

PLANNING COMMITTEE

- * Councillor Fiona White (Chairperson)
- * Councillor Vanessa King (Vice-Chairperson)

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| * Councillor Bilal Akhtar | * Councillor George Potter |
| * Councillor David Bilbe | * Councillor Maddy Redpath |
| * Councillor Lizzie Griffiths | * Councillor Joanne Shaw |
| * Councillor Stephen Hives | * Councillor Howard Smith |
| Councillor James Jones | * Councillor Cait Taylor |
| * Councillor Richard Mills | Councillor Sue Wyeth-Price |
| * Councillor Patrick Oven | |

*Present

Councillors Geoff Davis, Bob Hughes and Catherine Young, were also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors James Jones and Sue Wyeth-Price. Councillors Merel Rehorst-Smith and Ruth Brothwell attended as substitutes respectively.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

PL3 ANNOUNCEMENTS

The Committee noted the Chairman's announcements. The Committee also agreed to the waiving of public speaking procedure rules to permit an increase in the number of people speaking from two to three people to speak in objection to the application.

**PL4 22/P/01175 - FORMER WISLEY AIRFIELD, HATCH LANE, OCKHAM, GU23
6NU**

The Committee considered the above-mentioned hybrid application, now at appeal, for part of a new settlement and Suitable Alternative Natural Greenspace (SANG) (within LPSS Policy A35 Allocation) with new vehicular and pedestrian/cyclist accesses comprising:

- a) Full Planning Application incorporating;
 - i. a realigned section of the proposed Wisley Lane Diversion, to include a roundabout with a stub road as the primary access to serve the new settlement from Ockham interchange;
 - ii a road junction access into the proposed employment area from the proposed Wisley Lane Diversion;
 - iii. A new road junction as a secondary access to serve the new settlement from Old Lane;
 - iv. SANG and associated infrastructure, including SANG car parks
 - v. Restricted access from Ockham Lane.

- b) Outline Planning Application (all matters reserved) for the phased development of part of a residential-led, new settlement comprising up to 1,730 dwellings (Class C3 use), 8 gypsy and traveller pitches, up to 100 units of housing for older people (Class C2 use), a mixed-use commercial local centre with public square, community hub and employment area alongside other commercial mixed-use neighbourhood centres located throughout and an employment area, (Classes E, F2(b), B2/B8 and sui generis uses subject to specific planning permissions), a secondary school, a primary school, (Class F1(a)), up to 2 nurseries, (Class E (f)), also incorporating green infrastructure (including parks, neighbourhood greens and sports pitches (Class F2(c) and associated pavilion (Classes E(b) and (d), F2(b)), SANG other infrastructure (Class E(b)), part of Wisley Lane Diversion between Ockham Interchange roundabout and realigned section of Wisley Lane Diversion, a vehicular / cycle / pedestrian sustainable transport corridor (linking the proposed Wisley Lane Diversion roundabout to Old Lane) and associated infrastructure and earthworks at land at the former Wisley Airfield (with construction access from Ockham interchange and Elm Corner).

Prior to the consideration of the application now at appeal, , the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Cllr Robert Taylor (Chairman of East Horsley Parish Council) (speaking on behalf of East and West Horsley Parish Councils) (to object);
- Mr Richard Harwood KC (speaking on behalf of Ockham Parish Council and Wisley Action Group (WAG)) (to object) and;
- Councillor David Lewis (Surrey County Councillor for Cobham) (to object).

The Committee received a presentation from the Principal Planning Officer, Hannah Yates. The Committee noted that the applicant had lodged an appeal against non-determination. The Committee was therefore asked how it would have determined the appealed application and to confirm whether it supported the grant of planning permission or the recommended Putative Reasons for Refusal, as well as its position on conditions and planning obligations.

