, impact on ecology, harm to the conservation area and the character and appearance of the surroundings. The applicant appealed the decision and a Public Inquiry took place in May 2017. The appeal was subsequently recovered by the Secretary of State for his determination and it was allowed in March 2018. The applicant has successfully obtained reserved matters consent for the Lodge Farm and replacement school phases of the development. The reserved matters application for the re-development of the existing school site has been recommended for approval by Officers and is being reported to the Planning Committee on 21 March 2022. Members will be updated on this proposal via the late sheets. Some site clearance works have commenced on site, however, it is not known if the appeal permission has been implemented or not.

It is noted that the application would effectively form an 'extension' to the appeal scheme, however, it is a discreet planning application and needs to be considered on its own merits, having regard to any potential in combination effects. The applicant notes that despite changes which have been approved for the replacement school which have reduced its build costs, the approved appeal scheme, in today's economic climate, is unviable. The following is taken from the applicant's Planning Statement:

*'At the time of the original hybrid application, the viability modelling undertaken (and independently verified by GBC's advisors) demonstrated that 295 new homes would fund the assumed cost of the new school, while providing a surplus sufficient to provide circa 20 per cent affordable housing. Navigating the planning process to arrive at the implementation stage took over six years from the submission of the original application for the Lodge Farm development in 2014. During that intervening period, the cost of delivering the school has substantially increased. The need for the school has not diminished since the appeal and there remains a profound educational requirement for a new school. The Applicant remains committed to trying to deliver this new educational facility in partnership with the Howard of Effingham School but the Approved Masterplan scheme is no longer viable and Berkeley therefore cannot proceed with the delivery of the extant permission. Despite a concerted value engineering exercise conducted by Berkeley, which did identify some modest savings, the scheme is still unviable. There is no prospect of a public sector subsidy to fund the school and the only feasible remedy to the lack of viability, sufficient to allow Berkeley to deliver the new school, is to increase the housing numbers which are necessary to pay for the school and associated open space and infrastructure. The proposed development for which planning permission is now sought is therefore necessary to redress the lack of viability inherent in the Approved Masterplan. Its approval would secure permission for additional new homes, generating sufficient cross funding to allow the Approved Masterplan to also come forward. Importantly, the proposed development subject to this new application would only ever be built out in combination with the Approved Masterplan, with neither coming forward in isolation. It is proposed that this be secured by way of an amendment to the existing s.106 legal agreement'.*

As such, to render development viable, the applicant has noted that additional housing is required. This scheme proposes an additional 114 dwellings in total, which the applicant notes is what is required to meet the new deficit in funding for school. Further information on the viability exercise and the justification for the additional dwellings will be provided in the viability section later in the report.

It is noted that although the current proposal is a discreet planning application, it is inextricably

linked to the appeal scheme. The current proposal will only be acceptable if there are very special circumstances to overcome the Green Belt harm and this is likely turn on a very similar exercise to the one carried out by the Planning Inspectorate and Secretary of State - who concluded that the need for the proposed replacement secondary is of such weight that it outweighs the identified harm. However, it is acknowledged that there are also other harms and benefits which also need to be taken into account, beyond those considered by the Secretary of State, and that the decision must be taken on the basis of the up-to-date position.

The report below will detail the matters which the Inspector and Secretary of State considered as part of the balance - both the 'harms' and 'benefits'. However, this balancing exercise will need to be updated to reflect the current situation having regard to the potential for matters to have changed since the appeal proposal was considered. In addition, it is noted that some matters may not be applicable to the current application site due to its distance further away from the village (and therefore the conservation area and listed buildings).

### **EIA development**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 determines whether there is a requirement for an EIA based on whether the development in question is EIA development, as defined by the 2017 Regs. The 2017 Regs set out where the development in question is development (other than 'exempt development') of a description mentioned in column 1 of the table in Schedule 2, it is only EIA development if the development is to be carried out in a 'sensitive area' or if the proposed development meets or exceeds the relevant size threshold specified in column 2 of the table in Schedule 2 and is likely to have significant effects on the environment by virtue of factors such as its nature, size and location.

The proposal comprises an urban development project, with combined with the appeal proposal would include more than 150 dwellings. Therefore, the proposal falls within category 10 (b)(ii) of Schedule 2. The applicant has concluded that the potential for likely significant environmental effects as a result of the proposed development cannot be entirely ruled out. On this basis the applicant has undertaken an EIA and has submitted an Environmental Statement as part of this planning application. The Planning Practice Guidance advises that when an applicant decides that an Environmental Impact Assessment will be required and submits an Environmental Statement with an application without having obtained a screening opinion, then for the purposes of the 2017 Regulations the application is classified as an EIA application and must be treated as such by the Local Planning Authority. The ES provides an important part of the environmental information that the Local Planning Authority must consider in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended when determining the planning application. It informs the decision maker of the likely significant environmental effects of the proposed development, both during construction and on completion, and identifies any measures to prevent, reduce or offset any significant effects on the environment, along with representations from consultation bodies and the public.

The submitted Environmental Statement was independently reviewed by a Council appointed EIA expert This identified some potential areas for clarification. The comments provided by Nicholas Pearson have been addressed by the applicant within the Supplementary Environmental Statement (January 2022) as well as clarification on biodiversity net gain and climate change. All of the supplementary information has also been reviewed by the Council's expert. It is important to note that the Council did not issue a formal Regulation 25 request for further information and therefore, a full 30-day re-consultation has not been triggered. However, the Local Planning Authority has carried out a shorter 12-day consultation which is considered to be proportionate to

the level of information which has been submitted.

Following the submission of the additional information set out above, the Council's EIA experts have advised that 'following the applicant's responses to a list of issues raised including submission of supplementary information on climate change and biodiversity net gain, this review concludes that sufficient information has been provided on the environmental effects of the proposed development'. The environmental information contained in the ES has been considered in assessing the application and this report reflects that assessment.

### **The principle of development and impact on the Green Belt**

#### **Site A (110 dwellings)**

Site A is located within the Green Belt. Paragraph 138 of the NPPF states that the Green Belt serves five purposes which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Paragraph 147 states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraphs 149 and 150 go on to set out a number of circumstances that may constitute 'appropriate' development in the Green Belt. It is common ground with the applicant that the proposed 110 dwellings on Site A represents inappropriate development in the Green Belt, which paragraph 147 states is, 'by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

By pushing further development north, away from the village and into more rural surroundings the proposal would also fail to meet purpose (c) of including land in the Green Belt, that being to 'assist in safeguarding the countryside from encroachment'. The proposal would also undoubtedly result in a loss of openness to the Green Belt by introducing built form in an area which is currently open and free from development.

Paragraph 148 states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. The case for very special circumstances will be set out in the final sections of the report.

#### **Site B (four self-build units)**

Site B is also located within the Green Belt. It is noted that a proposal for four dwellings on this site has already recently been considered by the Local Planning Authority (20/P/00373) and was later tested on appeal. While the Local Planning Authority raised concerns about whether or not the proposal represented appropriate development in the Green Belt, the Planning Inspectorate noted the following:

*'...given the existing buildings to the west side of the appeal site, the small increase in the number of dwellings proposed on the appeal site, and the approved reserved matters layout of development on the remaining part of the Policy SA2 site, comprising houses fronting onto Lower Road, the appeal scheme would amount to limited infilling outside the inset settlement boundary in accordance with the criteria contained within Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (the GBLPSS). Given these circumstances, the proposal would not be inappropriate development within the Green Belt.'*

The current proposal would be very similar in all respects to the 20/P/00373 appeal scheme and as circumstances have not changed in the meantime, the Local Planning Authority must afford significant weight to the appeal decision. As such, it is considered that the proposed four dwellings on Site B would represent an appropriate form of development in the Green Belt, as it represents limited infilling.

#### Site C (open space)

The proposed open space would front onto Lower Road. The area of land to be developed did form part of the appeal scheme and was formally the extended informal open space area for the replacement school. As described above, the land would now become a new village green with seating, areas of grassland etc which would be open to the public. Criterion (b) of paragraph 149 of the NPPF (what development may be constituted as appropriate in the Green Belt) includes 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'. The proposal could reasonably be described as an appropriate facility for outdoor recreation. It does not involve any built development, and would consist solely of seating, the laying of footpaths and landscaping. Nothing proposed on Site C would have an adverse impact on the openness of the Green Belt and none of the Green Belt purposes would be offended. As such this element of the proposal is too considered to represent an appropriate form of development in the Green Belt.

#### Very special circumstances?

As noted above, paragraph 147 of the NPPF states that inappropriate development is 'by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 goes on to note that 'very special circumstances' will not exist unless "...the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. However, it is important to re-emphasise that it is only the development on Site A that represents inappropriate development.

The Planning Statement submitted with the application states that 'in principle, this is an exercise already undertaken by the Secretary of State in 2018', however, the statement then goes on to set out the following as the applicant's case:

- the proposal will deliver 110 new homes and a further 22 affordable dwellings. These additional new homes will comprise a range of tenure-blind homes for everyone including households who will benefit from one to five bedroom properties;
- the proposal would deliver four self-build plots on Site B. The provision of self-build homes is a national policy priority, articulated within policy H1(9) in the Guildford Local Plan;
- significant biodiversity benefits for Thornet Wood and the associated community green space;

and

- a number of community assets are embedded in the design of the proposals including (i) the provision of a second village green north of Lower Road, in addition to the first village green located within Phase 1 of the approved masterplan, (ii) community growing gardens and mixed orchards to the south of Thornet Wood; (iii) woodland glade with species rich woodland flower meadows and a nature play area; and (iv) a landscaped green spine linking the new homes proposed to those granted as part of Phase 1 of the approved masterplan. It is noted that collectively, the above community assets would result in a 284% increase in open space provision over the approved masterplan.

The applicant goes on to note that this proposal would effectively secure the appeal scheme and return it to being a viable proposition, ensuring that it can be built out. In this regard the applicant advances the following additional very special circumstances which are said to be 'associated with the approved masterplan':

- improvement in community sports facilities and a significant enhancement to Effingham's community hall at King George V playing fields;
- improvements in the day-to-day traffic difficulties associated with the morning and evening peak activity at Howard of Effingham School.
- the opportunity to re-establish the linkage between the Little Lodge and the Lodge, the restoration of the applestore, and the amended works to the management of traffic on The Street.

The applicant also advance that the proposals would enable to construction of the new and expanded secondary school which it is said would address:

- the inadequacy of the existing school facilities against an up-to-date understanding of relevant standards and education requirements;
- the day-to-day difficulties suffered by the teaching staff in seeking to maintain a good standard of education for a school roll of more than 1,500 pupils;
- the forecast growth of school place requirements and the need for specific provision for a specialist Autism Centre; and
- the absence of any prospect that public funding will be available to come close to the scale of investment which is necessary to provide a good standard of education in the short, medium or long term.

It is noted that the very special circumstances will be discussed and assessed in the final section of this report.

## **Viability**

Issues of viability, if satisfactorily demonstrated, can form part of the planning process and become a material consideration. This is set out in both local and national planning policy.

