

# 20/P/02173 - Land At Burpham Court Farm, Clay Lane, Guildford



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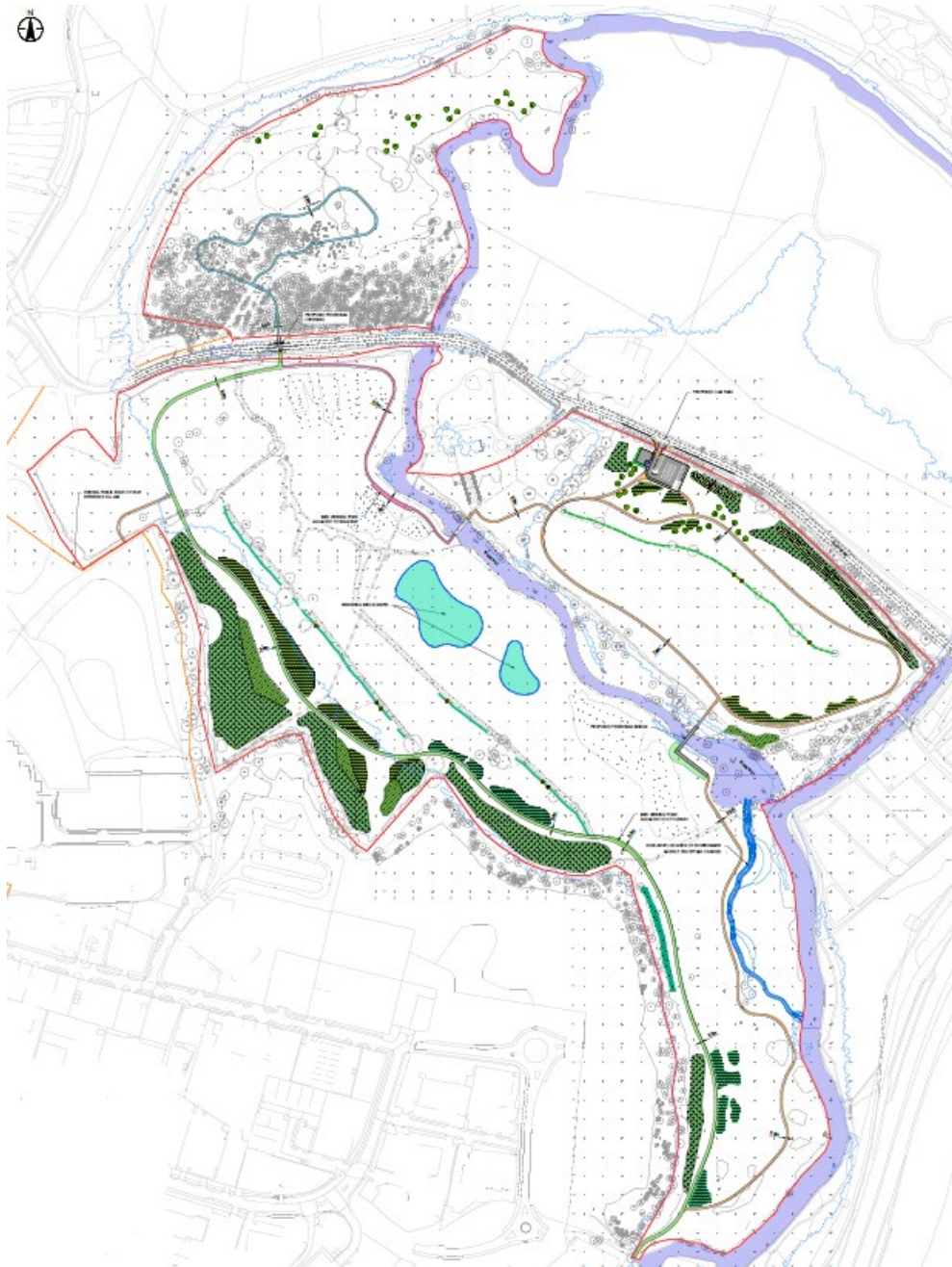


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**GUILDFORD**  
BOROUGH

20/P/02173 – Land at Burpham Court Farm, Clay Lane, Guildford



Not to scale

**App No:** 20/P/02173 **13 Week Deadline / EOT: 29/12/23**

**Appn Type:** Full Application

**Case Officer:** Joanna Chambers

**Parish:** Part of the site: Worplesden

**Ward:** Stoke, Worplesdon and Burpham

**Agent:** Savills  
Mountbatten House,  
1 Grosvenor Square  
Southampton  
SO15 2BZ

**Applicant:** Guildford Borough Council

**Location:** Land at Burpham Court Farm, Clay Lane, Guildford, GU4, 7NA

**Proposal:** The change of use of the site to 45.9 hectares of land to publicly accessible open space and Nature Reserve to facilitate a Suitable Alternative Natural Greenspace (SANG). Amended details submitted 12<sup>th</sup> July 2023

## **Executive Summary**

### **Reason for Referral**

This application has been referred to the Planning Committee because it is a key project related to the adjoining Slyfield Area Regeneration Project (SARP) and is key to enabling the wider project which is one of the largest strategic sites (Site A24) in the Guildford Borough Local Plan: strategy and sites (LPSS) 2019 and is the Council's main regeneration project.

This application has already been considered by the Planning Committee at the meeting on 20<sup>th</sup> October 2021 when the Committee resolved to grant planning permission subject to securing a legal agreement and to the Heads of Terms and conditions set out in the Officer's report. A copy of the Officer's report and minutes of the Committee Meeting are attached as Appendix 2.

Changes have subsequently been made to the scheme for which planning permission was resolved to be granted, as well as to the Heads of Terms of the legal agreement and the wording of the conditions as previously reported to committee. These changes fall outside the delegated authority granted by Committee and as a result of this the application is therefore being reported back to Committee for Decision.

### **Key Information**

The application has been submitted on behalf of Guildford Borough Council ('the Applicant') acting in its capacity as landowner in support of the Slyfield Area Regeneration Project (SARP). Hybrid planning consent (Ref: 20/P/02156) was granted in March 2022 for a sustainable, mixed-use riverside community now referred to as Weyside Urban Village (WUV). The WUV masterplan incorporates new homes integrated alongside landscaped open spaces, associated community, and retail facilities, with associated infrastructure including highways and green spaces. The site has the capacity to deliver approximately 1,500 new homes together with community and employment uses.

This application is for the change of use of 45.9 hectares of land at Burpham Court Farm to publicly accessible open space to facilitate a Suitable Alternative Natural Greenspace (SANG). The purpose of a SANG is to provide attractive green spaces for recreation in areas where development could bring increased visitor pressure on Special Protection Areas (SPAs) in accordance with adopted local plan policy.

Guildford is within the Zone of Influence of the Thames Basin Heaths Special Protection Area (SPA). The SPA was designated under the European Birds Directive in March 2005; it aims to protect important breeding populations of ground nesting birds. It includes 8,274 hectares (ha) of heathland across Surrey, Hampshire and Berkshire, covering nine different local authorities, including Guildford. As a result, SANGs are necessary as proposals for residential development come forward in Guildford. SANGs are a central element of the Council's Special Protection Area Strategy for the Thames Basin Heaths to reduce pressure on the SPA by providing attractive green spaces that people can use for recreation instead of the SPA.