The Committee noted the supplementary late sheets which included an additional response from the County Highway Authority. Planning officers had confirmed, following the response, that Putative Reasons for Refusal 6 and 7, in relation to highways, should stand at this point in time. A response had also been received from LRM Planning on behalf of Hallam Land Management requesting that officers advise that the proposed Access and Movement Parameter Plan, drew a distinction between the 'vehicular connection zone' from the appeal site to the Harris land, and the 'connection zone' to the Hallam land. Since the publication of the report, an additional 13 representations of objection had been received and 2 representations of support. A number of corrections and updates were also noted including a verbal update on page 105 of the report, paragraph 20.69, which should read "The proposed cycle route is not necessary to Effingham Junction".

The Committee noted that the final decision regarding this appeal sat with the Planning Inspectorate. The outcome of this meeting would form the basis of the Statement of Case which needed to be submitted shortly by the Council to the Planning Inspectorate. Due to the nature of the appeal and its scale, the proposals were likely to evolve as the appellant would seek to address issues by continuing negotiation with statutory consultees and others. The appellant had indicated to the Council that all Rule 6 Parties would receive a further pack of information to be submitted to the Planning Inspectorate prior to the pre-inquiry meeting on 31 July 2023. Whether or not further information was accepted, was completely at the discretion of the Planning Inspectorate.

The Committee noted the significant works currently ongoing on the A3 and M25 via the Development Consent Order (DCO) which involved upgrading the junction to reduce congestion, improve safety and create more reliable journeys.

The site was approx. 115 hectares in size, of which 28 hectares was previously developed land in the form of hardstanding for the former runway, hanger and taxi ways. The remaining land was primarily used for agriculture, with areas of mature trees and scrub vegetation in the western end of the site.

The Committee noted a site constraints plan and photos of the site which showed the main constraints, such as part of the site allocation being located in Flood Zones 2 and 3, with the Thames Basin Heath Special Protection Area (TBHSPA) located to the north. The Site of Nature Conservation Interest (SNCI) curved around the airfield. The Green Belt surrounded the site and Ockham Conservation Area was located to the south of the allocation. There was also a tree belt that was subject to a TPO onsite, and a veteran tree for which a TPO was being made. The Committee noted the existing NATS beacon onsite, the Surrey Hills Area of Outstanding Natural Beauty (AONB) in the distance and the views towards Bridge End Farm along the central footpath, known as Hatch Lane, looking southwards.

In the context of the Local Plan, the appeal site formed the largest part of the allocated site, under Policy A35, and accounted for 85% of it. The allocation had a scalloped edge along the northern boundary which extended out for 400 metres from the TBHSPA. There was additional land in the ownership of others to the south of the site, either side of Bridge End Farm. With regard to the recent planning history onsite, in 2015 an application for a new settlement of up to 2068 dwellings and other uses was refused by the Planning Committee and dismissed at appeal. In the summer of 2018, following that appeal decision, the current appeal site, along with some additional land had been inset from the Green Belt and allocated for development under Policy A35 in the adopted Local Plan. For this reason, the in-principle suitability and sustainability of the site for residential development had been established through the plan making process. Following five weeks of hearings, including a specific session on the A35 allocation, the plan was found sound by an independent Planning Inspector. The Inspector considered both the wider spatial strategy, distribution of development and the specific allocation at the former Wisley Airfield site. He concluded that the spatial strategy allocated development to the most sustainable locations and those that could be made sustainable. It was also found that there was an appropriate balance of strategic and non-strategic sites to provide choice and variety of housing across the borough. There were compelling reasons and exceptional circumstances to make significant alterations to the Green Belt boundary to accommodate the borough's assessed housing, employment and other needs.

The Committee noted other areas of the site under separate ownership. One area had a current application pending determination and another which was expected to have an application submitted in the coming months. The Committee also noted various plans demonstrating the SANG which was covered by the full planning application element of the appeal scheme. It included a 45-space car park to the west of the “Sustainable Movement Corridor”. There was also one 16-space car park to the east of the Sustainable Movement Corridor adjacent to the proposed Gypsy and Traveller site and sports pitches. Footpaths and circular walks were proposed, to incorporate changes to land levels so as to break the visual openness of the site. Points of openness had also been created to views and vistas towards points of interest. The landscaping proposed would utilise native planting. The routes and views would be supplemented with art and sculpture installations, seating areas and picnic benches.