The reasoned justification which accompanies policy H2 (but does not form part of it) notes that *'land values and property prices are generally high across the borough, although with considerable variation. Our viability evidence shows that the vast majority of housing developments in most locations in the borough are viable providing an affordable housing contribution of 40 per cent. Bearing in mind that viability assessment was undertaken in preparation of the Local Plan, the impact of policies on development viability have been considered and are regarded as realistic. The need for a viability assessment at planning*

*application stage will thus need clear justification by the applicant in line with paragraph 57 [now paragraph 58] of the NPPF. Should this need be accepted, the Council will need to weigh the outcomes and implications of the viability assessment against all circumstances relating to the case as part of considering the acceptability of the proposal. We will expect developments to provide the required amount of affordable housing in accordance with this policy and Guildford Planning Contributions SPD. In considering viability, developers will be expected to have taken into account the costs of meeting policy requirements, including the provision of affordable housing and infrastructure requirements, in the price paid for a site. Where we consider that these requirements have not been satisfactorily taken into account in the purchase of land or of an option, we will not accept a lower rate of provision. Where developers raise viability concerns with providing the required proportion of affordable housing, they will be expected to meet the costs of the Council's financial appraisals as well as their own'.*

*Policy H2(6) of the LPSS states that 'if developers satisfactorily demonstrate that providing the amount of affordable housing required by this policy would not be economically viable, the Council will consider the following to assist with delivering a scheme: (a) varying the tenure mix of the affordable housing (for example, more intermediate housing and less rented housing), size, and/or type of homes to be provided; and/or (b) reducing the overall number of affordable homes'. Although published before the adoption of the LPSS, the Council's Planning Contributions SPD notes the following 'applicants who consider their proposal will be unviable with all the required planning contributions must be able to support their case with detailed evidence of development viability in the form of a detailed financial viability assessment. This should use the "standard" viability appraisal toolkit recommended by the Council. The development appraisal will be scrutinised by external experts appointed by the Council. The Council will expect the developer to fund the costs incurred through the employment of its external experts'.*

*A regards national policy, paragraph 58 of the NPPF states that 'where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up-to-date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available'.*

*Although the viability of developments was considered as part of the Local Plan, it is acknowledged that this proposal is connected with a scheme which includes an abnormal development - being the costs associated with providing the replacement secondary school. Such a scenario would not have been factored into the assumptions made in the Local Plan and therefore, the submission of a viability assessment is to be expected. The applicant has submitted a viability appraisal with the application. The executive summary of the appraisal states that 'the 2014 application was refused in March 2016 but following a lengthy appeal process, the scheme secured planning consent in March 2018. Agreement was reached, prior to the appeal, to provide 20% affordable housing in order to remove that as a reason for refusal. The viability was not discussed at the appeal. This report provides independently prepared cost and valuation reports which show that the originally consented scheme for 295 dwellings is insufficient to pay for the new school and that the proposed additional development in this application is the minimum required in order to ensure the delivery of the school. The school has exhaustively*

*explored other sources of public funding to enable them to cover the cost of the new school but none is available'. An additional note submitted by the appellant confirms that although the size of the replacement school is 15sqm less than the outline size the construction costs have significantly increased and are now estimated to be £53.486 million (£50.94 million net). It is worth noting that the Council's independent costs consultant has advised that the school costs are 'conservative' and they have also raised some concerns about exclusions in the cost plan which would see the costs rise even further.*

It is noted that there is a balance required between providing the minimum number of houses to fund the replacement school and providing affordable housing as part of the development. Given the costs associated with the overall scheme, in this instance achieving a policy compliant affordable housing contribution would lead to the need for a greater quantum of development. This in turn would increase the harm resulting from the proposal.

*The submitted Planning Statement builds on the above and notes that 'at the time of the original hybrid application, the viability modelling undertaken...demonstrated that 295 new homes would fund the assumed cost of the new school, while providing a surplus sufficient to provide circa 20 per cent affordable housing. Navigating the planning process to arrive at the implementation stage took over six years from the submission of the original application for the Lodge Farm development in 2014. During that intervening period, the cost of delivering the school has substantially increased. The need for the school has not diminished since the appeal and there remains a profound educational requirement for a new school. The applicant remains committed to trying to deliver this new educational facility in partnership with the Howard of Effingham School but the approved masterplan scheme is no longer viable and Berkeley therefore cannot proceed with the delivery of the extant permission. Despite a concerted value engineering exercise conducted by Berkeley, which did identify some modest savings, the scheme is still unviable. There is no prospect of a public sector subsidy to fund the school and the only feasible remedy to the lack of viability, sufficient to allow Berkeley to deliver the new school, is to increase the housing numbers which are necessary to pay for the school and associated open space and infrastructure. The proposed development for which planning permission is now sought is therefore necessary to redress the lack of viability inherent in the approved masterplan. Its approval would secure permission for additional new homes, generating sufficient cross funding to allow the approved masterplan to also come forward'.*

The Council has appointed an independent expert to assess and review the applicant's viability appraisal. It is acknowledged that while there has been some disagreement in relation to some of the inputs, the conclusion reached by both the applicant and the Council's experts are the same - that the appeal scheme is no longer viable and the proposal is required to reduce the deficit. Taking all inputs into account, including the current sales values of the dwellings, current construction costs (which have been verified by an independent construction and property consultant appointed by the Council), a profit margin of 17.5% (as opposed to the 20% suggested by the applicant) etc the Council's viability expert has concluded the following:

*'the Applicant's assessment indicates that the Consented Scheme results in a deficit of £24.81 million and the Proposed Scheme results in a deficit of £11.07 million. We have reviewed the Applicant's assessment and identified a number of inputs which do not reflect the standardised approach required by the Planning Practice Guidance. As a result of these changes, our assessment of the deficit generated by the consented scheme is reduced from £24.81 million to £20.27 million; and the deficit generated by the proposed scheme is reduced from £11.07 million to £2.62 million. The appraisal confirms that the proposed quantum of development is required to facilitate the delivery of the new school buildings'.*

Without the current proposal, the consented appeal scheme would be £20.27 million in deficit, representing a proposition which would not be taken further by the applicant. Factoring in the proposal, this deficit would be reduced to £2.62 million, which is understood to be a position which the applicant would progress. Taking all of the above into account, the Local Planning Authority has concluded that the evidence presented indicates that the additional 114 dwellings proposed through this application are required to facilitate the delivery of the replacement secondary school.

The agreed viability position also means that the contributions and infrastructure delivered by the proposal may not be policy compliant. However, as set out above, in circumstances where viability is an issue this is deemed to be acceptable. In this case, the applicant is proposing a policy compliant scheme with the exception of the affordable housing provision. In accordance with policy H2 of the LPSS, the proposal should be securing 40% affordable housing as part of the scheme. Due to the viability concerns, this has been reduced to 19.3%. In the circumstance, the lower affordable provision is accepted, especially considering that all other contributions are being fulfilled by the applicant.

## **Housing**

This section of the report will assess the housing provision of the development and its compliance with the Local Plan.

The Guildford borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the development plan (see Appendix 8 of the Local Plan: Strategy and Sites for superseded Local Plan 2003 policies).

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as being seven years based on most recent evidence as reflected in the GBC LAA (2021). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2021 measurement is 144%. For the purposes of NPPF footnote 8, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

## **Affordable housing**

Policy H2 of the LPSS seeks at least 40 per cent of the homes on application sites to be affordable, with the mix in tenures being the same as set out above. While this is the case, the Secretary of State has already concluded that the original appeal scheme could not deliver a policy compliant quantum of affordable housing due in part to the delivery of the replacement secondary school. However, as part of the appeal scheme, the applicant did agree to provide a smaller number of affordable housing (22 units in total). This provision allowed for the costs associated with the replacement school, but also the other financial contributions which included highways works and a £2.64 million contribution towards the re-building of the King George V clubhouse.

Like the appeal scheme, and as already set out in the preceding section (viability), the applicant has again argued that the subject proposal cannot deliver a policy compliant level of affordable housing and this has been demonstrated through a viability assessment which has been verified by an independent Council appointed expert. The proposal would have a reduced quantum of

affordable housing of approximately 19% which equates to 22 units. These would be split as 14 for affordable rent and eight for shared ownership. This tenure split of 64/36 is slightly lower than the 70/30 split required by policy.

Policy H2(6) states that 'if developers satisfactorily demonstrate that providing the amount of affordable housing required by this policy would not be economically viable, the Council will consider the following to assist with delivering a scheme: (a) varying the tenure mix of the affordable housing (for example, more intermediate housing and less rented housing), size, and/or type of homes to be provided; and/or (b) reducing the overall number of affordable homes'.

As the applicant's viability assessment has been verified independently by the Council, while regrettable, the need for a reduced number of affordable homes has been demonstrated and is deemed to be acceptable in this instance.

### Dwelling mix

Policy H1 of the LPSS states that 'new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location'. The proposed dwelling mix for the development, as well as the SHMA requirement, is provided below.

Further to this, it is noted that policy H2 of the Effingham Neighbourhood Plan requires new residential development of 10 units or above to provide the following mix of housing tenures, types and sizes to meet the needs of prospective households in Effingham and to deliver a wider choice of homes within the Neighbourhood Plan Area:

- at least 20% of market homes shall have only one bedroom, and at least 60% shall have only two bedrooms.
- no more than 40% of two-bedroom market homes shall be flats.
- the percentage of affordable homes shall be as set out in the Guildford Borough Local Plan.
- at least 30% of affordable homes shall have three bedrooms in accordance with the most recent evidence regarding housing mix needs.

The housing mix for the proposed development is set out in the table below.

<b>Table 1</b>			
<b>Overall Housing Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	20	20	18.2
2 bed	42	30	38.2
3 bed	28	35	25.4
4 bed	20	15	18.2
Total	110		

<b>Table 2</b>			
<b>Market Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	12	10	13.6
2 bed	34	30	38.7
3 bed	22	40	25
4 bed	20	20	22.7

Total	88
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<b>Table 3</b>			
<b>Affordable Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	8	40	36.4
2 bed	8	30	36.4
3 bed	6	25	27.3
4 bed	0	5	0
Total	22		

It is noted that overall the proposed mix compares relatively well with the Council's desired housing mix as set out in the SHMA. The main inconsistency is that there is a much higher percentage of two bedroom dwellings at the expense of three bedroom properties. The same issue exists for market housing mix. The proposed affordable mix is also not entirely consistent with the SHMA as there are slightly less one bedroom units provided than required and slightly more two bedroom units.

The proposal would also fail to provide the mix required by the Neighbourhood Plan. However, it is worth noting that the mix in the Neighbourhood Plan was in part based on a survey of local need. The scale of this site (taking the appeal site and application site together) will be meeting the needs of the wider area rather than Effingham residents. It is therefore Officer's view that it is preferable that there is some consistency with the SHMA figure rather than the mix promoted by the Neighbourhood Plan.

While this is the case, it must be noted that this proposal is only viable with a reduced affordable housing provision and on the basis of the housing mix which has been proposed. Altering the housing mix to reflect the neighbourhood plan requirements is highly likely to negatively impact on the scheme viability. As a consequence, the delivery of the school may again be threatened.

While it is acknowledged that under normal circumstances the Council would expect a site of this size to be SHMA compliant, given the unique situation and the appeal decision, the proposed mix is accepted on the basis that it is required to ensure that the scheme as a whole, is delivered.

#### Accessible units

Policy H1 of the LPSS requires that 'on residential development sites of 25 homes or more 10% of new homes will be required to meet Building Regulations M4(2) category 2 standard 'accessible and adaptable dwellings' and 5% of new homes will be required to meet Building Regulations M4(3)(b) category 3 wheelchair user accessible dwellings standard'.

According to the Design and Access Statement, the proposal would provide a total of six wheelchair user dwellings and 11 accessible dwellings. This is compliant with the Council's requirements and they will be secured through condition.

#### Self-build / custom housing

Policy H1 of the LPSS states that 'self-build and custom housebuilding will be supported if the proposed development has no adverse effect on the local character. On development sites of 100 homes or more 5% of the total homes shall be available for sale as self-build and custom housebuilding plots whilst there is an identified need. For phased development, self-build plots must be delivered and serviced at the earliest stage possible. Self-build and custom

housebuilding plots are encouraged on smaller residential development sites...Self-build plots made available must respond to the sizes identified on the register. Plots must be made available and priced and marketed appropriately as self-build or custom build plots for at least 18 months'.