The area identified for SANG is divided by a branch of the River Wey and Clay Lane and is located to the north of and adjacent to Slyfield Industrial Estate and areas allocated for the Slyfield Area Regeneration Project. The area is located

north-east of the Weyside Urban Village (WUV) site and it is anticipated that the area identified for SANG will assist considerably in providing mitigation for WUV and potentially other developments in the Guildford area prior to occupation to enable Guildford Borough Council to meet its housing need as set out in the adopted development plan.

At the meeting on 20<sup>th</sup> October 2021, the Planning Committee resolved to grant planning consent for the proposed change of use subject to securing a legal agreement with the applicant and to the Heads of Terms and conditions set out in the Officer's report. The scheme was considered to comply with the requirements of National Policy (being an appropriate use in the Green Belt), local plan and the Thames Basin Heaths SPA SPD. It was considered that the proposals would preserve the openness of the Green Belt and the purposes of including land within it. The full Committee Report and minutes of the meeting are attached for information at Appendix 1.

Since the resolution to grant planning consent, changes have been to the scheme in particular, to address concerns raised by the Environment Agency regarding potential floor risk. Whilst approval of the details of the car park location, design and access and all details of landscaping are not to be approved as part of this application and are subject to Condition, the Environment Agency have expressed concern about the possible impact of these works on the flood plain. It has therefore been agreed with the Environment Agency that further flood risk assessment will be undertaken to support detailed design and the car park should only be located within Flood Zone 1 and that the Environment Agency should be consulted on all details of the car park and hard and soft landscaping before such details are approved.

Further discussions have also taken place with the applicant regarding the precise wording of the conditions and the Heads of Terms of the legal agreement and amendments have been agreed to the wording of the conditions and Heads of Terms as previously reported to the Planning Committee.

The changes to the proposal may be summarised as follows:

- i) *Amended site boundary*- The site boundary has been amended to exclude the Bowers Land bridge which is in the ownership of the National Trust. The amended red line boundary does not alter the capacity for SANG and Biodiversity Net Gain. The Bowers Lane Bridge is not essential to the establishment of the SANG but will facilitate public access from areas to

the east of the site, but the applicant is nevertheless encouraged to work with the National Trust to secure the opening and use of the Bowers Lane bridge by pedestrians in the future.

- ii) *Amended SANG Concept design*- The updated details show the direction of travel of how a future SANG could be laid out although the application does not seek approval of these works and these will be secured by condition and subject to additional consultation with Natural England and the Environment Agency. The main amendments relate to the relocation of the car park from land adjacent to the Burpham Court Farm buildings to an area within Flood Zone 1 on Clay Lane; an increase in the number of spaces to 32 and changes to the walking route and the siting of a bridge to enable crossing of the river to address concerns raised by the Environment Agency and other consultees.
- iii) *Heads of Terms*- The resolution to grant consent was subject to securing a legal agreement (a Unilateral Agreement as the Council is also the applicant) and the Heads of Terms set out in the Officer Report. The Heads of Terms comprised the following:
- Securing Management of the SANG and Biodiversity Exclusion Zones in Perpetuity, including step-in-rights.
  - Improvements to the Bowers Lane Bridge, with public access granted by confirmatory deed.
  - Construction of a controlled pedestrian crossing across Clay Lane, and costs of any associated TRO to adjust extent of Jacobs Well speed limit.
  - Improvement to bell mouth of access to Burpham Court Farm to bring to a Safe Standard

As the bridge is in the ownership of the National Trust (and now outside the revised application boundary), it will not therefore be possible to secure this obligation through a Unilateral Agreement and it has therefore been removed from the Heads of Terms as previously reported. The National Trust has confirmed that it has no objection in principle to the use of the bridge by pedestrians and to entering into a form of agreement with the Council to deal with liability for repairs and maintenance. The applicant is therefore encouraged to work with the National Trust to secure the opening and use of the Bowers Lane bridge by pedestrians.

An additional item relating to Biodiversity Net Gain (BNG) has been added to the Heads of Terms to reflect the planning approval granted for the

Weyside Urban Village development. This relates to the use of the site for offsite biodiversity gain associated with the Weyside Urban Village and other residential development through the purchase of the BNG Credits.

- iv) *Conditions*- The wording of the conditions as previously reported has been amended to provide greater clarification and conditions have been added to address the specific issues raised by the Environment Agency regarding protection of the flood plain as detailed above and the County Highway Authority regarding revised access and parking arrangements.

The proposals, including the proposed changes, continue to comply with the requirements of National Policy (being an appropriate use in the Green Belt), local plan (including the Local Plan Part 2 adopted in March 2023) and the Thames Basin Heaths SPA SPD.

Officers are satisfied that the changes to the planning application, the Heads of Terms and wording of the Conditions do not deviate from the overall principle of the decision reached by the committee at the meeting on 20<sup>th</sup> October 2021. Works on the SANG are programmed to commence in January 2024 and will facilitate delivery of the wider Weyside Urban Village development and housing delivery.

### **Summary of Considerations and Constraints**

For these reasons, and the reasons set out in the body of the report, the proposal is in accordance with the development plan. The material considerations do not indicate that a decision should be taken other than in accordance with the development plan (s. 38(6) Planning and Compulsory Purchase Act 2004).

### **RECOMMENDATION:**

That this application be **APPROVED** subject to securing a planning obligation with the Heads of Terms as set out in Section 10 of this report and subject to the conditions set out below for the reasons set out in the body of the report.

That the Joint Executive Head of Planning Development (or person with acting authority thereof) is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions and/or informatives) prior to a decision notice being issued, provided that the Joint Executive Head of Planning Development (or person with acting authority

thereof) is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee, where necessary in consultation with the Chairman of the Planning Committee and lead Ward Members for Stoke, Worplesdon and Burpham Wards.

That upon completion of the planning obligation, the application be determined by the Joint Executive Head of Planning Development.

That if negotiations on the planning obligation are not successfully concluded within six months of the date of the committee decision the Joint Executive Head of Planning Development (or person with acting authority thereof) be authorised to refuse the scheme on grounds lack of provision of the matters that would have been secured in the heads of terms set out in Appendix 1.

If the application is granted regulation 30 of the Environmental Impact Assessment Regulations 2017, which sets a duty on the local planning authority to inform the Secretary of State, consultation bodies and the public of the final decision, shall be complied with.

### **1. Timing**

The development hereby permitted shall commence 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. Drawing Numbers**

The development hereby permitted shall be carried out in accordance with the following list of approved plans and documents, except where other conditions require the submission to and approval by the Local Planning Authority of detailed and /or revised drawings on specific matters.

Drawing No	Date issued/ last revision	Title
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<b>42287/3147/001 Rev C</b>	12 July 2023	Site Location Plan
<b>42287/3147/03</b>	17th Dec 2020	Transport Note including Indicative Site Access and Parking Layout Drawings
<b>42287/3147/03</b>	17th Dec 2020	Indicative Landscape Details
<b>20275-MA-RP-D-TS01</b>	17th Dec 2020	Arboricultural Statement
<b>42287/3163/REV01</b>	December 2020	Ecological Appraisal
<b>42287</b>	December 2020	Shadow Habitats Regulations Assessment Screening Statement
<b>44287/4017 Rev B</b>	6th October 2023	Flood Risk Assessment
<b>48801/3001/ACO02</b>	December 2020	Noise Assessment
<b>42287/3167</b>	10 Dec 2020	Sustainability Statement
<b>332610273/2400/TN001</b>	October 2023	Technical Note
<b>BCF-STN-SANG-XX-DR-C-0011 P04</b>	4 October 2023	Concept SANG Design
<b>BCF-STN-SANG-XX-DR-O-0100 P01</b>	08 November 2023	Existing and proposed 5yr flood levels and compensation
<b>BCF-STN-SANG-XX-DR-O-0101 P01</b>	08 November 2023	Existing and proposed 100yr +24% flood levels and compensation

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans and documents is achieved in practice.