The Committee noted the SANG landform plan which showed a selection of cross sections of how the land levels would vary. The primary entrance to the west of the site included new native hedgerow, new woodland planting and grass mixes. The northern SANG was located between the existing residents of Elm Corner and the proposed sports provision, but by including the retention of the TPO tree belt as well as further woodland planting would provide a strong buffer in this location for existing residents. To the other side of Elm Corner was proposed a much more open SANG to the neighbours. The closest distance from the back of Mount Pleasant Cottages and the edge of the sports provision was 125 metres. There were considerable earthworks that would partially screen the housing further to the south. The area marked out for use as a picnic site and SANG was highlighted by the Council’s ecologist as a conflict with its continued use for existing breeding pairs of skylarks onsite.

The Committee noted the main access on the western side of the site, off the new Wisley Lane diversion which would be via a new roundabout, as well there being a new access to the proposed commercial site. This alteration to the Wisley Lane diversion already had a stand-alone planning permission (excluding the commercial use access). A second access would also be provided by way of a new priority junction at the east end of the site from Old Lane. The junction would permit access to the site for all traffic including buses, it would alter the priority flows of the traffic to control speeds along the lane, especially in the southbound direction towards the junction with Ockham Lane where cyclists would be present. It would also provide a link from the footpath on the eastern side of Old Lane. Restricted access was also proposed on Ockham Lane for

cyclists and pedestrians which would also provide temporary agricultural use access and access to the NATS beacon until those uses cease.

A cycle plan had been submitted but the details of the exact works to form those routes was still being worked on between the appellant and the County Highway Authority. The details of the routes would need to be submitted as part of the appeal, to enable a judgement to be made on the implications, such as the amount of tree and vegetation removal required. The appellant considered that a new cycle route to Effingham Junction was not necessary due to the availability of a route to another railway station on the same line at Horsley. The Committee noted that secondary education was not required onsite by Surrey County Council.

In terms of the height parameter plans, the Committee noted that the central neighbourhood would be 3-4 storeys in height with the majority of the proposal 2-3 storeys in height.

The Committee noted the Access and Movement Parameter Plan which sought to identify vehicle connection zones to both the two neighbouring parts of the A35 allocation in separate ownership and was in compliance with policy requirements. An updated Access and Movement Parameter Plan was required in relation to the connection to the Hallam land so as to provide consistency with terminology used with the other connection points, clarifying that these were for vehicles. This could be provided via a condition.

The Committee noted the Green and Blue Infrastructure Parameter Plan for the location of open spaces and SUDs features, the location of which would be subject to detailed design where exact location could vary. The plan indicated how the development would deliver the green infrastructure such as sports pitch amenity and other green spaces.

The Committee noted the parameter plan which set out important urban design principles needed to deliver good design. The plan summarised how all the elements would link together. The exact location of those features would be dependent on the detailed design and the particular location and number of parks, garden squares and other open spaces. It set out a strategy that encouraged active frontages and defined key features such as townscape hierarchy, key frontage character, key strategic views, arrival gateways, landmark buildings, key neighbourhood green spaces, focal corner buildings and local marker buildings. An Illustrative Masterplan had been submitted to demonstrate one worked example of how the proposal could be delivered and was required as

per policy D1 of the Local Plan Strategy and Sites. The plan had also been developed by Taylor Wimpey in consultation with the two other allocation landowners, so that they could demonstrate a comprehensive proposal. The document clearly set out the framework for future design codes and how it would be coordinated over the entire A35 allocation together with subsequent neighbourhood codes. A phasing plan would be secured by condition. Lastly, the applicant had also submitted broadly defined character areas illustrated as Vignettes prior to lodging the appeal.