The proposal includes four self-build / custom build houses. This is slightly less than the requirement set out in policy H1, which requires six self / custom build plots to be provided. This non-compliance with the adopted policy is not explained by the applicant and will be assessed in the final balance. The dwellings would be located within the parcel which fronts onto Lower Road and only outline permission is proposed for these units. Their exact design would be controlled through separate reserved matters applications, but the expectation is that the designs would be in keeping with those of the rest of the properties within the development. The self-build and custom build houses will be secured through the s.106 agreement, which will include how they are advertised, sold and disposed of.

The proposal is considered to meet with the NPPF's objective of boosting the supply of homes, which meet the needs of groups with specific housing needs. In addition, while there are some inconsistencies with adopted local policy, when read and considered as a whole, the proposal is also considered to comply with the housing policies of the Local Plan.

### **Impact on the character of the area and design of the proposal**

#### **Context and identity**

Local Plan Policy D1 ('Place Shaping') requires new development to achieve high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set. Policy ENP-G2 (Landscape, Heritage, Character and design) of the Effingham Neighbourhood Plan sets a similar goal requiring new development to respect the rural and landscape character of Effingham, reflect the layout and character of the historic settlement form, maintain the character of the built environment and use materials and finishes that reflect the other built form and character of the area. Policy LNPH3 ('Housing Design and Density') sets out proposals will be supported where they are "well designed, enhance the special qualities of each location and are sympathetic to local character and history" and where they follow prevailing requirements in adopted design guidance and requirements of Policy D1 as mentioned above.

Having regard to the National Planning Policy Framework (paragraph 124) it is necessary, in the context of making effective use of land to consider, inter alia, the desirability of maintaining the prevailing character and setting of the area or of promoting regeneration and change. The National Design Guide (NDG) was published in October 2019 and is a material consideration. The NDG uses ten different characteristics to illustrate the Government's priorities for well-designed places. These characteristics include understanding and responding to site's context and its identity or character.

#### ***Context:***

'Context' concerns the location of a site or development and the attributes of its surroundings. Paragraph 39 of the NDG confirms, in summary, that development based on an understanding of those attributes will integrate more successfully and more likely to be acceptable to a local community. Paragraph 40 emphasises that well designed places are; based on a sound understanding of the features of the site and the surrounding context; integrated into their surroundings so they relate well to them; influenced by and influence their context positively; and responsive to local history, culture and heritage.

Key application documents describe the site and its surroundings, provide detailed contextual appraisals and evaluate the landscape baseline and predicted impacts to character and visual amenity. Through the comprehensive Design and Access Statement in particular, the scheme shows a good understanding of the attributes of the site and surrounding character. Later this report goes on to set out the scheme's response to this assessment.

The application site is located to the east of Effingham Common Road, to the north of the already approved "phase one" Lodge Farm development where reserved matters approval exists for 159 homes. The site borders the approved new school site to the east. These consented schemes are key to understanding the context of the application site as the proposed development is effectively an extension / phase 2 to the approved scheme. The most recent residential proposal in the village, phase one at Lodge Farm as well as the recently approved reserved matters application for the new school draws its architectural inspiration from the existing, older buildings that can be found in Effingham and surrounding villages.

The detailed contextual analysis set out by the Design and Access Statement provides a sufficient description of the residential character of Effingham. It evaluates key characteristics including; the approved development at phase one, the village character, material and detail palettes and heritage assets.

The LVIA concludes these proposals would not cause significant adverse effects on key strategic views and vistas identified and described in Schedule (A) of the Effingham Neighbourhood Plan. This is mainly due to the screening afforded by the housing to be provided as part of phase one of the Approved Masterplan. The proposed development has been designed to reflect the distinctive local character of Effingham. The architectural language of the proposed homes borrows from the locally distinctive characteristics of Effingham and is consistent with that proposed and approved within phase one of the Approved Masterplan, addressing the objectives of policy ENP-G2(4) in the Effingham Neighbourhood Plan.

#### *Identity:*

'Identity' concerns the ways in which *"buildings, streets and spaces, landscape and infrastructure combine together and how people experience them"*. This is stated at Paragraph 50 (NDG, 2019) which also observes that well-designed places, buildings and spaces have; a positive and coherent identity that everyone can relate with; character that suits the context, its history, how we live today and in the future; and are visually attractive in order to delight their occupants and users.

The immediate context and setting of the application site is currently going through a change. The approval of phase one will result in the identity of the site moving from that of a site set close to the village of Effingham in a relatively rural setting, to a site abutting the settlement area of Effingham adjacent to a new housing development consisting of 159 homes and a large modern school. The identity of the proposed development site will be closely related to that of the phase one Effingham Lodge scheme.

The applicant has considered the context and identity of the site. It has been highlighted that although the site is closely related to the village of Effingham, more important is the relationship of the site to the approved development at phase one Lodge Farm. As the proposed development effectively acts as an extension to this scheme, it is important to ensure that the relationship between the two developments is harmonious and although the two schemes do not

need to directly mimic one another, it is important that the layout and the design of the proposed scheme results in a development that sits comfortably with the approved phase one scheme whilst still ensuring the character of Effingham is respected.

It is acknowledged that the appeal scheme would introduce a large quantum of development into the village, representing a significant increase its 'footprint'. The current proposal, and in particular the development on Site A would, result in further built form to the north of the village. However, it is noted that the application site is relatively well screened from public views and viewing it in isolation (i.e. without the appeal scheme) would be difficult. As such, any views of the proposal would be seen within the context of the wider, overall development. As such, while there would be some additional harm caused to the character and appearance of the area, this would need to be balanced against the impact of the wider development.

The following paragraphs consider the design and layout of the scheme.

### Site A

#### *Scale:*

The proposed development consists of two storey houses and two / three storey flats. The heights of the proposed buildings are consistent with development approved in phase one. There are four flat blocks that extend to three storeys in height (block A, block B, block D and block E). Block A and B are located towards the centre of the site (but against the site boundary with phase one), block D and E are located on the southernmost boundary with phase one. The three storey blocks are pulled back from their boundaries shared with two storey dwellings so as to ensure that the proposed flats do not appear overbearing. Where the three storey blocks face onto the approved scheme, the spine road provides separation to ensure that there are no significant impacts on the approved dwellings as a result of the blocks being over bearing.

The strategy for the placement of the taller blocks replicates that seen on phase one.

#### *Density:*

During the pre-application process it was noted that the layout of the pre-application scheme appeared to be more dense than that of the approved phase one scheme. It was requested that the applicant provides a comparison of density of the proposed scheme against the approved scheme with any planning application. The density of the proposed scheme is 38.7dph compared to a density of 35.1dph in the approved scheme.

Although the proposed scheme is marginally more dense in numerical terms than the approved phase one scheme that is a crude measure by itself; consideration must also be given to the influence of the proposed mix and the resultant density of the layout in real terms.

On review of the proposed layout, it will have a denser/more compact character than areas of the approved phase one scheme. The proposed scheme has a number of perimeter blocks which are double sided and rather smaller than approved on phase one. The phase one scheme, instead featured larger blocks accessed off of the spine road that lend the appearance of a slightly more spacious layout and character. Within the proposed development, private rear gardens are generally a little smaller than approved within the phase one layout and the depth of the front gardens are often significantly less. The proposed development includes a greater proportion of detached properties in its mix than approved on the phase one scheme.

There are instances that can be pointed to in the layout that appear somewhat contrived in order to facilitate the provision of the 110 homes required, and where a reduced amount of development would produce a preferable scheme. Principles established within the phase one scheme, such as spacious development with large back gardens and good sized front gardens have not always been carried over into the proposed scheme giving this proposal a denser character.

However, this does not necessarily mean that the scheme is unacceptable. Factors such as the design of the proposed dwellings and high quality landscaping also bear on the acceptability of the proposed scheme.

Concerns were raised during pre-application discussion over the density of the dwellings that face out onto the open space to the north. Street scenes have been provided to assist with understanding the relationship between the proposed dwellings and the open space. Facing onto the boundary, are large detached four and five bed dwellings. The size of these dwellings are appropriate in this location. As with the majority of dwellings on this phase, the properties do not benefit from very large front gardens which would have assisted in softening the interchange in this part of the site between the private and public realm. However, the proposed landscaping between the dwellings and Thornet Wood is extensive. Between the footpath into the open space and the front gardens of the properties, amenity grassland is proposed that further increases the separation of urban development from the open space. Further, a number of trees are proposed in clusters to provide screening between the proposed dwellings and the open space. The building line in this area of the site is also varied, with dwellings set back from one another to ensure the interchange between the open space and the dwellings is gradual and not just one straight hard boundary.

#### *Landscaping:*

An extensive landscaping scheme has been submitted with the application. In so far as site A is concerned, this also incorporates the open space to the north and Thornet Wood. With regards to residential areas and boundaries between them, a significant amount of tree planting has been proposed in addition to hedgerows on plot borders where appropriate. There is also a green spine through the site that connects the open space in phase one with the newly proposed open space to the north. It is considered that the proposed landscape scheme greatly assists in softening the proposed development layout.

#### *Design:*

This application applies in full for the development of 110 dwellings (40 x one and two bed flats, 70 x two - five bed houses) in site A. As the proposal for self-build housing in Site B is in outline no consideration need be given at this stage to their design. Discussion below solely relates to the former 'full' aspects of the application.

As outlined above, a key consideration is how the proposed design of the dwellings complements those already approved at phase one. The design and access statement has provided a commentary on the already approved development and provided a guide as to how the characteristics of the proposed dwellings follow the principles already established on phase one.

In general, it is considered that the proposed design of new dwellings provides less detailing and flourishes when compared with the approved dwellings on the phase one scheme. The material

palette and detailing proposed is similar to those consented on the phase one scheme but on the whole what is proposed is more simple than that approved within phase one. It is considered that this approach has been more successful within some aspects of the scheme than others. This is, however, not to state that the design of the proposed dwellings is considered poor but the differences between the two schemes are important to highlight.

Firstly, when considering scale, design and proportions of the proposed dwellings, it is felt that the principles established within phase one are replicated on the proposed scheme. The design of the houses in particular, although not as elaborate in relation to detailing in some instances, do replicate many of the proportions, forms, and design features of those approved in phase one and the two schemes sit cohesively side by side.

With regards to the flatted blocks, the proposed buildings are of a similar scale to those approved on phase one. Similar to the houses, the design of the flats, do also lack some detailing and flourishes approved on phase one. The design of the flatted blocks would benefit from some additional detailing in order to provide more interest on the larger facades, however, it is considered that the details that have been provided complement what has been provided on phase one and would not result in any particular harm to the character of the area.

Street scenes have been provided which assist in assessing the relationship between the approved site to the south and the proposed dwellings that face out onto the southern boundary of the site. It is considered that the proposed dwellings that face onto the approved scheme sit cohesively with the design and scale of those already approved. This is a positive attribute and ensures that the proposed scheme is seen as an extension to/of phase one and holistically designed, rather than a separate development.

Although there are elements that could be improved, when taken as a whole and considering the proposals against the already approved phase one development, it is considered that the design of proposals achieve, broadly, a high quality design that responds to distinctive local character reinforced already through the phase one permissions and therefore the proposals meet the requirements of policy D1.

#### *Car parking:*

As discussed in later sections of this report, the parking provision proposed on site meets the policy requirements. However, the layout of the parking on site was highlighted as a concern during the pre-application process.