### 3. SANG Capacity Plan

Prior to commencement of the development hereby permitted a final SANG Capacity Plan based on the revised Concept SANG Design (ref: BCF-STN-SANG-XX-DR-C-0011 P04) shall be submitted to and approved by the Local

Planning Authority in consultation with Natural England and Environment Agency. The Capacity Plan will be required to demonstrate how Natural England's SANG criteria have been satisfied and shall include:

- i. Boundary of the area to be used as SANG;
- ii. A primary circular walk of a minimum of 2.3 km and other measures to encourage public access such as walkways, cycleways and signage;
- iii. Identification of conservation grazing areas;
- iv. Areas to be excluded from the SANG comprising:
  - All areas defined as biodiversity exclusion zones where public access is to be restricted including the exclusion zone for the protection of wintering birds in the centre of the site;
  - All areas within the 60 dB LAeq noise contour;
  - All areas shown within flood zone 3 unless otherwise agreed with the LPA, Natural England and the Environment Agency.

Reason: To ensure the Natural England minimum standards for SANGS are met.

#### **4. Final Design**

The development hereby permitted must not be commenced until final design details of watercourse crossings, ramps and any raised landforms including but not limited to, boardwalks, cycle paths and walkways supported by technical assessment including hydraulic modelling, has been submitted to and approved in writing by the Local Planning Authority. The technical assessments and modelling shall consider a range of different scales of flood including lower order events up to and including the Design Flood Event.

This assessment shall also:

- confirm that boardwalks shall be open in design and permeable to flood waters to ensure they do not affect flood flow routes.
- confirm the new bridge will be a clear span open structure designed to minimise impedance of river or floodplain flows.
- provide a compensatory floodplain storage scheme to mitigate for loss of floodplain storage, on a level for level basis, for a range of flood events up to the design flood.

The final design shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any

other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: This condition is in accordance with paragraphs 164 and 167 of the National Planning Policy Framework (NPPF) and Policy P4 Flooding, flood risk and groundwater protection zones in the Guildford borough Local Plan: strategy and sites 2015 – 2034 and seeks to prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of floodplain storage.

## **5. Flood Risk Assessment**

The development shall be carried out in accordance with the submitted flood risk assessment (ref: Flood risk assessment for Burpham court farm SANG ref: 44287/4017 Rev B dated October 2023) and the following mitigation measures it details:

- In accordance with Table 2 of the Flood Risk and Coastal Change Planning Practice Guidance: Flood risk vulnerability and flood zone 'incompatibility', development layout shall be compatible with the flood zone in which it is located and only water compatible uses shall be within Flood Zone 3b.
- The car park and visual bund shall be located outside of the 1% annual exceedance probability plus appropriate allowance for climate change flood extent.

Reason: This condition is in accordance with paragraphs 164 and 167 of the National Planning Policy Framework (NPPF) and Policy P4 Flooding, flood risk and groundwater protection zones in the Guildford borough Local Plan: strategy and sites 2015 – 2034 and seeks to reduce the risk of flooding to the proposed development.

## **6. Landscaping**

No development shall take place until details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England and the Environment Agency. The details shall be in accordance with the approved SANG Capacity Plan..

The landscaping details should include the following elements:

- i. The design of the pedestrian/cycle paths/routes, bridges and other required infrastructure.

- ii. A minimum 10-metre-wide buffer zone to the fish bypass channel. This shall be free from all built development including footpaths.
- iii. Landscaping within and around the perimeter of the car park.

The works shall be carried out in accordance with the approved plans.

No area within the site boundary shall be used as a SANG until hard and soft landscaping has been implemented in accordance with the approved details.

The design and implementation of the approved paths, bridges and other required infrastructure shall not result in the loss of floodplain storage or impact on flood flow paths up to the 1% plus appropriate allowance for climate change level unless in accordance with details of appropriate onsite mitigation submitted to and approved in writing by the Local Planning Authority.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

## **7. Biodiversity Gain Plan**

The development hereby permitted shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. This shall quantify any measurable additionality over and above the minimum requirements and baseline value of the SANG through application of the national Biodiversity Metric which may count towards biodiversity net gain (BNG) in accordance with the Guidelines for Creation of Suitable Alternative Natural Greenspace (SANG) (Natural England, August 2021). For the purposes of the BNG calculation, the baseline value of the SANG is to be the site with all requirements to achieve a functional SANG already incorporated. Any additional features provided for BNG purposes should be informed by local

nature or wildlife strategies and priorities and should not conflict with the principal purpose of the SANG.

Reason: To ensure that biodiversity net gains are delivered for enhancement and improvement of habitats.

## **8. Pedestrian Crossings**

No vehicle shall access the site unless and until the proposed vehicular access to Clay Lane hereby approved has been constructed and provided with a continuous, level pedestrian/cyclist priority crossing and 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.

No area within the site boundary north of Clay Lane shall be used as a SANG unless and until details of a signalised pedestrian crossing linking footpaths north and south of Clay Lane have been approved by the Local Planning Authority and Highways Authority and that pedestrian crossing is delivered in accordance with the approved details.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

## **9. Transport Facilities**

The development hereby approved shall not be brought into first use unless and until a pedestrian and cycle network route has been provided within the site which connects with the wider pedestrian and cycle routes leading to and from the site. The facilities shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

## **10. Car Park**

The development hereby approved shall not be brought into first use as a SANG unless and until a car park providing a minimum of 1 car parking space for every 1ha of SANG (taking into account any allowance to be agreed with Natural England) and space for vehicles to enter and leave the site in forward gear has been laid out the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include facilities for the secure, covered parking of bicycles. The car park shall be located wholly in Flood Zone 1. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: To ensure the Natural England minimum standards for SANGS are met in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

## **11. Electric Vehicle Charging Points**

The approved car park for the SANG shall not be brought into use until a feasibility report for the provision of fast-charge Electric Vehicle charging points (with minimum requirements of 7 kw Mode 3 with Type 2 connector/230v AC 32 Amp single phase dedicated supply) within the approved car park has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. Any Electric Vehicle charging points shall be provided in accordance with the approved feasibility report and shall be retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

## **12. SANG and Biodiversity Management Plan**

Prior to commencement of the development hereby permitted a SANG and Biodiversity Management Plan (SBMP) shall be submitted to and approved in writing by the Local Planning Authority. The SBMP shall be carried out and maintained thereafter in accordance with the approved details.

All site establishment works in the approved SBMP, shall be implemented before any approved parts of the plan are brought into use as SANG.