It was the planning officer's view that, currently, the proposal failed to comply with allocation policy A35 and other important policies of the Local Plan. The proposal did not accord with the development plan, when read as a whole. The Putative Reasons for Refusal were set out on pages 30 – 32 of the agenda; 1. TBHSPA protection; 2. Biodiversity Net Gain and how it had not been shown to be secured adequately for the required 30 years; 3. Inadequate species surveys to ensure sufficient mitigation; reason for refusal 4 had been removed as it was a duplicate of reason 1; 5. Inadequate flood risk assessment; 6. Impact on the local road network and 7. Lack of S106 agreement which would secure infrastructure and mitigation required to make the development acceptable in planning terms. The proposal conflicted with a number of the criteria for the sites' allocation as policy A35 and thus the proposed development did not accord with the current development plan when read as a whole.

Planning officers had identified a number of benefits of the scheme, which included the provision of housing, affordable housing, gypsy and traveller pitches older peoples' housing, economic benefits, energy and sustainability benefits, landscape and visual benefits and biodiversity net gain. However, whilst the benefits of the proposal were acknowledged to be wide ranging and long-lasting and incorporated social, environmental and economic benefits, they were not considered to outweigh the conflict with the up-to-date development plan. The benefits of the proposal, which were all capable of being secured within a proposal which complied with Policy A35 did not outweigh the harms and therefore planning permission should be refused. The principle of development of the site was supported by the Local Plan, but not at any cost. The conflicts with the development plan, particularly policy A35 were not outweighed by other material considerations and therefore the officer's recommendation was that the Committee resolve that had the application not been the subject of appeal it would have been refused.

The Chairman permitted Councillor Catherine Young to speak in her capacity as ward councillor for an extended period of time of five minutes, as she was

speaking on behalf of affected wards; Clandon and Horsley, Send and Lovelace and Effingham. The Committee noted concerns raised that it was critical to include the strongest possible reasons for refusal, emphasising the harm that the development would cause if approved. The following were of concern, such as harm to the local character and landscape setting. The development would introduce an urban feel with a density comparable to London in an area that was currently characterised by hamlets, Conservation Areas, listed buildings and open green space which transitions to the edge of the Green Belt. The site bordered the TBHSPA and included many areas filled with wildlife and precious farmland. The development was contrary to policy D1, place-shaping and D4, respecting local distinctiveness. In the previous appeal, the Inspector stated that whilst some landscaping could mitigate the harm, a new settlement such as this in a rural area would cause severe and substantial harm to both its character and appearance. The applicant had failed to propose to install solar panels across the whole site and was thus a breach to policies D2 and D15. Harm to the rural economy and climate change would be caused by the significant loss of agricultural land which was in breach of policy E5.3. Harm to biodiversity would be caused particularly to the skylark population who are ground nesting birds which would warrant policy P6, protecting important species, being put forward as a reason for refusal. The local road network would be significantly affected as reflected by reason 6 for refusal. Air quality would be affected, and the applicant had failed to provide detailed modelling and inconsistent traffic flow data which would not mitigate against the impact. Lastly, the requirements of the NPPF Chapter 2, sustainable development and the economic, social and environmental objectives stated in paragraph 8 were compromised by this proposal.

The Principal Planning Officer, Hannah Yates in response to comments made by the public speakers and Ward Councillor confirmed that the new settlement had been allocated under policy A35, and the principle of development established. Surrey Highways Officer, Richard Cooper also confirmed that reason 6 in the report was in relation to the highway safety impacts on the local road network. Currently there were a number of outstanding issues that had not been resolved by the appellant as additional data modelling was required.

The Joint Executive Head of Planning, Claire Upton-Brown wished to address a suggestion raised by a public speaker, that the Council change its constitution so to allow the Committee to make any final decisions, and to not permit officers to negotiate and deal with the appeal in the normal way. The Council's Legal Advisor, Angela Watson was invited to comment. It was confirmed that given the application was currently being appealed, it was a legitimate scenario, where the reasons for refusal, justified at that point in time, start to fall away owing to the