In general, it is considered the proposed provision of 'on-plot' parking fronting houses is acceptable. However, the parking strategy in relation to the flats and remaining dwellings is less than optimal. There are a number of areas of concern, however, the most severe is the parking court to the southeast of the site that provides parking for plots 88 - 110. The parking court is extensive, with houses and flats providing limited or no natural surveillance or other permeability and its size sees it dominate the site in this area. Plots 92 - 94 are surrounded by allocated parking on three sides, which is not considered to be high quality design. It is noted that some mitigation, in the form of street tree planting, has been provided within the parking court in an attempt to soften the impact of the proposed hard standing and parking, however, its success is limited.

The parking serving block C (plots 72 - 79) is also of concern. Plots 72, 75 and 76 in particular are provided with tandem parking spaces within an unbroken courtyard arrangement. The

available space within the parking court for additional manoeuvrers is limited and could result in difficulties affecting and deterring regular use of some of the spaces for parking. The parking in this court is also a very large expanse, and although an attempt has been made to break this up with the three proposed trees, its effectiveness is limited.

The parking court in relation to blocks A and B (plots 42 – 52) is slightly better designed, but only because it is integrated into the development in a more cohesive way and therefore it would not be so dominant in the street scene. However, concern still exists in relation to the tandem parking in this location and the ability for residents to manoeuvre within the space provided.

It is therefore concluded that the success of the proposed parking strategy is varied. The proposals successfully integrate on plot parking throughout the development, however, in respect of the courtyards there is concern that there is potential for car parking to be over dominant within the street scene. Concerns also exist with regards to the proposed tandem parking leading to on-street parking as a preference to using the provided spaces, however, it is noted that the highways authority have not raised this as a concern within their consultation response. The weaknesses within the parking strategy will be considered within the overall balance and the conclusions in regard to the design and layout of the proposed development.

#### *Bin and bike storage:*

In general, bin and bike storage is proposed within garages, which is acceptable. Sheds have also been proposed to the rear of some properties, which is considered an acceptable method of bike / bin storage. The provision of these sheds can be secured by condition.

Communal bike and bin storage is proposed for the flats, in general these are considered to be within appropriate locations. The storage for Block 72 - 79 pushes into the garden of plot 80. This is not particularly desirable but still leaves plot 80 with an adequately sized rear garden.

#### *Materials:*

The Design and Access Statement provides a guide to the colour and material palettes proposed to be used on the site. It is noted that the detailing and the proposed materials mirror some of those approved for phase one. It is notable that phase one did provide a wider material palette than those suggested within the application scheme, which added more interest to the proposed dwellings within that scheme. The proposed materials and design of buildings appear more simple than those approved on phase one. However, it is considered that the proposed materials do reflect those approved within phase one and some of those found in the surrounding area.

It is proposed that a condition is added to any approval requesting submission of material samples prior to the commencement of development.

#### Site B

Outline permission is sought for the development of four self build dwellings on site B. This site is located at the front of the site adjacent to the Effingham Conservation area and therefore it is in a much more prominent location than Site A. However, Site B is bordered to the north and east by the existing approved development of phase one Lodge Farm. Further, to the east, planning permission has recently been granted for the redevelopment of the site and change of use to use as a SEN Education facility.

As this area of the site is only applied for in outline, details with respect to layout and design of the proposals are reserved for a later date, however, a design brief has been provided within the Design and Access Statement which outlines the vision for the site and also provides a detailed parameter plan.

Consideration of the proposals' effect on character has been provided in the section below relating to impact on the setting of the conservation area and listed buildings and is not repeated here. However, in terms of layout it is worth noting that a proposal for redevelopment of Site B to provide four dwellings was submitted to the Council via application reference 20/P/00373. This application was refused and subsequently dismissed at appeal, however, the case officer and inspector did not raise any objection to the development of Site B with regards to impacts on the character of the area. The Council stated that the development would not be out of keeping with the established character or appearance of the area and the exact external materials could be agreed by condition.

The submitted parameter plan shows a proposed layout similar to those submitted for application 20/P/00373 and therefore it is considered that the same conclusions should be drawn. The proposals will fit comfortably within the plot and seen within the context of the approved the development at Lodge Farm. The proposal is therefore deemed to be compliant with policies D1 of the LPSS and G2 of the ENP.

### Site C

Site C will provide an additional area of open space for use by residents of the approved phase one development, the proposed development and existing members of the community. It will add an area of well landscaped green frontage to the larger phase one site. Extensive tree planting, meadow grass and amenity grassland is proposed in addition to seating and a footpath. The existing site is open field and therefore the proposed use will not result in a significant change to the character of this frontage. The proposed open space is welcomed and will add an area of useable open space and a pleasant approach into the site.

### Conclusions on design and impact on surroundings

With regards to Site A, the density appears to be higher than that approved on phase one. Although not alone a reason to refuse the application, careful consideration must be given to how the applicant has achieved this higher density whilst respecting the principles and character established through the phase one development. A landscaping scheme has been proposed that provides extensive tree planting and a number of hedges around plot boundaries throughout the development. These assist in softening the proposed development, helping the scheme to absorb the proposed density of development without giving the impression of an over dominance of built form. It is therefore considered that the proposed density is appropriate.

The design of the proposed dwellings has been carefully considered, and although it does not quite match the level of detailing of that already approved, it is considered that the design respects the character of the phase one development, responds to the local vernacular, and results in dwellings that sit cohesively alongside the phase one approved scheme.

The layout is not without its issues. Of the most significant, concern lies with the proposed parking strategy in relation to the flat blocks. It is considered that the parking dominates the south eastern area of the proposed development, which impacts upon the quality of the public realm. The proposed landscaping goes some way to mitigate the dominance of parking in this area, but

could go further. That being said the area is not widely influential as the parking occupies a rear zone, and is the product of prioritising outward facing frontage cohesiveness.

On balance, however, the proposed development has been carefully considered and the design of the proposed dwellings respect the local vernacular and ensures the character of phase one continues through into this phase two development, to provide a seamless connection between the two schemes. Although in places parking provision could be improved, SCC Highways have confirmed they find the layout acceptable. Further, the parking courts tend to occupy rear zones and there is opportunity to attach a landscaping condition to any approval which would further bolster the screening afforded to these parking areas. It is therefore considered that the design and layout of Site A is acceptable.

In accordance with policy D1 of the Local Plan and ENP-G2 of the Effingham Neighbourhood Plan Site B has been shown that the 110 dwelling scheme would be in keeping with the established character of the area as the proposed development would be seen in the context of the approved phase one development. With regards to Site C, the addition of this open space is welcomed and would result in improvements to the frontage of the phase one site.

### **Impact on the setting of the conservation area and listed buildings**

The three sites have the potential to impact on a number of designated (listed buildings and conservation areas) and non-designated (locally listed buildings) heritage assets within the boundaries of both Guildford borough and Mole Valley district. The impact of the proposal on these assets will be assessed below.

#### **Statutory provisions:**

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. However, it is noted that this section only applies to development within a conservation area.

#### **Policy provisions:**

Case-law has confirmed that, when concerned with developments that would cause adverse impacts to the significance of designated heritage assets (including through impacts on their setting) then this is a factor which must be given considerable importance and weight in any balancing exercise.

Turning to policy, Chapter 16 of the National Planning Policy Framework sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs. Paragraph 195 sets out that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage

asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 199 of the NPPF applies to designated heritage assets. It states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. This policy reflects the statutory duty in section 66(1). Paragraph 200 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

Policy D3 of the LPSS requires the historic environment to be conserved and enhanced in a manner appropriate to its significance. Saved policies HE4 and HE10 of the 2003 Local Plan are also relevant and protect the setting of both listed buildings and conservation areas. Policy ENP-G3 of the Effingham Neighbourhood plan requires all developments to have regard to the potential impact on the historic environment and the Effingham Conservation Area and should conserve heritage assets (designated and non-designated and including non-designated archaeological remains) in a manner appropriate to their significance, including any contribution made by their setting.

Given the sites proximity to Mole Valley District Council (MVDC) and the location of the conservation area which lies within the authority area, consideration must be had to relevant MVDC policy. Policy ENV39 (Development in Conservation Areas) of the Mole Valley Local Plan (2000) policy CS14 (Townscape, Urban Design and Historic Environment) of the Mole Valley Core Strategy (2009) both require developments adjacent to Conservation Areas to preserve or enhance the area.

In support of the phase one application a thorough assessment was submitted that considered potential setting impacts on conservation areas, listed buildings, locally listed buildings and registered historic parks and gardens. These are all located within Effingham village, around All Saints Church, in Little Bookham village to the east and, in the case of the historic parks, further afield. Various minor to moderate negative effects were identified in relation to the conservation areas and some listed and locally listed buildings.

An update to the ES (chapter and technical appendix) in relation to impacts on cultural heritage has been submitted in support of this application. Further, the submitted LVIA also considers the visual impacts from the proposed development on the Effingham Conservation Area and listed buildings surrounding the site.

### Site A

The main development site is located on the north-western edge of the approved development. The proposed development comprises buildings of a similar height, design and layout to those already approved. It is therefore considered that the proposed development on Site A will be entirely screened from the conservation area and all heritage assets close to the proposed development with the existing approved development to be built and no additional affects on the significance of any heritage asset will be felt. The LVIA confirms this, it states "*the impacts of development on the immediate surroundings will be very localised. Development of the site will not harm the setting to the Conservation Areas or the locally listed buildings as land between the*

*site and these features will be under residential development.”*

### Site B

Outline permission is sought for the development of four dwellings on this site following the demolition of the two existing modern dwellings. Within the Design and Access Statement submitted in support of the application, a design brief for the self-build plots has been provided which assesses the proposals against the local context and also suggests precedents with regards to architectural style and landscaping that the self-build plots would follow. On page 84 of the Design and Access Statement a parameter plan has been provided that details the layout of the proposed self-build plots.

To the west of Site B planning permission has recently been granted for the conversion of the current British Legion building into a SEN Education facility. The site directly abuts the conservation area boundary, and would be approximately 100 metres to the east of the Grade II listed Red House and the locally listed Catholic Church. Taking into account the fact that the site already has a building in place and that the proposal would exhibit a similar relationship to the common (western) boundary, the development of Site B would not result in any harm to the significance of either the conservation area or to the listed and locally listed buildings. It is also noted that within the previously refused application (20/P/00373) for four self build plots of a similar scale to the proposal, the Officer found the proposals satisfactory in relation to the setting of the listed buildings and conservation area. This matter was not disputed by the Planning Inspectorate.

In addition, the site is located to the south west corner of the approved Lodge Farm development, that is significantly larger than the four dwellings proposed on Site B. The design brief has confirmed that the four proposed dwellings will follow the same design principles already established through the reserved matters permissions across the phase one site. The development will replace the two existing dwellings and replace them with four new dwellings that are in keeping with the phase one dwellings that front onto the conservation area in this location. The dwellings will be well screened to the west through the existing treatment that separates the site and the British Legion. It is therefore considered that the replacement of the existing two dwellings with four dwellings on the site would not result in material harm to the setting or significance of Effingham Conservation area or the locally listed buildings that are close to the site. It is considered there will be no additional affects above and beyond what was identified within the 2014 assessment as a result of the proposed development of Site B.

A condition would be required to ensure that any reserved matters applications follow the provisions set within the design brief.

### Site C

Site C currently consists of an area of open land, that was earmarked as an area of open space to be provided in relation to the new school to be provided under the Lodge Farm permission. As a result of the proposed development, Site C will be allocated as public open space within the proposed development and a sensitive landscaping scheme has been proposed. It is considered there will be no additional effects on the significance of heritage assets above and beyond what was identified within the 2014 assessment as a result of the proposed development of Site C.