The plan shall include the elements listed below:

- i. Description of the habitat and other features of the site to be managed and habitat condition to be achieved.
- ii. Landscape establishment details including timings, management and maintenance, work programmes, replacements.
- iii. Details of how the impacts of disturbance caused by recreational pressure (including dogs) for the whole of the SANG will be addressed, in particular the impacts on wintering birds and other wildlife.
- iv. details of how the river will be protected from recreational pressures such as dogs and people accessing the river, fish bypass channel and weir pool.
- v. details of how biodiversity will be monitored to assess the impact of recreational pressure on the site. This should take account of wintering bird species sensitive to disturbance such as Lapwing, Snipe, Teal and Wigeon which are known to use the site.
- vi. details of management and maintenance regimes for each habitat type supported by suitable plans and schedules including conservation grazing.
- vii. details of measures to reduce disturbance to overwintering waders using wetland scrapes.
- viii. Timings of maintenance activities and ecological considerations (e.g. avoiding bird nesting season when carrying out vegetation clearance/tree works)
- ix. Monitoring for and control of non-native invasive species, including Himalayan Balsam which has been recorded on site.
- x. Details of new/restored Hedgerow planting and enhancement of hedgerows e.g. through in-fill or double/new planting.
- xi. Management of existing woodland via selective thinning and planting of new woodland.
- xii. Diversification of some grassland areas e.g. using meadow management techniques.
- xiii. Management of existing ponds to increase the diversity of habitats.
- xiv. The creation of larger shallow pools or scrapes in areas agreed.
- xv. Creation of log and brash piles or other refugia habitat to provide refuge for small fauna.
- xvi. The installation of new bird and bat boxes

- xvii. Details of measures to encourage otter habitat.
- xviii. Details of monitoring and ongoing survey work

Unless otherwise required by the SBMP, the development shall be undertaken in accordance with the recommendations set out in the submitted Ecological Appraisal and surveys, and any recommendations arising from subsequent surveys undertaken to inform the SANG and Biodiversity proposals, which shall be submitted and approved in writing by the Local Planning Authority.

The SBMP shall be implemented, and the site managed and maintained in accordance with the approved details unless otherwise agreed with the local planning authority

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

### **13. Heritage Management Plan**

Prior to commencement of development hereby permitted, a heritage management plan shall be submitted to and approved by the local planning authority showing how heritage assets and archaeological features (particularly surviving and remnant sections of the 'Flowing River'), would be maintained and not adversely impacted by proposed planting, relandscaping and construction of the walkways; and the scheme shall be implemented in line with the approved plan

Reason: To protect heritage assets. This is required to be a pre-commencement condition to ensure that this issue is fully considered in drawing up detailed management proposals.

### **14. Construction Environment Management Plan (CEMP)**

No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the local planning authority. This shall deal with 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 will be protected during the works. Such a scheme shall include details of the following:



- i. The timing of the works
- ii. The measures to be used during construction in order to minimise the environmental impact of the works including potential disturbance to protected species
- iii. A map or plan showing habitat areas to be specifically protected during construction
- iv. Construction methods
- v. Any necessary pollution prevention methods
- vi. Information on the Project Ecologist and/or Ecological Clerk of Works responsible for particular activities associated with the CEMP
- vii. Details of how the river bank and riparian zone will be restored and enhanced following construction

The works shall be carried out in accordance with the approved CEMP.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

### **15. Tree Protection Measures**

Prior to commencement of development hereby permitted, a finalised Arboricultural Impact Assessment and Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan, prepared in accordance with British Standard 5837:2012 shall be submitted to and approved in writing by the local planning authority. No development should take place until a site meeting has taken place with the site manager, the retained consulting arboriculturist and the LPA and Parks and Countryside Tree Officers

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..

#### **16.Ancient Woodland**

No development may take place within 15m of any veteran tree or area of ancient woodland identified in the arboricultural statement (20275-MA-RP-D-TS01), other than no-dig development and/or in accordance with details submitted to and agreed in writing by the Local Planning Authority within the Arboricultural Method Statement.

Reason: To protect the nationally protected trees on site which are to be retained in the interests of the visual amenities of the locality.

#### **17.River Wey Buffer Zone Scheme**

In order to protect the River Wey (and associated biodiversity receptors), an 8m minimum ecological buffer shall be maintained between the top of the River Wey riverbank and any development. There shall be no development within this buffer zone other than that required for the creation of the SANG circular walk-through paths, bridges and other required infrastructure as approved under Conditions 3,4 8 and 9.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Buffer zones to watercourses form a vital part of green infrastructure provision.

#### **18.Restriction of Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no buildings, gates, fences, or any other form of enclosure other than shown on the approved SANG and Biodiversity Management Plan (Condition 11) and Hard and Soft Landscaping Plans (Condition 8) shall be constructed or erected on the site unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

## **19. Lighting**

No lighting shall be installed on the site unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and nature conservation. Any variance would require a separate habitat assessment in terms of protected species such as bats.

## **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

(including Stats connections/diversions required by the development itself or the associated

highway works) on the highway or any works that may affect a drainage channel/culvert or watercourse. 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 (including Stats connections/diversions required by the development itself or the associated highway 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

<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-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/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

3. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.

4. 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. (Highways Act 1980 Sections 131, 148, 149).

5. 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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

6. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock

impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.

7. Whilst not essential to the establishment of the SANG, the applicant is nevertheless encouraged to work with the National Trust to secure the opening and use of the Bowers Lane bridge by pedestrians.

8. In accordance with Natural England's current guidelines, the applicant is permitted to use Metric Version 2.0 (December 2020) in calculating post development biodiversity value as this version of the Biodiversity Metric was used for the purpose of calculations at the start of the project. These calculations are detailed in the Weyside Urban Village: Biodiversity Metric Report (20th July 2021) approved under application ref: 20/P/02155 which prioritises biodiversity improvements at the Weyside Biodiversity Opportunity Area and Burpham Court Farm to meet the Biodiversity Net Gain requirements for the Weyside Urban Village development.

9. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

9. Should Bats be identified as present or their roosts, the applicant should contact Natural

England to establish if a Protected Species licence is required in order to allow the development to proceed lawfully.

10. The proposed site is unlikely to provided mitigation against the impact of residential development on the TBH SPA unless and until a SANG Management Plan, including details and responsibilities of a suitable management body and the long term funding of the sites management, has been agreed with the Local Planning Authority in consultation with Natural England.

11. 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. 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. As part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths and evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions.

12. In determining this application, the Local Planning Authority has worked with the Applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the Applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **Officer's Report**

### **Site Description**

The application site is wholly within the greenbelt and is located approximately 3 km north-east of the centre of Guildford. The site is of irregular shape and is divided by a branch of the River Wey and Clay Lane. To the south-west is Slyfield

Industrial Estate and an area of land that forms part of the Slyfield Area Regeneration Project (SARP), which is allocated for mixed use redevelopment, including approximately 1,500 new homes, under Policy A24 (SARP) of the adopted Local Plan (April 2019). Weyside Urban Village (WUV) forms part of the SARP site.

Other land uses in close proximity include the Riverside Park Local Nature Reserve and existing SANG, Bowers Lane allotments and the community of Jacobs Well which forms a northern suburb of Guildford. The residential part of the WUV site is a short distance to the south. The site area is approximately 46 hectares, though not all of this is suitable for full SANG use.

The site is currently greenfield land comprising areas of pasture and marshy grassland grazed by cattle to the south of Clay Lane. To the north is an area of marshy grassland and woodland. Many trees and hedges are found within the site with a dense tree belt on the western boundary. The southernmost part of the site is defined as Local Nature Reserve and as a Site of Nature Conservation Importance (SNCI).