further discussions being undertaken between the appellant and officers. In the Constitution this was delegated to the Joint Executive Head of Planning, in consultation with the Head of Legal, the Chief Finance Officer and the Planning Portfolio Holder. The suggestion was that any changes, particularly any that would lead to the withdrawal of reasons for refusal should come to the Planning Committee. The Council had delegated authority over all aspects of planning applications to the Planning Committee. However, certain functions had been delegated to officers. Whilst it was within the Committee's gift to ask that changes to those reasons came back to them, that function currently sat with officers. The Chairman confirmed that such a change in delegation would limit the ability of the negotiations, and may not work with the timelines set by the Inspectorate, if the reasons had to be referred back to the Committee. The Legal Advisor confirmed that was the rationale for the delegation being set up, so that issues could be responded to quickly which was important. Especially as the appeal and inquiry dates got closer, matters tended to speed up and needed to be addressed quickly and efficiently.

The Committee noted that a number of members had attended a very useful site visit at Wisley. The Committee discussed the application and noted comments raised that whilst the site was allocated in the Local Plan, the issues still needed to be addressed, particularly in relation to the protection of protected species.

The Committee noted concerns raised regarding the absence of a required cycle route to Effingham Junction station which was not sustainable. It was further noted that secondary education and health provision would be delivered entirely offsite which would generate an increase in traffic caused by the requirement for travelling to such sites. The loss of agricultural land was also concern and it was recommended that all roads and public spaces should be provided for via S106 contributions as adopted spaces rather than via a management company so that the long-term delivery of infrastructure was guaranteed.

The Committee noted further support of the motion to resolve that it would have refused the application if not appealed. Concerns were raised that further information was required to demonstrate that no adverse impacts on the TBHSPA would occur and an insufficient quantity of SANG was available for the residents of the development. The northern part of the development was within the 400-metre boundary of the TBHSPA and therefore no housing could be provided on that land. The provision of the proposed SANG would not help the skylark population which had reduced by 75% over the last 50 years. Residents owning cats and dogs would also be of detriment to the skylarks. The site was currently comprised of 28 hectares of developed land with the remaining 87 hectares

designated as agricultural land. Since 2018, when the last appeal for this site was considered, a war had started in Ukraine and the effects of Brexit were being felt in the UK. The loss of yet more agricultural land therefore made no economic sense set against this backdrop.

The Principal Planning Officer, Hannah Yates confirmed that the policies breached were clearly outlined in each reason for refusal given. The harm was also acknowledged regarding the loss of agricultural land as well as the loss of best and most versatile agricultural land but was not considered a significant harm to warrant a reason for refusal as there was no breach to policy in the Development Plan. In officer's opinion, this was because the site was allocated, and the nature of the scheme would have to result in the loss of such land. It was a harm that should be weighed in the balance. The Council's Ecology Consultant was asked to comment regarding the skylarks who confirmed that currently the appellant was suggesting that there was approx. 22 hectares of space available for skylarks within the SANG. However, the part of the SANG proposed was not protected, as it was an area also identified for picnic use and ball games which clearly would not be suitable for cohabitation with ground nesting birds such as skylarks. Therefore, suitable mitigation for the skylark habitat had to be created for the SPA and still had to be successfully demonstrated by the appellant.

Surrey Highways Officer, Richard Cooper stated in relation to comments raised regarding the cycle route to Effingham Junction, that the original policy required that one of the routes was suitable for the average cyclist of age 12 years and above. However, the route to Old Lane could not be made suitable for the average cyclist. In accordance with the Department for Transport's guidance on cycling infrastructure issued after the allocation of the site, the applicant had sought to therefore focus on the route to East Horsley and another to Stoke D'Abernon. The Surrey Highway Authority was satisfied that a route to the railway station at East Horsley could be provided that was safe for the average cyclist. Reduced traffic speeds were also proposed down Old Lane. Currently, not enough information had been provided to demonstrate successful mitigation against the impacts upon other parts of the network like Ripley Lane, Potters Lane and the route to Cobham.

The Joint Executive Head of Planning, Claire Upton-Brown confirmed that in relation to a suggestion that the Council should require all open space to be transferred to public ownership, the applicant had proposed a management company and it was normal practice to ensure through a S106 that there was public access at all times to the open spaces as well as ensuring that suitable safeguards were in place.