### Archaeology

The site is over the 0.4 hectare size which means the site is recommended for archaeological assessment and possibly evaluation under the guidelines set out in policy HE11 of the Guildford Borough Local Plan.

The application is supported by a desk based archaeological assessment produced by Archaeology South East. The Assessment has consulted all currently available sources including the Surrey Historic Environment Record in order to characterise the archaeological potential of the site and concludes that there is a moderate potential for remains dating from the medieval and post medieval periods to be present.

The County Council Archaeological Officer has stated that in order to clarify the archaeological potential of the site it would be appropriate for an archaeological field evaluation of the area of the proposed development to be carried out before development commences so that any remains can be identified and appropriate mitigation measures devised in line with the requirements of the NPPF. As there is no reason to suppose that remains worthy of preservation in situ will be present on the site, the officer has advised that in this case the programme of archaeological investigations can be secured by the use of a condition should planning consent be granted.

It is therefore considered that the proposed development meets the requirements of LPSS policy D3 policies HE4 and HE10 of the 2003 Local Plan, Effingham Neighbourhood Plan policy ENP-G3 and national policy.

### **Impact on neighbouring amenity**

Paragraph 130(f) of the NPPF requires '*places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*'. One of the key characteristics in the National Design Guide (NDG) is, Homes and buildings – functional, healthy and sustainable for occupiers and the surrounds. These principles are taken forward in policy D1 of the LPSS and saved policy G1(3) requires protection from unneighbourly development.

#### **Site A**

Site A borders the approved Lodge Farm development to the south, the land approved for use as a school to the east, Thornet Wood to the north and Effingham Common Road to the west. In terms of existing receptors, it is considered that existing residents are situated a considerable distance from the site separated from the site itself by either existing or approved development. A key consideration, however, is the potential impact on the amenity of residents and users of the approved phase one Lodge Farm development. The proposed residential development is separated from the approved development via an access road. There are limited areas where proposed dwellings face dwellings within the approved development and where they do separation distances are such that it is not considered significant impacts with regards to daylight / sunlight or overlooking. Depending on the timescales for development, there may be potential for impacts during construction, however, through the implementation of a Construction Environmental Management Plan that could be secured by condition it is considered that the proposed development would not result in additional impacts during construction such a noise, vibration, dust and smell. The proposals would therefore integrate well with the approved phase of development and ensure the creation of neighbourly relationships between the development.

#### **Site B**

Site B currently contains two detached dwellings that are not in use or occupation. It is proposed that these dwellings are demolished and outline permission has been sought for the development of four self build plots in replacement in this location. Neighbouring the site to the north is a parking court and to the east gardens of properties and the side elevation of one property associated with the approved phase one development. To the south is Lower Road, on the opposite side of the road is the access to Effingham Place and two dwellings set away from the road deep within their plot. To the west of the site is a building used by the British Legion that was recently granted permission under 20/P/02022 to be partially converted into a SEN facility whilst retaining the back annexe for use by the British Legion. Site B is separated from the site to the west by a dense evergreen hedge.

In December 2020 an appeal was dismissed following refusal for the development of four dwellings on the site (application reference 20/P/00373). With regards to amenity the officer at the time concluded that the proposed development of the site would not result in impacts on neighbouring amenity. As details of the design of the proposed dwellings are reserved for a future application, it only need be concluded that in principle the proposed development of Site B would not result in impacts on neighbouring amenity and officers are consent this is the case and that four dwellings could be designed so as to avoid such.

### Site C

Site C is set adjacent to Lower Road and in the centre of the already approve phase one development. To the east is land approved for use by the school and to the west are residential properties. It is proposed that this land is used as informal open space. It is therefore considered that development of this parcel would not result in significant affects in relation to the approved development surrounding the site and is quite likely to improve the outlook of the number of properties that surround the site and provide additional informal open space for new residents to enjoy.

As a result it is considered the proposed development meets the requirements of policy D1 of the LPSS and saved policy G1(3).

### **Amenity of the proposed development**

Policy D1 (Place Shaping) of the Local Plan requires new development to achieve high quality design that includes creating successful new places that promote healthy living. It requires all new development to have regard to and perform positively against recommendations set out in the latest Building for Life guidance and conform to the nationally described space standards. Policy G5(5) Layout of the Saved Local Plan requires built layouts to be easily understood by the user and to create areas of identifiable character. Policy G5 (9) requires a high standard of landscape design.

Firstly, with respect to the four self-build dwellings, as this area of the site is only applied for in outline, details with respect to layout and design of the proposals are reserved for a later date and therefore factors in relating to the amenity of the proposed residents will be reserved for consideration at the time reserved matters applications are submitted for the four dwellings. However, a design brief has been provided within the Design and Access Statement which outlines the vision for the site and provides a detailed parameter plan and therefore some initial observations can be made.

The parameter plan for the four self-build plots identifies that four detached dwellings will be provided, the size of these should be sufficient to meet minimum required space standards but this will be confirmed through the submission of detailed designs. Parking is proposed to the rear of each of the properties. Each house is shown to have a good-sized back garden and a small front garden. The proposed dwellings are also shown set back from Lower Road, with landscaping provided between the road and footpath to further separate the properties from the main road.

With regards to the dwellings applied for in detail (Site A), each of the private dwellings are provided with good sized private gardens. The flat blocks have varying sizes of private amenity space. Blocks A, B, D and E are considered to have ample sized private amenity space for residents to use. Block C's private amenity space appears to be comparatively small, however, it is considered appropriate in this instance as a large area of open space is provided to the north of the site for all residents to use. Residents of the proposed development will therefore not only have access to their private / shared gardens, but also access to formal and informal open space, the woodland walk and the community orchard.

Policy D1 of the Local Plan requires adherence to NDSS, the applicant has confirmed that all dwellings meet these standards.

A thorough review of the layout has been undertaken with regards to ensuring the proposed dwellings do not result in amenity impacts due to overlooking, privacy and daylight / sunlight issues. It is considered that the proposed layout ensures adequate separation distance is provided between properties and that windows of habitable rooms do not look directly into surrounding properties. The proposed scale and siting of the flat blocks has been carefully considered and where blocks are three storeys they have been separated from neighbouring two storey dwellings with parking, garages, gardens and landscaping. This ensures that there will be no significant impacts with regards to daylight / sunlight and privacy between proposed dwellings as a result of the development.

The application has been supported by a landscape scheme which shows the intention is to provide a large amount of street trees, along with landscaping and hedging where appropriate. A green spine is provided through the central area of site A connecting the open space on phase one with the now proposed open space to the north. It is considered that the proposed landscaping assists improved the amenity of the proposed development by softening the built development and providing spaces to be enjoyed by all. The exact details and implementation of the proposed landscaping can be secured by condition.

Within the noise assessment submitted in support of the application, in terms of the operational phase of development, consideration has been given to noise impacts as a result of noise from road traffic from Effingham Common Road and Lower Road. The report concludes that acceptable internal and external noise levels will be achieved at the residential properties. The Environmental Health Officer has commented that they are happy with the proposals and do not foresee any operational noise issues that would require a noise related condition.

An air quality assessment was also submitted in support of the application, it states that although the increase in dwellings will result in increased traffic associated with the development, the resultant effect on air quality would be negligible. The Environmental Health Officer has comments that they are happy with the proposals.

With conditions to secure the landscaping of the site, the proposal is deemed to be acceptable in

this regard.

### **Highway/parking considerations**

Paragraph 105 of the NPPF requires significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 111 explains that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Policy ID3 of the LPSS says that new development will be expected to contribute to the delivery of an integrated, accessible and safe transport system, maximising the use of sustainable transport modes, and establishes a set of steps for development to take into account in order to achieve this objective.

Policy ENP-R2 of the Effingham Neighbourhood Plan outlines that proposals for improvement in sustainable movement provision will be supported, including new and improved cycleways, footways and pedestrian routes. Policy ENP-R1 of the Effingham Neighbourhood Plan sets out minimum parking standards required in all new developments which includes spaces for residents, visitors and delivery vehicles.

### **Access**

The approved development at Lodge Farm to the south includes a spine road connecting Effingham Common Road and Lower Road. The proposed development is an extension to this scheme and will use the same access points. The County Highway Authority have confirmed that there is an ongoing S38 agreement for the County Council to adopt this spine road. They have requested a condition to secure the visibility splays from this development site onto the public highway.

It is proposed that construction vehicles will use the new accesses formed for the approved Lodge Farm development to access the site. As the proposed development site at the north of Lodge Farm is currently undeveloped there will be ample space for a material and plant storage area, staff cabin/toilets and staff parking, as well as space for the turning of vehicles on site.

Pedestrian and cycle access will also be via Lower Road. Existing footways and footways proposed as part of approved developments within Effingham provide access to nearby bus stops and schools, as well as Effingham and Great Bookham village centres.

### **Highway capacity and offsite highway improvement works**

As part of the submitted Transport Assessment, a Highways Impact Assessment has been carried out. The impact of the proposed development is to be tested both five years and ten years following the proposed build out of the site, i.e. 2027 and 2032. A junction modelling exercise was undertaken for a number of junctions in the local area for the 2014 hybrid application. The junctions were analysed for the future assessment years of 2021 and 2026, with ‘Do Nothing’ and ‘Do Something’ scenarios representing traffic with and without development. A total of 13 junctions were initially assessed to determine the potential impact of the development. Following the initial assessment, five junctions were assessed within the Transport Assessment:

- Junction 1: Old Lane / Horsley Road / Effingham Common Road / Forest Road – Staggered

Priority Crossroads;

- Junction 2: Lower Road / The Street / Effingham Common Road / Orestan Lane – Double Mini- Roundabout;
- Junction 3: The Street / Guildford Road / Beech Avenue – Signalised ‘T’ Junction;
- Junction 4: Little Bookham Street / Lower Road / Rectory Lane – Mini-Roundabout; and
- Junction 5: Church Road / Lower Road / High Street – Priority Crossroads.

Following assessment, the following off site highway works have been proposed in order to ensure that all junctions are not severely affected as a result of the proposals;

- it is proposed to dome the central islands of the double mini-roundabout junction between Effingham Common Road/Lower Road/The Street and Orestan Lane. The domed central islands will help to encourage circulatory behaviour at the junction and make the central islands more visible. This should help improve driver behaviour and reduce traffic speeds at the junction;
- it is proposed to improve pedestrian crossing facilities and enhance the contrasting pavement to provide traffic calming; and
- junction improvement works are proposed at Lower Road/Church Road/High Street and Guildford Road/The Street/Beech Avenue.

SCC have confirmed that they are satisfied that the highway improvements proposed, as well as the developer contributions sought to improve and enhance access for all modes of travel are adequate to mitigate the additional traffic impacts of the additional units for this development. It should be noted that the improvements and contributions sought for this application are in addition to those already secured under the 2014 hybrid application already approved under appeal in 2018.

Proposals to implement a MOVA traffic control system at the Guildford Road, The Street and Beech Avenue signalised junction, as well as road safety improvements at the junction of Lower Road, Church Road and High Street in Great Bookham and securing contributions to support SCC’s ‘Lower Road/Effingham Common Road Traffic Calming at St Lawrence Primary School’ scheme will improve overall road network performance and safety in the area.

#### Improvements to bus provision

The applicant has highlighted that during pre-application discussions, SCC stated that *“The operator for service 479 ceased operating and Surrey County Council (SCC) are now required to sustain the services to continue to provide sustainable travel options to residents, as well as Howard of Effingham School. The service levels and frequencies for route 479, as well as the other routes have changed”*. As such, further consideration has been given to sustainable travel options available to residents.