The River Wey is a dominant feature of the site, which has existing wetland features. A large proportion of the site falls within Flood Zone 3 and is at the highest probability of flooding. A Flood Risk Assessment accompanies the application.

The application site is entirely within the Metropolitan Green Belt. A large proportion of the site is located with Flood Zone 3, which is at the highest risk of flooding. Most of the Site with the exception of the drier field in the north-east of the part south of Clay Lane and small parts of the fields in the western extent of the Site fall within the River Wey (plus tributaries) Biodiversity Opportunity Area (BOA). BOAs identify the most important areas for wildlife conservation in Surrey, where targeted conservation action will have the greatest benefit. The River Wey - Woking SNCI passes through the site.

The site is within the Zone of Influence of the Thames Basin Heaths SPA. At its nearest point, the SPA is located approximately 600m north west of the site.

## **Proposal**

The application is for the change of use of 45.9 hectares of land at Burpham Court Farm to publicly accessible open space and Nature Reserve to facilitate

the creation of a Suitable Alternative Natural Greenspace (SANG). The purpose of a SANG is to provide attractive green spaces for recreation in areas where development could bring increased visitor pressure on Special Protection Areas (SPAs) in accordance with adopted local plan policy.

The site is indicated as site SANG 5 Strategic Suitable Alternative Natural Green Space (SANG) Burpham Court Farm, North Guildford in appendix 6 of the Infrastructure schedule of the LPSS. The proposed use is also critical to the delivery of Weyside Urban Village and is identified in the planning consent granted for that development (Ref: 20/P/02155) as future SANG to mitigate the impact of that development on the Thames Basin Heaths Special Protection Area and to deliver the necessary Biodiversity Net Gain.

A SANG Concept Design has been submitted but the application does not seek approval of the works as illustrated. This will be secured by condition and subject to additional consultation at condition stage. The Concept Design has been prepared to demonstrate how Natural England's SANG criteria and the concerns raised by the Environment Agency regarding flood risk can be satisfactorily addressed.

There are currently no public rights of way across the site, although footpath 438 to Jacobs Well fringes its eastern boundary and the proposals would provide improved access and land management. A car park is proposed on the northern part of the site with access off Clay Lane. A circular walk would be introduced in the part of the site south of Clay Lane with three entry points to walkers, off Clay Lane near Jacobs Well, at the western edge of the site linking to footpath 438 and at the southern edge of the site on the Wey navigation non towpath side linking to the riverside open space.

Various areas would be proposed for new planting including hedgerow restoration, and some areas would have restricted public access in order to enhance biodiversity net gain for the Weyside urban village application. Various picnic areas and seating is proposed as well as signage.



## Relevant planning history

Planning reference	Description	Decision
20/P/00725	Proposed change of use of existing agricultural building to form a single residential dwelling, with associated access, landscaping, amenity space and parking	Granted 19 March 2021
20/W/00060	Conversion of existing agricultural buildings (referred to as buildings 1 to 4) to form four dwellinghouses (use class C3) and associated building operations.	Appeal allowed: 15 September 2021
20/P/02155	<p>Hybrid planning application for the redevelopment of part of the allocated site for the Slyfield Area Regeneration Project for a mixed-use development (known as Weyside Urban Village) comprising:</p> <p>A. Outline planning approval for the demolition of existing buildings and infrastructure and outline planning permission for up to 1550 dwellings; local centre comprising up to 1800 sqm of retail (inc. convenience store), healthcare, community, nursery and flexible employment uses (Use Class E); up to 500 sqm of flexible community facilities (Use Classes E/F1/F2); up to 6,600 sqm of flexible employment space (Use Classes E/B2/B8); up to 30,000 sqm for new Council Depot Site (Use Classes E/B8); 6 Gypsy and Traveller pitches (Use Class C3); and associated road infrastructure, landscaping (including Sustainable Drainage Systems) and amenity space.</p> <p>B. Full planning permission for the development of primary and secondary site accesses, internal access roads and associated landscaping.</p> <p>C. Full planning permission for engineering operations associated with</p>	Granted 30 March 2022

	remediation and infrastructure, including primary and secondary sub-stations; utilities and drainage (including Sustainable Drainage Systems).	
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## Consultations

Two rounds of consultation have been undertaken on this planning application. The first round of consultation related to proposals submitted on 17<sup>th</sup> December 2020 and the responses are fully documented in the Officer's report which was considered by Planning Committee at the meeting on 20<sup>th</sup> October 2021 when it was resolved to grant planning consent subject to the completion of a legal agreement. This report is attached as Appendix 1 and the consultation responses are not reproduced in this report.

The second round of consultation related to the amendments to the scheme which were submitted to the Local Planning Authority on 12<sup>th</sup> July 2023. These responses are summarised below.

### Statutory consultees

**Natural England:** No objection to the original proposal but previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. *Officer Note:* Natural England's previous comments have been addressed.

**Environment Agency:** The Environment Agency originally objected to the proposed development on three grounds:

*Objection 1: Biodiversity-* likely effect on floodplain grazing marsh and insufficient details of mitigation or compensation measures to address any identified risks.

*Objection 2: Inadequate Flood Risk Assessment* - requirement for further flood risk assessment to demonstrate the expected floodplain losses from the

previous development and how this could be compensated for on a level for level basis within the site boundary.

*Objection 3: Development in the functional floodplain-* part of the proposal falls within a flood risk vulnerability category that is inappropriate in the Flood Zone in which the application site is located.

Subsequently, it is noted that the applicant has worked closely with officers and the Environment Agency and made amendments to the scheme and submitted further information to address these objections. Through the additional technical work the applicant identified suitable areas to provide compensatory floodplain storage to mitigate for raised land within the site. An indicative location and design including calculations has been provided through this work. The Environment Agency has not undertaken a detailed review of the modelling at this stage. The base modelling has been updated with site specific topography and on-site features such as cycleways. It has been acknowledged that further detailed hydraulic modelling will be required to reflect the final layout and detailed design. It is understood that the model build does not include floodplain compensatory flood storage, this assessment will be carried out alongside the fluvial hydraulic modelling.

The Environment Agency formally withdrew their objection subject to conditions on 13 November 2023 and encourage the applicant to engage with them early regarding the discharge of conditions and any other consents including flood risk activity permits. As such, the Environment Agency now raise no objection to the proposal.

**SCC Lead Local Flood Authority:** As there is no change to the drainage strategy or Surface Water drainage system, no further comments. *Officer Note:* The LLFA's previous comments have been addressed.

**County Highway Authority:** No objection subject to conditions relating to the provision of vehicular access to Clay Lane, car parking spaces, pedestrian crossings, pedestrian and cycle network within the site, pedestrian and cyclist improvements leading to/from the site, facilities for secure covered parking of bicycles.