The Committee noted concerns raised regarding the lack of a secondary school onsite, given there were no places available at schools locally. Concerns were reiterated about a lack of a cycle path to Effingham. Lastly, a point was raised with regard to the Wisley Airfield Community Trust, which via the development would enable the Trust to operate independently from the developer and support the new local residents. However, concern was raised as to arrangements if there was not sufficient income to operate independently. Who would then pay and wouldn't that negatively impact residents.

The Committee also noted support for housing in Guildford but that the proposal as it stood was not good enough, particularly in terms of protecting biodiversity and enhancing it, improved road networks and cycle lanes.

The Principal Planning Officer, Hannah Yates confirmed that it was normal practice for a developer to enter into negotiations with the statutory body, Natural England with regard to the SANG as well as the Local Planning Authority. Natural England were however not satisfied with the SANG as proposed currently. In addition, it was confirmed that the appellant was applying for a secondary school. Surrey County Council had stated that in their view, a school was not required onsite but that a contribution would be secured through the Section 106 agreement to expand the number of secondary school places in the catchment area of the site so as to accommodate additional pupils. In respect of the Community Trust, Senior Planning Officer Peter Luder noted that the appellant had advised officers that they had set up similar arrangements at other developments which demonstrated how this one would be supported by a range of other incomes to meet its liabilities. This would be sourced via a resident contribution, from endowment income and from hiring out community facilities. A service charge would therefore be levied on all occupiers because they were getting access to a number of facilities, bus services and a SANG café for example. The details of the Trust's income would need to be negotiated as part of the S106 agreement, which had not been discussed as yet. The applicant, by lodging an appeal at this stage, took away the opportunity for officers to negotiate independently on the arrangements, which can only now be achieved via the appeal process.

With regard to the Wisley Airfield Community Trust and viability of that arrangement, advice was sought from the Council's legal advisor, Angela Watson on what the position was on getting public bodies such as the Borough and County Council to agree to take on the management of infrastructure onsite. It was confirmed that there was a reluctance for local authorities and other public

bodies to take them on as it was a burdensome task. Management companies were the standard way of dealing with the maintenance of infrastructure onsite. The crucial thing was to ensure there was clarity on how the funding was going to work.

The Committee reiterated support for the recommended putative reasons for refusal of the appeal and noted concerns that policies D1 place shaping and E5 regarding rural economy should be included as further reasons for refusal.

The Principal Planning Officer, Hannah Yates confirmed that the reasons for refusal cited in the report had not been discussed directly with the appellant however they had obviously seen the published agenda and declined the opportunity to speak in support of their scheme at the meeting. Taylor Wimpey had indicated that they would submit additional information to the appeal that officers had not yet seen. All six "Rule 6" parties, had made their representations on the appeal on that basis. It was at the discretion of the Planning Inspector as to what information was permitted and what was not. Regarding policy D1.5, it stated that given the size, function and proposed density of the strategic allocations, it was not always desirable to reflect locally distinctive patterns of development. The strategic sites must create their own identity to ensure cohesive and vibrant neighbourhoods. It therefore would not always be possible to be in character. On p137 of the report, it was acknowledged that the character of the appeal site would change permanently. The proposal had been sensitively designed through a landscape led approach and therefore complied with the policy. Whilst there would be a level of harm it did not result in a reason for refusal. Senior Planning Officer Peter Luder advised that Policy E5 was related to the rural economy in support of new small-scale employment in the rural area and to protect existing employment in that area. This policy therefore did not apply to assessing the impact of a new settlement on an allocated site.

In response to comments made that there was a presumption towards sustainability in the Local Plan to accommodate ground nesting birds such as skylarks, the Joint Director for Planning confirmed that the Local Plan making process was an evidenced based process, and thus a series of technical studies would have been prepared to underpin and support the allocation of specific sites, including acknowledging the presence of particular species. However, at the plan making stage, the technical evidence base only goes to a certain level. It's only through the planning application process that you begin to get a finer evidence base in terms of the impact that a specific development would have on a protected species.