Contributions have been sought from the development to support Surrey County Councils Digital Demand Responsive Transport (DRT) demand responsive bus services. This will provide opportunity for existing residents of the area and future residents of the development to continue to have access to bus services, which have been affected recently in the area with cuts to existing services

#### Travel Plan

During pre-application discussions, it was agreed that a Travel Plan (TP) for the proposed

development was to be secured by condition. It was also noted that the trigger for preparation of a TP is before commencement of the residential development. A Travel Plan is a management tool that allows a coordinated strategy to bring together daily travel issues and achieve a more sustainable travel choice. A successfully implemented Travel Plan can offer substantial gains towards the sustainable transport objectives of central and local government. The applicant has confirmed that the TP will be prepared in line with SCC's good practice guidance and will have the following objectives:

- to reduce journeys to and from the site in single occupancy vehicles;
- to promote walking and cycling as a health benefit to residents;
- to reduce the perceived safety risk associated with the alternatives of walking and cycling; and
- to promote awareness of sustainable travel choices.

### Parking

The parking requirement in the Vehicle Parking Standards SPD, Surrey CC guidance and the Effingham Neighbourhood Plan are as follows against the proposed on-site provision (see table below):

	<b>GBC parking standard</b>	<b>Surrey CC guidance</b>	<b>Effingham NP</b>	<b>Proposed provision</b>
1 bed flat (20)	1 x 20 = 20	1 x 20 = 20	1 x 20 = 20	60 allocated spaces + 4 disabled
2 bed flat (20)	1.5 x 20 = 30	1 x 20 = 20	2 x 20 = 40	

2 bed (22)

1.5 x 22 = 33

1.5 x 22 = 33

2 x 22 = 44

3 bed (28)

1.5 x 28 = 42

2 x 28 = 56

2 x 28 = 56

4 bed (15)

1.5 x 15 = 22.5

2 x 15 = 30

3 x 15 = 45

<b>Formal playing fields</b>	0.3776ha	0ha	0ha
<b>Childrens play</b>	0.1888ha	0.228ha	0.228ha
<b>Amenity space</b>	0.0944ha	1.292ha (incl 0.36ha community orchards / gardens)	4.092ha (incl 0.36ha community orchards / garden and 2.8ha Thornet Wood)
<b>Total</b>	0.6608ha	1.52ha	4.32ha

The proposed development will provide 1.52ha (excluding Thornet Wood) of new community

open space which is well in excess of the total requirement sought under policy R2. However, the proposed provision does not meet the mix required by policy R2.

Phase one (approved under 14/P/02109) approved substantial sport and recreational facilities as part of the intended school as follows; (i) two grass rugby and football pitches; (ii) one grass cricket pitch; (iii) one running track; (iv) a javelin training area; (v) a combined triple long jump; (vi) a 19 square training grid, (vii) one all-weather pitch and five netball and tennis courts. It is intended that these facilities will be made open to the public and condition eight of the permission requires the submission of a community use agreements that details pricing policy, hours of use, access by non-education establishment users/non-members, management responsibilities and a mechanism for review to ensure the facilities are available for use by the public. As demonstrated at the time, this provision represents a considerable over provision of formal sports facilities than is required under policy R2.

With the above in mind, it would not be appropriate to require additional formal playing fields / facilities for this new application, when the approved school will provide such significant sporting facilities to be used by the whole community. While developer contributions have been considered for off-site payments towards such provision, and this would be offset provision in order to meet policy R2, the application proposals are supported by a viability assessment which shows this would not be possible without impacting upon other provisions. Further, the open space provided within the proposed development will diversify the offer available to residents. In addition to the sporting facilities, open space and play space provided on phase one, residents will have access to a natural woodland play area, community growing garden and a community orchard.

Therefore, it is considered that the provision of open space proposed by the applicant for this scheme will more than meet the needs of the proposed new residents (and those of the approved phase one scheme). It will give them informal amenity space and additional play facilities that will complement the facilities and spaces already consented within the phase one scheme, meeting the requirements of policy R2 of the LPSS.

### **Impact on ecology**

LPSS Policy ID4 sets out the Council will seek to maintain, conserve and enhance biodiversity and will seek opportunities for habitat restoration and creation, while new development should aim to deliver gains in biodiversity where appropriate. The applicant has provided an addendum to their Environmental Statement submitted with application 14/P/02109, this includes a Technical Annex 5 (Nature Conservation and Ecology).

The red line of the application site is formed of three distinct areas, the largest area (Site A) comprises a mixture of semi-improved grassland and marshy grassland mosaic, young developing woodland and scrub with an area of semi- natural broadleaved woodland to the north, which is said to be ancient in origin. There are two further areas to the south of the larger site, Site B contains two detached dwelling set amongst garden lawns, whilst Site C comprises species-poor semi-improved grassland.

No part of the site or the immediate surrounding area is covered by a statutory nature conservation designation. The application site does, however, lie within the 400 metre to 5 kilometre buffer of the Thames Basin Heath Special Protection Area. Mole Gap to Reigate Escarpment (SAC and SSSI) lies 3.5km to the east of the site.

With regards to non-statutory designated sites, Thornet Wood SNCI, which comprises ancient semi-natural and broad-leaved woodland, lies at the north of the site; a proportion of the woodland lies within the application site, but outside the development area proposed (in Site A).

The ecology comments confirm that no Local Nature Reserves fall within the site but Thornet Wood SNCI is partially located within the red line of the site boundary but out of the development area. No significant impacts were identified to locally designated sites, however, the mitigation and enhancement has been proposed and must be followed including providing a detailed ecologically driven management regime, with a detailed Construction Environmental Management Plan (CEMP).

With regards to the Ancient Woodland, concern was raised with regards to the Natural England requirement for a buffer zone of 15 metres to protect the habitat and the placement of the children's play area. In a letter dated 15 November 2021, the applicant confirmed that the proposed play area is located outside of the 15m buffer.

The Council's consultant ecologist has provided a response to the documents submitted in support of this application. The response outlines that a suite of ecological surveys has been undertaken to support the application and includes surveying the site and the 'zone of influence' for different species. The surveys were undertaken between 2020 and 2021.

The submitted EclA report prepared by Derek Finnie Associates (April 2021), detailed the surveys which were undertaken in 2020, and updated in 2021. The surveys included an extended phase one survey which was conducted in June 2020 which would have been a suitable time for surveying grassland habitats on site, and included updates throughout the field season and was updated in March 2021. Protected species surveys for badger, breeding bird, reptiles and bats were included.

Badger surveys were undertaken across the site and the report identified that no evidence of badger was recorded although the site held potential foraging habitat. Badgers were screened out of the assessment.

Breeding bird surveys have identified the site as being relatively impoverished and most birds were associated with the woodland and scrub habitats. Details on habitat enhancement for birds will be included in the scheme. The CEMP will need to include detailed measures on avoiding impacts to nesting birds during clearance of the site. The CEMP can be secured via condition.

The report identifies a low population of slow worms were recorded in Area A and a mitigation strategy has been put forward. A translocation exercise is required prior to works impacting Area A. Prior to site clearance full details of the proposed receptor site, and its enhancements to support reptiles will be required, these details can be secured by a condition.

Great crested newt were not discussed within the EclA (April 2021). Information submitted by Derek Finnie Associates to support the application for land to the south of this application (reference 14/P/02109), detailed why great crested newts were scoped out of the assessment, and waterbodies within 500 metres were assessed. As such no further information in relation to great crested newts is required.

Of concern to the Council's ecology consultant was the applicants' approach to scoping out of Hazel Dormice from their assessment and the timing of bat surveys. The applicants responded to these concerns in a letter dated 15 November 2021.

With regards to the timings of bat activity surveys the applicants have confirmed that a total of six bat activity surveys were undertaken within the survey window, which is twice as many as recommended by the Bat Conservation Trust (BCT) on a site with low suitability for bats. In response, the Council's ecology consultant still raised concerns with regards to the potential for bats at the two derelict dwellings at Site B. The consultant stated that although this application is for access only onto Area B, it is worth noting that permission for the development of this site including demolition of these buildings should not be granted until phase two bat activity surveys comprising dusk and / or dawn surveys in accordance with the BCT survey guidelines have been provided, and where a bat roost is identified a suitable mitigation strategy devised and submitted to the council. This application only applies for development of Site B in outline with all matters reserved except for access. As a result, it is considered that through the reserved matters process, these further requirements in relation to bats can be provided.

With regards to dormouse surveys, the applicant has confirmed that there are no records of dormouse within 2km for Thornet Wood within the last 20 years and the existing structural diversity of the ancient woodland is highly unlikely to support the presence of dormouse. Moreover, there will be no direct impact upon Thornet Wood as a result of the proposals. The Council's ecology consultant has confirmed that no further information is required in relation to Hazel Dormice.

Within their response, the Council's ecology consultant suggests a number of conditions that would be required to be added to any consent, these include the provision of a CEMP, Woodland Management Plan, Reptile Mitigation Strategy and Landscape Ecology Management Plan.

Paragraph 174(d) of the NPPF states that when making planning decisions LPA's should seek to minimise impacts on and should seek to provide net gains for biodiversity. Paragraph 180 also states that LPA's should consider opportunities to improve biodiversity in and around developments, which should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. These requirements are also repeated by the LPSS Policy ID4, as stated above.

A Biodiversity Net Gain Assessment was submitted in support of the application in February 2022, this included the DEFRA metric 3.0 calculation to provide an objective quantitative assessment. This has demonstrated that through the proposed on site improvements a net gain of 5.9% can be achieved. Improvements proposed include the provision of a community orchard, planting of wildflower grassland, additional trees, carefully landscaped SUDs features and improvements to the woodland management. The applicant also demonstrated net gains proposed as a result of the phase one site approval, these show significant net gains and should be commended, although as they are not directly related to this application, hold limited weight.

Within Section 98 of the Environment Act 2021, there is provision for achieving a 10% Biodiversity Net Gain (BNG) within a development, with the particulars being covered under Schedule 14 of the Act. However, secondary legislation is required under Section 4(6) of Schedule 14 of the Act before the BNG requirement becomes a legal requirement; this has yet to be completed. Hence, currently there is no legal requirement to demonstrate a 10% BNG.

The applicant has demonstrated that the proposals provide a measurable net gain of 5.9% subject to the implementation of measures described within the ecology report and landscape masterplan. These measures will be secured via condition. It is therefore considered that the proposals meet requirements with regards to biodiversity net gain.

The proposals, consequently, and subject to necessary conditions will not have any significant adverse effects on biodiversity and do not conflict overall with LPSS policy ID4.

### **Impact on trees and ancient woodland**

An Arboricultural Impact Assessment (AIA) has been submitted in support of the application. The main area of the application site has very few trees, these are predominantly located at the sites boundaries. The northern extremity of the application site is within Thornet Wood, which is designated as a Site of Nature Conservation Importance (SNCI) and ancient woodland.

The AIA provides a Tree Protection Plan and a schedule of trees. On the site there are category A, B, C and U trees. The AIA concludes that no trees will be lost as a result of the proposed development.

There are a number of trees approved for removal under extant permission 14/P/02109, however, their removal is not required to facilitate the proposed development. All the significant boundary tree cover will remain intact and no high category trees will need to be removed. The matter of adverse impacts on retained trees due to post-development pressures to fell or prune has been considered and it is concluded that no further trees will be affected. There is sufficient space for new tree planting and the size of the proposed new trees and their future new growth will significantly enhance the contribution of the site to local character.