#### Internal consultees

**Head of Parks and Countryside:** The comments previously raised including the objectives for the site to comply with Guildford's Countryside Vision and the Design principles remain valid. The Parks Development Team have been working

with the developer to address the points previously raised and welcome the changes made to this revision. The amended red line application boundary is acceptable and does not impact on the functionality of the SANG. Further recommendations made on development of the detailed SANG management plan and would welcome the opportunity to be consulted in the development of the plan, its design, and the impact on future maintenance of the site:

- The exclusion zone for the protection of wintering birds in the centre of the site is to be extended to the western bank of the river, so that it includes the area between the proposed bridge crossings;
- Location of the pedestrian bridge in the revised concept plan has been assessed and agreed with the Parks Development Team. Would like to be consulted on further details on the bridge design such as materials and screening.;
- Access to Land North of Clay Lane: this has been addressed in the revised concept plan;
- Mature/ veteran trees: the requirement to locate footpaths away from important trees (i.e. min 15m+) or include sufficient tree protection measures remains valid. We would like to see this addressed through the detailed SANG management plan. Reason: To protect and improve health condition of mature/ veteran trees;
- Support the revised design and location of the car park;
- North/ South cycle route is acceptable in principle;
- It would be beneficial to clarify conservation grazing areas in the site design and management plan. We would like to see this addressed in the SANG management plan;
- Additional Access routes to site have been included in the revised concept plan;
- Would welcome further discussion with the design team to consider adjusting and clearing ditch network, so that water levels can be controlled and water logging to trees can be reduced without compromising wader habitat. Would like to see this addressed in the SANG management plan;
- Would welcome further discussion about the suitability of BNG proposals for the long term vision of habitat development on site.

**HDA Landscape (GBC Specialist Landscape Advisor):** It is understood that the application does not seek approval of the works illustrated in the SANG Concept Design, as these would be secured by condition and subject to additional

consultation at condition stage. The previous location of the car park utilised an existing access and the footprint of former cattle sheds, which was commendable, as no new areas of hardstanding would be introduced into the site. The amended location creates a new access off Clay Lane, resulting in the loss of an Ash tree (T543 on the previous tree survey) and the introduction of new areas of hardstanding in a location that was previous grass. It is understood that the reason for moving the proposed car park was to locate it in Flood Zone 1 (previously within Flood Zone 2, or 3). It is stated in the covering letter that the amended car park would not alter the BNG calculations. Our previous comments raised concerns whether the car park would be big enough, as NE guidance is for one space per hectare of SANG (stated as being 45ha), however, the provision of 12 spaces may already have been agreed. The proximity of the amended car park to Clay Lane is better than the previous proposals, as this would allow natural surveillance from the road. However, the visibility of cars from Clay Lane would be contrary to the rural character of this road, and some augmentation of the roadside vegetation should be provided. It is regrettable that connection over Bowers Lane bridge has been removed, and it is hoped that dialogue with the landowners (National Trust) can continue to bring this linkage to fruition (and to the Riverside SANG).

### **Local Groups**

**Merrow Residents Association:** Support the creation of a SANG at Burpham Court Farm and pleased to note that 32 parking spaces are now provided as requested by Natural England. Remain of the view that it would be preferable for an underpass or bridge to be provided across Clay Lane rather than a pedestrian crossing in view of the amount of heavy traffic on this road. Any pedestrian crossing must ensure that there can be a complete stop of the traffic to permit pedestrians to cross the road in total safety. *Officer Note:* This application is not for a change of use to SANG but would facilitate the creation of the SANG.

### **Individuals:**

21 representations were received from members of the public in respect of the original application including 17 objections. These are summarised in the report to Committee on 20<sup>th</sup> October 2021. The objections related to traffic impacts and the adequacy of parking provision; flood risk assessment and the impact of increased recreational pressure on wildlife. *Officer Note:* The amended application has addressed these matters and provided further detail on flood

risk assessment and the number of parking spaces in the proposed car park has been increased.

Neighbours and representees were reconsulted on the amended application in July 2023. One objection was received from an individual who had also objected to the original application on the following grounds: The junction of the car park and Clay lane will create another accident hotspot in an already dangerous road, where there continue to be frequent accidents. The car park is too large and in the wrong place and will attract too many visitors turning this into a recreational park rather than a nature reserve. No account has been taken of the sudden and increased risk of flooding. No risk assessment seems to have been done. Clay Lane can be under several feet of water. The whole area should be made dog free to protect the existing wildlife. *Officer Note:* The County Highway Authority has raised no objection and a condition is proposed which requires details of the vehicular access to Clay Lane to be submitted and approved by the Local Planning Authority. The size of the car park is in accordance with Natural England's SANG criteria. Further flood risk modelling has been undertaken and conditions are proposed which require technical assessment to support design details. The Biodiversity and SANG Management Plan will include measures to manage recreational pressure and protect wildlife.

## **Planning Policies**

### Guildford Borough Local Plan: Strategy and Sites (LPSS) 2019:

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.

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough- our spatial strategy

Policy P4 Flooding, flood risk and groundwater protection zones

Policy P5 Thames Basin Heaths Special Protection Area

Policy D1 Place shaping

Policy D2 Climate change, sustainable design, construction and energy

Policy D3 Historic environment

Policy ID1 Infrastructure and delivery

Policy ID3 Sustainable transport for new developments

Policy ID4 Green and blue infrastructure

Site Allocation A24: Slyfield Area Regeneration project, Guildford

Guildford Borough Local Plan: Development Management Policies (LPDMP) (March 2023):

Guildford's Local Plan Development Management Policies (LPDMP) was adopted by the Council on 22 March 2023. This now forms part of the statutory development plan and the policies are given full weight.

Policy P6: Protecting Important Habitats and Species

Policy P7: Biodiversity in new developments

Policy P9: Air quality and Air Quality Management Areas Policy

Policy P10: Water quality, Waterbodies and Riparian Corridors

Policy P11: Sustainable Surface Water Management

Policy D5: Protection of Amenity and Provision of Amenity Space

Policy D6: External Servicing Features and Stores

Policy D7: Public Realm

Policy D11: Noise Impacts

Policy D12: Light Impacts and Dark Skies Policy

Policy D15: Climate Change Adaptation

Policy ID7: Community Facilities

Policy ID9: Achieving a Comprehensive Guildford Borough Cycle Network

Policy ID10: Parking Standards

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 13: Protecting Green Belt land

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

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

South East Plan 2009 (as saved by CLG Direction):

Policy NRM6 Thames Basin Heath Special Protection Area Page 6

Supplementary planning documents:

Strategic Development Framework SPD (July 2020)

Parking Standards SPD (March 2023)

Climate Change, Sustainable Design, Construction and Energy SPD (2020)

Thames Basin Heaths Special Protection Area Avoidance Strategy (2021)

Other guidance:

National Design Guide (NDG) (2019)

Surrey County Council Vehicular and Cycle Parking Guidance 2018

Guildford Children's Play Strategy 2016-2021

National Trust Guidance on Developments Adjoining River Wey

Designations relating to the site

## **Planning Considerations and Appraisal**

### **1. Principle of Development**

- 1.1 The site is located wholly within the Green Belt. Criterion (3) of Guildford Borough Local Plan (GBLP) Policy P2 states that: "Certain other forms of development are considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, and these are listed in the NPPF"