The Committee noted concerns reiterated about a management company taking on the responsibilities of the infrastructure onsite which had, in other parts of the borough where such systems had been adopted, led to conflicts over the long-term maintenance of sites.

In response to comments made regarding the cycle route, the County Highways Officer, Richard Cooper confirmed that the Local Plan was made in 2019. In 2020, a significant change occurred in the government's policy and guidance on cycling infrastructure. When the route was assessed via Effingham and the traffic junction via Old Lane, the criteria was that a completely separate route needed to be created. There was not the land available to achieve that within the highway and it would have been reliant on third party land that was not in the County's ownership. The route was therefore proposed only for confident cyclists subject to the appellant reducing speed limits and putting in traffic calming measures.

The Joint Executive Head of Planning confirmed that with regard to the management and maintenance model that's being promoted by the developer, this would be discussed at appeal around how this could be delivered effectively through the S106. If we did go to a publicly managed arrangement, the contribution would be required over a period of 20 years which had to be accounted for out of the public purse. The viability of the scheme would then be called into question as the contribution would have to be paid up front.

The Committee considered that on balance, whilst the site was allocated as part of the Local Plan A35, there were a number of outstanding issues which needed to be addressed and had the application not been subject to an appeal, they would have been minded to refuse the application.

A motion was moved and seconded to refuse the appealed application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	George Potter	X		
2	Merel Rehorst-Smith	X		
3	Vanessa King	X		
4	Ruth Brothwell	X		
5	Howard Smith	X		
6	David Bilbé	X		
7	Bilal Akhtar	X		
8	Lizzie Griffiths	X		
9	Maddy Redpath	X		
10	Patrick Oven	X		
11	Joanne Shaw	X		
12	Stephen Hives	X		
13	Cait Taylor	X		
14	Richard Mills	X		
15	Fiona White	X		
	TOTALS	15	0	0

In conclusion, having taken consideration of the representations received in relation to this appealed application, the Committee;

RESOLVED that had this application not been the subject of an appeal, it would have refused application 22/P/01175 for the following putative reasons (noting that putative reason for refusal 4 in the report was erroneously included and was merged into putative reason for refusal 1):

- 1) The site lies within the both the 0-400m buffer and the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). Policy A35 of the Local Plan Strategy and Sites requires Bespoke SANG to avoid adverse effects on the integrity of the SPA. The applicant has failed to provide sufficient information to demonstrate that appropriate mitigation of the air quality and recreational impact of the application proposal on the ecology of the Thames Basin Heaths Special Protection Area and other important habitats and species is achievable, contrary to LPSS Policy P5 and DMP Policy P6.

The proposed development fails to comply with Policy in that:

- Insufficient information has been provided on the full capital costings required to establish the SANG and details for its management in perpetuity to demonstrate that the mitigation is appropriately secured as required and as advised by Natural England
- Insufficient information has been provided to demonstrate that a sufficient quantum of bespoke SANG would be available for residents of the development, taking into account the extent of the minimum 28 protected skylark plots that should be provided outside the usable SANG area.

Accordingly, the Local Planning Authority would not have been satisfied, had it remained the Competent Authority that there will be no likely significant effect on the Special Protection Area and is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). As such, the development would be contrary to Policies P5, ID4 and A35 of the Guildford Borough Local Plan: Strategy and Sites, 2019, LNPEN2 of the Lovelace Neighbourhood Plan and with saved Policy NRM6 of the South-East Plan 2009. For the same reasons, the development would fail to meet the requirements of Regulation 63 and 70 of The Conservation of Habitats and Species Regulations 2017 as amended.

- 2) Insufficient information on maintenance/capital costs and the endowment has been provided to enable assessment to ensure management of the BNG for 30 years can be achieved in a form to be approved by the Council, in accordance with DMP P7.
- 3) From the information submitted with the application, the Local Planning Authority is not satisfied that there will not be a significant adverse effect on protected species from the proposed development. Specifically, without appropriate Bat and Invertebrate surveys, the Local Planning Authority does not currently have adequate information in order to determine that the favourable condition status of the local Bat and Invertebrate population will be maintained following the proposed development. The application is therefore contrary to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as

amended), policy P6 of the Local Plan: Development Management Policies and LNPEN2 of the Lovelace Neighbourhood Plan.