Measures to protect retained trees during construction have been proposed, subject to the implementation of these measures which can be secured via condition, the report outlines that the development proposal will have no long-term detrimental impact on tree health or the contribution of trees to character in the wider setting.

The Council's Tree Officer has confirmed that he has no objection to the proposed development with regards to arboricultural aspects. He confirms that the tree removal within the applications red line is minimal and has already been approved under the previous planning consents. The proposals provide numerous opportunities for tree planting and the landscape proposals indicate a significant net gain in terms of the contribution by trees.

### **Ancient woodland**

The Tree Officer highlights that of significant interest is the Ancient Woodland (Thornet Wood) located at the northern end of the development site. The AIA is silent with regards to its status. The Tree Officer is supportive of the proposed layout and the separation provided between the Ancient Woodland and the residential dwellings. A buffer zone of at least 15m is proposed around the Ancient Woodland and will incorporate new habitat creation. The nearest residential property is located 35 metres from the ancient woodland boundary and between the 15m buffer and the residential properties is amenity area comprising open space, a fruit orchard, allotments and a children's play area.

In response to concerns previously raised by the Tree Officer and the Woodland Trust, it has been confirmed that the children's play area does not lie within the required 15m buffer zone (as shown on plan 1581/011 Rev C).

The Tree Officer has stated that the Natural England and Forestry Commission 'standing advice' for Ancient Woodland recommends the proposal should have a buffer zone of at least 15 metres

from the boundary of the woodland to avoid root damage. Where assessment shows other impacts are likely to extend beyond 15 metres a larger buffer zone may be required. With this in mind, the Tree Officer has requested for the Tree Protection Plan to be updated to modify the location of the protective fencing in the vicinity of the Ancient woodland to incorporate the proposed 15 metre buffer zone in order to ensure the protection of roots during the construction phase. Further, the Arboricultural Method Statement should be updated to address the detail of the path construction adjacent to and within the Ancient Woodland. He has confirmed that it would be appropriate to attach a suitably worded condition to any approval in order to secure the revised AMS and TPP.

The Tree Officer has highlighted that there is no need to have the footpaths identified on plan 1581/011 Rev C located within the 15m buffer zone. The applicant has outlined that footpaths have been provided within the ancient woodland and the buffer zones for residents to enjoy the woodland resource in a controlled manner, preventing high level disturbance throughout the woodland. It is considered that the footpaths that have been proposed in the 15m buffer will also assist in allowing residents to enjoy the woodland without impacting upon the integrity of the protected trees. The condition highlighted above requesting an updated AMS would secure the path construction details to ensure no significant impacts on the protected trees.

The proposals, consequently, and subject to necessary conditions will not have any significant adverse effects on trees or Thornet Wood Ancient Woodland.

### **Thames Basin Heaths SPA**

The Council has adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017 which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Greenspace (SANG) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development.

The proposed development is located within the 400 metre to five kilometre buffer of the SPA. The applicant is the owner of the recently opened Long Reach SANG and this will provide the mitigation for the proposal. It is noted that a Grampian style condition is recommended which states that the housing development cannot be implemented until the SANG has been delivered and is in operation.

Given the Grampian condition, it is considered that the proposal would be compliant with the objectives of the TBHSPA Avoidance Strategy SPD 2017 and policy NRM6 of the South East Plan 2009.

### **Planning contributions and legal tests**

The three tests as set out in Regulation 122(2) require s.106 agreements to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

If all other aspects of the application are deemed to be acceptable, then the following contributions could be secured by way of a s.106 agreement.

### **Thames Basin Heaths SPA**

The development is required to mitigate its impact on the TBHSPA and this would be secured through a legal agreement (SAMM payment only). This would accord with the TBHSPA Avoidance Strategy SPD 2017. Without this, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Affordable housing

The requirement for affordable housing has been set out above as well as the applicant's affordable housing offer, taking into account the viability assessment. The legal agreement would secure the provision of the number of affordable units, as well as their tenure and mix. Although this provision would not comply with the Local Plan, the reasons for this have been explained above. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Education

The development is likely to place additional pressure on school places in the area. The County Council has requested a contribution of £74,036 towards early years education in the area. No contributions are required for primary or secondary education. The County Council note that there is adequate primary school provision in the area and that the appeal proposal is delivering a new secondary school with additional pupil places.

Surrey County Council as the Education Authority has provided a project that the early years contribution would be allocated towards and this is considered to be reasonable and directly related to the development. As such, this contribution is required to mitigate the impact of the proposal on the local education system.

### Health care

The proposal will have an effect on the demand for primary health care services in the area. The NHS (through Surrey Heartlands CCG), note that taking into account the increase in population and the additional demand generated by the development, a contribution of £110,000 would be required to mitigate the impact of the proposal.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Policing

The proposal has the potential to increase pressures on existing policing resources in the area. Surrey Police note that the application site is currently a greenfield site which when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development.

The Police note that their request for a contribution of £21,526.36 is proportionate to the size of

the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. They note that it is necessary to secure section 106 contributions for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Surrey Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing. They note that securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising front line services. The consequence of no funding is that existing infrastructure will eventually become stretched, and the communities may not receive adequate policing.

The contribution will be used towards the capital costs associated with employing additional staff, as well as those towards fleet provision and accommodation at Guildford police station.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Highways

To help improve safety further and to mitigate the impacts of the development, the County Highway Authority has requested the following contributions:

- £2,500 per dwelling within the site towards but not limited to, the Digital Demand Responsive Transport (DRT) bus service and enhancements of the existing local public bus service as required;
- a sum of £50,000 towards the 'Lower Road/Effingham Common Road Traffic Calming' scheme; and
- a Travel Plan auditing fee of £6,150.

These measures all help to mitigate the impact of the proposal on the surrounding highway network and are necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Other matters

If the proposal is judged to be acceptable, it will be on the basis that the additional dwellings are required to ensure that the appeal scheme remains viable so that the replacement secondary school can be realised. As such, it is important to ensure that the housing proposed through this application is only commenced once construction has started on the school. If this was not secured, it may be possible for the housing to commence on the grant of planning permission, without the delivery of the school, which given the Green Belt concerns is clearly not acceptable.

This measure is therefore necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Balancing exercise

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. This requires a broad judgement regarding whether the development accords with the plan read as a whole. It is also reminded that paragraph 147 of the NPPF states that inappropriate development

is 'by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 goes on to note that 'very special circumstances' will not exist unless "...the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. This consideration of the Green Belt and other harms versus the benefits of the scheme will be carried out below.

It is noted that the harm identified above must be considered and balanced against the benefits of the proposal. For this application, the Secretary of State's decision on the appeal scheme is also a significant material planning consideration. As such, this planning balance will take into account the harms and benefits which were identified by the Secretary of State, should they still be relevant to this proposal.

### Harm

Site A is located within the Green Belt and it has been concluded that this element of the proposal does not fit within any of the appropriate forms of development within paragraphs 149 and 150 of the NPPF. Paragraph 148 of the NPPF states that 'when considering any planning application, local planning authorities should ensure that **substantial weight** is given to any harm to the Green Belt.

The proposal would also fail to comply with purpose (c) of including land within the Green Belt as it would not 'assist in safeguarding the countryside from encroachment'. The proposal would also result in a material loss of openness to the Green Belt. While it is acknowledged that the appeal scheme, if implemented would seriously harm the openness of the northern end of the Lodge Farm site, the proposal would introduce a large quantum of additional built form into an area which is more sensitive and which would drive built form further north, away from the rest of the development. **Substantial weight** should be afforded to this harm.

The proposal would provide four self-build properties fronting onto Lower Road. Policy H1 of the LPSS states that 'self-build and custom housebuilding will be supported if the proposed development has no adverse effect on the local character. On development sites of 100 homes or more 5% of the total homes shall be available for sale as self-build and custom housebuilding plots whilst there is an identified need'. Based on the requirements of the policy H1, the proposal generates a requirement for six self-build plots, as such, the proposal is contrary to this aspect of the plan. While the applicant has not advanced an argument to explain the deficiency in provision, it is noted that the non-compliance is relatively minor and that the scheme would still deliver 66% of the requirement. **Moderate weight** is afforded to this matter.

The appeal scheme would introduce a large quantum of development into the village, representing a significant increase its 'footprint'. The current proposal, and in particular the development on Site A would, as noted above, result in further built form to the north of the village. However, it is noted that the application site is relatively well screened from public views and viewing it in isolation (i.e. without the appeal scheme) would be difficult. As such, any views of the proposal would be seen within the context of the wider, overall development. As such, while there would be some additional harm caused to the character and appearance of the area, this is reduced due to the factors set out above. As such, **moderate weight** is afforded to this harm.

It is acknowledged that the Planning Inspectorate for the appeal scheme also afforded weight to the impact that the 14/P/02109 would have had on heritage assets (conservation areas and listed

buildings) in the vicinity of the site. While the current application is linked to the appeal scheme, it is a separate proposal which does not have the same heritage impacts. In fact, it has been concluded that the current proposal in itself would not result in any harm to heritage assets. As such, there is no heritage harm to attribute directly to the current application.

Although the proposed development under the application is separate, given that the appeal scheme will not go ahead without the proposed development, it is appropriate to have regard to the harm arising from that development as an additional factor as part of the planning balance, having regard to the relevant statutory tests identified above.

As regards the Green Belt harm resulting from the appeal proposal, the Inspector afforded substantial weight to the fact that the proposal amounted to inappropriate development which is, by definition, harmful to the Green Belt. However, it is acknowledged that since the appeal decision was issued, the existing school site is now inset from the Green Belt. However, overall, this does not change the harm resulting by virtue of inappropriateness and as such, **substantial weight** is afforded to this harm. As regards the impact on Green Belt openness, he noted that *'taken together and accounting for the degrees of harm and mitigation, the harm to openness is significant overall and should be awarded substantial weight in the planning balance'*. Again, this harm remains from the appeal proposal and **substantial weight** is afforded to it.

The Inspector concluded that heritage harm was identified as a result of the loss of the open land at Brown's Field, so failing to preserve the character or appearance of the conservation area. The Inspector carried out a public benefit assessment as part of the appeal proposal. The Inspector noted that *'when considered against the sum of significance of the conservation area as a whole however, the magnitude of that harm, fully accounting for the requirements of section 72 of the Act and paragraph 132 of the Framework, has been judged as less than substantial. Accounting for the consideration of public benefit required by paragraph 134 of the Framework, for the purposes of the Green Belt planning balance, this has been judged as meriting a medium measure of weight against the proposals'*. This harm would still occur as a result of the appeal proposal and as such, **substantial (great) weight** and considerable importance is afforded to it in the balance.

The Inspector also found that the appeal proposal would result in harm to the character of the surrounding area, particularly relating to the development of Lodge Farm. The Inspector stated that *'whilst the sum of development proposed is considerable, the contexts in which it would be experienced are pluralistic and their visual impact in respect of the character and appearance of the area would be relatively limited. Nevertheless, particularly with regard to Site No.3 (Lodge Farm) the sum of development here would cause harm to the rural character of this northern fringe of the settlement. Taken as a whole however, the sum of this harm may be judged as meriting medium weight in the Green Belt planning balance'*. **Moderate weight** is afforded to this harm.