- 1.2 Criterion e) of Paragraph 146 of the NPPF sets out that material changes in the use of land, such as changes of use for outdoor sport or recreation, are not inappropriate. The proposed change of use would secure the land as publicly accessible open space for recreation and ecological enhancement, thereby preserving the openness of the Green Belt and does not conflict with the purposes of including this land within the Green Belt, in accordance with local and national policy.
- 1.3 A car park would have a small impact on reducing the openness of the Green Belt but would further the Green Belt acceptable use of outdoor recreation and is essential (required by SANG Guidance and Natural England) for the future use of the site as a SANG of this size. Ecological use is not specifically listed in NPPF Para. 150 however the list (including open space) is not exclusive, stating 'such as' providing the key test of preserving the openness of the Green Belt and does not conflict with the purposes of including this land within the Green Belt, which these proposals meet.
- 1.4 The Thames Basin Heath Special Protection Area Strategy 2009 – 2016 and Thames Basin Heaths SPA Avoidance Strategy 2021 SPD both identify the site as a potential option for SANG. These documents also set out that Natural England has confirmed, in principle, that the site can meet the criteria for SANG in accordance with Policy P5. It is considered that the principle of the proposed change of use for publicly accessible open space accords with national and local planning policy and therefore is an acceptable use of this site preserving the openness of the Green Belt and the purposes of including land within it
- 1.5 The proposal is therefore considered to be acceptable in principle subject to consideration of the following matters:
  - Suitability of the Site as a SANG
  - Relocation of Car Park
  - Noise
  - Ecology and Biodiversity Net Gain
  - Landscape and Trees
  - Flood Risk
  - Heritage Issues
  - Access and Highways

## 2. Suitability of the Site as a SANG

2.1 It should be noted that this application is only for a change of use to publicly accessible open space to facilitate the use of the site as SANG and further works would be required to establish the SANG which would be secured under relevant conditions and planning obligations. The site is identified in the Thames Basin Heaths SPA Avoidance Strategy SPD as a potential option for SANG and Natural England has confirmed in principle that the site can meet the criteria for SANG. Notwithstanding this, the SANG Guidelines within Annexe 2 of the SPD sets out a checklist of essential and desirable criteria for individual SANGs. The provision of a SANG Management Plan should be a condition of any planning permission for this proposed change of use and will detail how these guidelines will be met. However, the supporting information and updated Concept Plan enables a number of criteria to be satisfactorily assessed at this stage, including:

- Adequate parking for visitors
- Provision of a circular 2.3-2.5km walk that would be possible from the car park
- Car parking being easily and safely accessible by car
- The accessibility of the site would include access points appropriate for visitor use
- Safe design
- Semi natural feel
- Variety of habitats

2.2 The revised SANG Concept Design demonstrates that the site could satisfy Natural England's SANG Criteria. The proposed change of use would provide approximately 46ha of land for potential use as SANG, which would provide sufficient SANG land for a maximum 5,750 new residents with a catchment area of 5km. The SANG Concept Plan and supporting information demonstrates that parking can be provided (minimum 0.75 parking spaces per ha of SANG and minimum of 26.4ha needed to service Weyside Urban Village) and that a circular walk, in excess of 2.3km from the car park and other access points can be completed. The delivery of Biodiversity Net Gain would provide enhancement to the existing range of habitats to users to experience in a semi-natural space in an accessible location to existing and proposed residential development.

Considered against the Natural England SANG criteria the proposed change of use would facilitate a suitable site as SANG in compliance with policy and the Thames Basin Heaths SPA Avoidance Strategy.

- 2.3 Some areas of the site may not be suitable as SANG and these will be identified on the final SANG Capacity Plan which will be secured by condition. The area to the north of Clay Lane will not be suitable for use as SANG until a pedestrian crossing has been provided and this will also be secured by condition.
- 2.4 GBC Parks and Countryside and Natural England support the change of use proposal in principle but wish to see further development of the concept design. This will be secured by condition.
- 2.5 Discussions are also ongoing regarding the SANG management plan – these are expected to be concluded before the date of the committee, however no interests would be prejudiced as a suggested condition would require approval of a detailed management plan which would be subject to public consultation, and conditions would define excluded areas and require a minimum length of circular walk.
- 2.6 The Bowers Lane bridge has been removed from the revised site boundary and whilst it is not essential to the establishment of the SANG, the applicant is nevertheless encouraged to work with the National Trust to secure the opening and appropriate use of the Bowers Lane bridge by pedestrians in the future. It is however noted that some local concerns were previously raised that this could lead to potential traffic impacts and increased pressures on existing parking provision in Bowers Lane. This concern should be addressed by the provision of a suitably located car park which has the capacity to meet SANG criteria but should be considered in the event of any future proposals to open the bridge to pedestrians.
- 2.7 The application does not seek approval of the works illustrated in the updated SANG Concept Design. Details of facilities, layout and landscaping would be secured by condition and subject to additional consultation at condition stage.

### **3. Relocation of Car Park**

- 3.1 The provision of a suitably sized car park is a prerequisite of the use of land as SANG to satisfy the criteria set by Natural England. Extensive discussions have taken place with the Environment Agency and the Highways Authority regarding the location of the car park and access arrangements and agreement has been reached on the revised proposals subject to the submission and approval of details which would be secured by condition.
- 3.2 Whilst the previous proposal had the benefit of utilising an area of existing hard standing, it was located within Flood Zone 2 or 3 which was deemed unacceptable by the Environment Agency. Concerns had also been raised about the impact of the car park on the setting of the Grade II listed Burpham Court Farm Cottages and mitigation in the form of landscaping had been proposed.
- 3.3 In order to satisfy the concerns regarding flood risk it has been necessary to relocate the car park to a site within Flood Zone 1 and the amended location is considered to be the best available location taking into account flood risk and access requirements. The proposal is to create a new access off Clay Lane which could require the removal of one Category C Ash tree (T543 on the tree survey) and the introduction of new areas of hardstanding in a location that was previous grassland. The visibility of cars from Clay Lane could impact on the rural character of this road and some augmentation of the roadside vegetation should be provided. Details of layout and landscaping would be secured by condition in order to mitigate the visual impact of the car park.
- 3.4 The revised car park location has the capacity to meet the SANG parking standard of one space per ha of SANG (whilst it is noted Natural England has agreed this can be reduced by 25% as part of the WUV site is within 4000m of Burpham Court Farm).

### **4. Noise**

- 4.1 A tranquil environment is a fundamental component of the acceptability of a site as a SANG. Although no noise limit is set in Natural England SANG guidance, they have asked for a limit of 60 dB LAeq,16h. based on the recommendations

of the applicant's noise consultant. The noise report submitted with the application took measurements at 4 locations and then modelled noise across the hole of the rest of the site based on its topography.

- 4.2 The existing levels across the site, without mitigation, are below 60 dB LAeq,16h across the majority of the site. A small area along Clay Lane and an area on the eastern side of the site, closer to the A3, exceed 60 dB LAeq,16 hours. To achieve 60 dB LAeq,16 hours across 100 % of the site would not be practicably achievable and a compromise will have to be made between the extent of mitigation and the percentage of the site below the 60 dB criterion. Based on the results of the acoustic model, the proposed noise criterion of 60 dB LAeq, 16hours would be met across approximately 81 % of the site without mitigation. This can be considered acceptable from a noise perspective with no mitigation required. The site is large enough to accept a 19% reduction in area and still provide a viable SANG.
- 4.3 The Final SANG Capacity Plan will be required to show areas within the 60 dB LAeq noise contour and this will be secured by condition.