- 4) It has not yet been demonstrated to the satisfaction of the Local Planning Authority that development to facilitate publicly accessible open space to be used as a SANG to the southwestern part of the site, would not increase flood risk elsewhere. In the absence of a robust Flood Risk Assessment, it is not known if there would be any potential loss of floodplain storage or impedance of flood flow, which would have to be mitigated against. This would be contrary to Policy P4 and A35 (23) of the Guildford Borough Local Plan: Strategy and Sites (2019), Policy P10 of the Guildford Borough Local Plan: Development Management Policies (2023), the NPPF (2021) and Planning Policy Guidance.
- 5) It has not yet been demonstrated to the satisfaction of the Local Planning Authority that the significant traffic impacts from the development on the local transport network, in terms of highway safety, can be effectively mitigated. The proposed development is therefore contrary to LPSS Policies ID3 and A35, Section 8 of GBC's Strategic Development Framework (2020) and Section 9 of the NPPF (2021).
- 6) In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This includes, but is not limited to the following:
 - Transport mitigation, including but not necessarily limited to:
 - contribution towards the Burnt Common Slips or suitable alternatives
 - Old Lane Traffic Management Scheme
 - Traffic calming to reduce vehicle speeds on Ockham Lane and other local roads
 - a scheme for the monitoring of parking demand
 - Transport sustainability measures, including but not necessarily limited to:
 - Provision of a high frequency EV bus service
 - "Access for All" improvements at both Horsley and Effingham Junction Railway Stations

- package of cycle route improvements inclusive of:
- improvements to Bridleway No. 98 and Footpath No. 99
- improvements to Bridleway No. 566
- improvements to Footpath No. 67
- Contributions towards off-site pedestrian and cycle enhancements
- Provision of a Travel Plan
- Provision of a Car Club
- Provision of a Mobility Hub
- An obligation not to construct the consented In-Vessel Composing Facility
- Provision of SANG and its management and maintenance in perpetuity
- Contributions towards SAMM and the SAMM+ package
- The provision of 40% affordable housing
- The provision of self build units
- The provision of first homes as 25% of all affordable homes for Phase 1, with a review of take up prior to setting percentage for each further phase
- The provision of accommodation for older people
- The provision of 8 Gypsy and Traveller pitches
- Provision of early years and primary education facilities, on a site sufficient to accommodate a 3 form entry primary school
- Provision of a contribution for additional early years facilities if not on site, and secondary education facilities
- Provision of a health facility and/or equivalent contribution
- Provision of community buildings / spaces and provisions for ongoing management
- Provision of a space for a pop-up library or equivalent contribution
- A contribution towards the cost of police infrastructure and touch-down space within the development
- Provision and maintenance of playing fields, children's play space and amenity space
- Delivery of a local centre, retail and employment uses and ongoing management
- Delivery of Energy Centre for FWA
- Preservation and management of skylark habitat with Skylark Strategy

- Provision of Community Trust

Accordingly, the proposal is contrary to Policies P5, H2, ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (2019), Policy NRM6 of the South-East Plan (2009), Policy ID6 of the Guildford Borough Local Plan: Development Management Policies (2022); Policies LNPI1 and LNP2 of the Lovelace Neighbourhood Plan, the Council's Planning Contributions SPD (2017) and the NPPF (2021).

- 1.1 That in view of the appeal, the Executive Head of Planning Development be authorised to execute with the appellant a s106 agreement to be entered into to secure items set out in the reason for refusal.**
- 1.2 That the Planning Committee note that the Executive Head of Planning Development through the appeal process will continue to work with the appellant to seek to resolve, where possible, the matters that form the reasons for refusal.

The meeting finished at 9.00 pm

Signed

Date

Chairman