The Planning Inspector also acknowledged that there was a conflict with the emerging (at the time) Local Plan and Neighbourhood Plan. He stated that *'there is conflict with the emerging strategy of the SDLP and more specifically with the policies of the SENP. However both are currently subject to consultation, each have yet to be subjected to examination and may both yet be the subject to objection. The Framework is very clear, notwithstanding the degree of local investment thus far, that in accordance with paragraph 216 of the Framework, that in these circumstances, both plans may be afforded only very limited weight. For the same reasons, these identified conflicts must also merit only very limited weight in the Green Belt Planning balance'*. It is noted that both the new Local Plan and the Effingham Neighbourhood Plan are both now

adopted and their policies have been fully considered as part of the assessment. Where conflict has been identified with the adopted policies, and where mitigation cannot be found, harm has been afforded to these matters as appropriate. As such, any conflicts with these plans has already been accounted for in the balance.

Finally, as far as the appeal proposal is concerned, the Inspector afforded **neutral weight** to ecology, highways, sports facilities and the impact on the SPA. There is no reason to alter this conclusion here.

Set against the considerable weight of these identified other harms are a range of other considerations set out in support of the proposals.

### Benefits

The proposal would provide a total of 114 additional dwellings in a borough where there is an identified high need and demand. This includes 22 affordable dwellings. It is noted that the proposal is likely to deliver some of the dwellings early in the plan period. It is fully acknowledged that the Council can now demonstrate a five year housing land supply, which is currently set at seven years. It is noted that this is a significant departure from the position when the appeal scheme was considered by the Secretary of State when the Council's five year housing land supply was 2.1 years. However, while the positive weight afforded to the provision of additional housing may not be as great as concluded by the Secretary of State, it is a benefit that cannot be ignored and should continue to be a positive aspect of the application, albeit tempered to some degree by the very healthy housing land supply position in the borough. Reflecting the Council's current housing land supply position and the NPPF desire to boost housing supply, **significant weight** is afforded to this matter.

Following concerns which were raised by Officers with regard to the proposed energy and sustainability performance of the development, the applicant has made significant positive changes. The applicant has committed to providing each dwelling with an air source heat pump, making the scheme exemplar in this respect. This will help the proposal achieve carbon reductions per unit of at least 50%, which is a significant improvement over the Council's requirement of 20%. The projected site wide reduction in carbon emissions would be approximately 56%. In addition, compliance with the energy hierarchy is achieved in part through the use of very high levels of airtightness at 4m<sup>3</sup>/hm<sup>2</sup>. This is 20% better than the best values usually proposed for such schemes. The fact that the proposal would perform better than the requirements of the Local Plan must be reflected and is considered to be a positive aspect of the development. **Significant weight** is afforded to this matter.

The proposal would provide new areas of community open space. This includes the new 'village green' at the entrance to the Lodge Farm site (i.e. Site C), as well as the area of open space between Thornet Wood and Site A which includes new wild flower meadows, community orchards and fully equipped community gardens. While it is acknowledged that the open space areas would be at the periphery of the village and that Effingham has a number of recreation areas, the provision of new high quality open spaces is still a benefit of the scheme and the facilities that are available to residents of Effingham. **Significant weight** is afforded to this benefit.

As explained above, although the proposed development under the application is separate, given that the appeal scheme will not go ahead without the proposed development, it is appropriate to

have regard to the benefits arising from that development as an additional factor as part of the planning balance.

While this proposal does not include the replacement school, its delivery is reliant on the additional dwellings being approved, so that the current funding gap can be closed to make the proposal viable. As part of the appeal decision for the appeal scheme, the Planning Inspector noted that *'the heart of this case is the proposal to replace and enlarge the existing school. This argument is predicated on three key elements, the suitability and sufficiency of the existing buildings and infrastructure, their condition and the need that underpins enlargement'*. Each of these three matters will be set out below. Firstly, however, it is important to understand the national context for school development. Paragraph 95 of the NPPF states that *'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'*.

In terms of suitability and sufficiency of the existing buildings and infrastructure it is noted that the Planning Inspector concluded his assessment on this by stating that *'the detailed evidence provided on the shortcomings of the existing complex and the challenges this puts in place for sustaining and improving educational standards is compelling, and is afforded very substantial weight'*. In addition, paragraph 25 of the decision letter states *'for the reasons given at IR424-433, the Secretary of State agrees with the Inspector at IR433 that the existing school premises are not fit for the purpose of meeting modern educational and social need and that the replacement of the school in order to facilitate this carries very substantial weight'*. The applicant has supplied a document for this application which sets out that the many shortcomings identified through the appeal, and subsequently relied upon by the Inspector are still in existence. The note from the applicant states that *'there has been no change in the suitability and sufficiency of the buildings since the appeal determination. In contrast the design of the new school buildings including in the approved reserved matters applications meet the requirements set out in current DFE guidance'*. As such, there is no reason for the Local Planning Authority to deviate from the findings of the Planning Inspector and as such, it weighs in favour of approving the application.

As regard the condition of the existing school buildings the Inspector stated that *'the evidence presented also demonstrates that the condition of the school estate and its continued repair and maintenance present formidable and indeed insuperable financial challenges [in] the current budgetary circumstances. In these circumstances, which have driven the approach presented in this appeal, the condition of the school and the financial shortfall in maintaining its present condition are also a matter that merits very substantial weight in the determination of the case'*. The Inspector stated that *'...given the unavailability of Government funds, any other option will require enabling development'*. He also confirmed that *'any option short of provision of an entirely new school would be more expensive'*. This led the Inspector to conclude that *'overall, there is a compelling need for the new School as proposed. No other more suitable site is available and no funding model is available or foreseeable to allow this to happen, apart from the innovative approach proposed in this case. Expansion is strongly supported by policy in order to increase choice and drive-up standards. There is also a demographic need for the proposed expansion'*. At paragraph 26 of the decision, the Secretary of State stated that *'for the reasons given at IR434-443, the Secretary of State agrees with the Inspector at IR443 that there are very significant issues with the fabric of the school and the ongoing funding of its repair and*

*maintenance in the current budgetary context. He further agrees that in seeking to address condition as well as suitability and sufficiency, the least expensive option is the rebuilding of the school on the only other available identified site, and that these matters carry very substantial weight'. The applicant's note states that 'whilst there have been some essential repairs and maintenance to keep the school operation, there has been no substantial investment that would materially change this conclusion [as set out above by the Inspector and Secretary of State]. We understand that capital funding is provided to The Howard Partnership Trust (THPT) for investment across its thirteen schools. THPT has confirmed that it has no access to any additional substantial sources of capital funding and therefore the need for cross subsidy remains the same'. Again, this matter weighs in favour of the proposal.*

It is noted that the replacement school, compared to the existing, would result in an increase in the number of pupil places by 400. Surrey County Council has been consulted on the planning application and notes the conclusions reached by the Planning Inspector in the appeal, including the need for the additional pupil places. In their response, the County Council does not offer any concerns that this situation has changed and the note goes on to confirm the Council's support for the re-building of the school. The County Council notes *'the County Council supports the rebuilding of The Howard of Effingham school and recognises the decision of the appeal...that...there is a demonstrated demographic need for additional places within the joint planning areas of the school. Government policy across the JPS and carried through in the policy of the Framework attaches great importance to ensuring a sufficient choice of school places'*. When considering this issue in the planning balance for the appeal, the Planning Inspector stated that *'the matter of need for an expanded school is robustly contended by both Councils, each relying on the assessment of basic need presented by the Schools Commissioning Office of Surrey County Council in response to the appeal. However, this statement did not object to the proposals as such, nor did it withdraw the strong support for them expressed at the highest level within the County Council. The facts are that there is a broadly defined need of additional places at the school and this of itself merits substantial weight being afforded it in favour of the proposals'*. Given that the County Council maintain their support for the proposal, there is no reason for the Local Planning Authority to reach a different conclusion on the level of weight which should be afforded to this matter.

The replacement secondary school brings benefits in terms of improving the suitability and sufficiency of the school estate, as well as the condition of the premises and the teaching environment for pupils and staff. The proposal would also provide additional school places, which the County Council still supports. Combined, these matters are afforded **very substantial weight** in favour of the proposed development.

The school development would still include the provision of the Cullum Centre. The applicant's note states that *'the Cullum Centre remains part of the proposals and is part of the approved reserved matters applications for the new school. Surrey County Council's projected need for special needs places, particularly those with autism, is increasing rapidly. The Cullum Centre will play an essential role in meeting these needs'*. As part of the appeal, the Inspector noted that *'the provision of the Cullum Centre, allowing the attendance of autistic students at the school is a modest component of the proposals. However, as current constraints of the site impede its provision, the opportunity to provide this facility and the opportunities for learning it would provide for these young people (again supported at the highest levels of education authority) is a consideration that merits substantial weight in the final balancing judgement'*. The Local Planning Authority therefore affords **substantial weight** to the provision of the Cullum Centre.

The Inspector also acknowledged that the appeal proposal would bring forward 295 units of

housing, of which 20% were to be affordable. He afforded this matter very substantial weight. However, the Local Planning Authority considers that this issue needs to be calibrated to reflect the current situation. When the Inspector made his findings, the Council's five year housing land supply stood at 2.1 years. It is now seven years. Notwithstanding this, and has been noted above, the supply of housing is still a very important consideration and remains one of the central aims of Government planning policy. The provision of 295 additional dwellings is not an insignificant number and together with the affordable dwellings, it will have a meaningful impact on housing availability in the borough. However, it is acknowledged that the weight afforded to this matter by the Inspector needs to be tempered by the current healthy housing land supply that the Council can demonstrate. As such, given the number of dwellings to be delivered by the appeal proposal, **substantial weight** is afforded to this matter.

The Inspector also noted that *'the appellants offer a range of other benefits, including community benefits, highway improvements and proposals that collectively offer to better reveal the significance of non-designated heritage assets in accordance with Framework expectations'*. Taken altogether the Inspector afforded these matters a medium degree of weight. These improvements would still come forward as part of the appeal proposal and as such, **moderate weight** should still be afforded to them.

It is recognised that enabling the appeal scheme to proceed also involves indirectly facilitating the harms that development will bring. However, the harm generated by the appeal scheme, as identified by the Planning Inspectorate in the appeal decision, has been fully considered and reflected in the 'harm' section above and therefore will be factored into the balance.

### Final balance

It is acknowledged that there is substantial and serious harm resulting from the proposal. This includes the harm to the Green Belt, as well as the more modest harm to the character of the area, the lack of a policy compliant provision of self-build properties and all other harms identified in this report. The harm arising from the appeal proposal is also substantial and includes further Green Belt harm and harm to heritage assets and the character of the village more generally.

However, the benefits of the scheme are also substantial. The fact that this proposal would secure the delivery of the replacement Howard of Effingham school weighs very heavily in favour of the application. Although the Council has a relatively healthy housing land position, the provision of additional new housing, which would now total 409 units, is still considered to be a sizeable benefit of the scheme, albeit at a reduced weight to what the Inspector concluded. While the number of affordable units would not be the 40% required by policy, the proposal would nonetheless still provide a significant number of affordable units. These benefits of the scheme are fundamental and long lasting and the school improvements in particular would benefit a large part of the community. Other benefits include the sustainability measures which are beyond the policy requirement, the provision of new areas of community open space, the provision of the dedicated Cullum centre and the range of other benefits that the proposal would bring.

Notwithstanding certain identified conflicts with relevant development plan policies above, overall the proposal accords with the development plan read as a whole. It is considered that other material considerations include harms and benefits resulting from the proposal and the appeal scheme. Overall, the benefits clearly outweigh the harms, and in particular the benefit of securing the delivery of the school is such that even if it were found that there was a conflict with the development plan read as a whole, the benefit of securing that delivery is such as to outweigh that conflict so that planning permission would be granted in any event.

Following the balancing exercise, it is felt that the harm caused to the Green Belt, as well as the other harm identified, is clearly outweighed by the benefits of the proposal. As such, it is recommended that planning permission should be granted.