## **5. Ecology and Biodiversity Net Gain**

- 5.1 Policy A24 (SARP) of the Local Plan (April 2019) sets out the requirements that the development must accommodate. Policy D1 (Place Shaping) states that strategic allocation sites must create their own identity to ensure cohesive and vibrant neighbourhoods. Criterion (1) of GBLP Policy ID4 states that: *"The Council will maintain, conserve and enhance biodiversity and will seek opportunities for habitat restoration and creation, particularly within and adjacent to Biodiversity Opportunity Areas (BOAs)"*
- 5.2 Criterion (2) of GBLP Policy ID4 states that: *"New development should aim to deliver gains in biodiversity where appropriate. Where proposals fall within or adjacent to a BOA, biodiversity measures should support that BOA's objectives."*
- 5.3 The application is supported by an Ecological Appraisal (Stantec, December 2020). The appraisal establishes the ecological baseline and outline impacts associated with the proposed change of use. It also provides broad principles for mitigation and enhancement to be taken forward into the subsequent detailed

design process. The appraisal identifies a range of habitats on the site with known or potential value to a variety of species. The appraisal identifies that the proposed change of use has a potential impact as a result of disturbance. However, this could be overcome by sensitive approaches and timing to any future works and through appropriate design. The Appraisal also identifies that there are significant opportunities to enhance the biodiversity of the site through design and management and removal of invasive non-native species.

5.4 The results of the Biodiversity Metric 2.0 (beta test) calculation, undertaken with reference to the illustrative design for the SANG and biodiversity enhancements at Burpham Court Farm, demonstrate that the proposed biodiversity enhancements and habitat creation are capable of delivering a net gain in biodiversity value (+115.43 habitat units, +43.37%, and +9.58 hedgerow units, +37,876.36%). These calculations are detailed in the Weyside Urban Village: Biodiversity Metric Report (20th July 2021) approved under application ref: 20/P/02155 which prioritises biodiversity improvements at the Weyside Biodiversity Opportunity Area and Burpham Court Farm to meet the Biodiversity Net Gain requirements for the Weyside Urban Village development. In addition to providing capacity for an off-set for Weyside Urban Village, there may also capacity for other GBC or other applicants to use Burpham Court Farm as a Habitat Bank. The use of Biodiversity Net Gain Credits should be addressed in the accompanying Unilateral Agreement.

5.5 In accordance with Natural England's current guidelines, the applicant will be permitted to use Biodiversity Metric Version 2.0 in calculating post development biodiversity value as this version of the Biodiversity Metric was used for the purpose of calculations at the start of the project.

5.6 It is considered that the proposed change of use would maintain, conserve, and enhance biodiversity in accordance with Policy ID4.

## **6. Landscaping and Trees**

6.1 The application is supported by an Arboricultural Statement (Treework Environmental Practice, December 2020), which includes an extensive survey of the trees on the site and future recommendations. The proposed change of use

seeks to preserve the character of the site and its landscape features and the Statement confirms that all of the valuable trees on the site can be retained and protected. Localised removal of trees may be necessary for future pedestrian access. However, tree planting and landscaping to enhance the site will form part of a future application to Natural England. The Concept Plan has considered areas for additional landscaping within the site that would inform the future SANG management plan, which will be supported by a detailed tree and planting plan and schedule to increase native species and secure a robust landscape framework for the site.

- 6.2 It is considered that the proposed change of use would safeguard and enhance the characteristic landscape of the locality and the Corridor of the River Wey. Details of new hard and soft landscaping would be secured by condition.

## **7. Flood Risk**

- 7.1 A large proportion of the site is located with Flood Zone 3, which is at the highest risk of flooding. The Environment Agency objected to the proposed development on the grounds: of the lack of details of mitigation or compensation measures to address any identified risks to biodiversity; *inadequate Flood Risk Assessment* and development within the functional floodplain (notably the car park).
- 7.2 The applicant has worked closely with officers and the Environment Agency and made amendments to the scheme (including the relocation of the car park) and submitted further information and flood risk assessment to address these objections. Through the additional technical work undertaken, the applicant has identified suitable areas to provide compensatory floodplain storage to mitigate for raised land within the site. The base modelling has been updated with site specific topography and on-site features such as cycleways.
- 7.3 Further detailed hydraulic modelling will be required to reflect the final layout and detailed design and an assessment of floodplain compensatory flood storage will be carried out alongside the fluvial hydraulic modelling.
- 7.4 The Environment Agency have formally withdrawn their objection subject to a number of conditions relating to the final design, flood risk assessment and the

incorporation of mitigation and compensatory measures to protect biodiversity in the Construction Environmental Management Plan and the SANG and Biodiversity Management Plan.

## **8. Heritage**

- 8.1 In the original proposals the proposed car park was located immediately to the south of the Grade II listed Burpham Court Cottages on the site of the derelict pigsties. This was considered to have less than substantial harm on the setting of the heritage asset but it was concluded that this would be outweighed by the planning benefits. As it is now proposed to relocate the car park away from the listed buildings, the harm that was previously identified has and the harm has been removed..
- 8.2 A Heritage Management Plan is recommended as a condition of planning to ensure that the historic features within the Application Site and its immediate environs, particularly surviving and remnant sections of the 'Flowing River', are maintained and not adversely impacted by proposed planting, re-landscaping and construction of the walkways. There is an opportunity to implement a programme of Public Engagement through signage to promote the historic environment of the Application Site. This will be secured by condition.

## **9. Access and Highways**

- 9.1 Extensive discussions have taken place with the Highways Authority regarding access to the site and detailed arrangements for the car park layout and provision for bike storage and EV charging.
- 9.2 The revised access arrangements are considered acceptable on highways grounds subject to conditions regarding the detailed design of the new vehicular access to Clay Lane, car parking provision and facilities for secure covered parking of bicycles, new pedestrian crossings on Clay Lane and the creation of a pedestrian and cycle network within the site which links with the wider network.

## **10. Legal Agreement**



10.1 The applicant has agreed to enter into a legal agreement and this will be required to take the form of a Unilateral Undertaking as the applicant is Guildford Borough Council. The Heads of Terms previously reported to Planning Committee have been amended to reflect the changes which have been made to the proposed development and amended Heads of Terms have been agreed with the applicant.

10.2 The Heads of Terms as previously reported comprised the following:

- Securing Management of the SANG and Biodiversity Exclusion Zones in Perpetuity, including step-in-rights.
- Improvements to the Bowers Lane Bridge, with public access granted by confirmatory deed.
- Construction of a controlled pedestrian crossing across Clay Lane, and costs of any associated TRO to adjust extent of Jacobs Well speed limit
- Improvement to bell mouth of access to Burpham Court Farm to bring to a Safe Standard

10.3 As the Bowers Lane bridge is in the ownership of the National Trust (and now outside the revised application boundary), it will not therefore be possible to secure this obligation through a Unilateral Agreement and it should therefore been removed from the Heads of Terms as previously reported. The National Trust has confirmed that it has no objection in principle to the use of the bridge by pedestrians and to entering into a form of agreement with the Council to deal with liability for repairs and maintenance. The applicant is therefore encouraged to work with the National Trust to secure the opening and use of the Bowers Lane bridge by pedestrians. The construction of the pedestrian crossing on Clay Lane can be secured by condition and improvements to the bell mouth of the access to Burpham Court Farm are no longer required as the car park has been relocated.

10.4 An additional item relating to Biodiversity Net Gain (BNG) has been added to the Heads of Terms to reflect the planning approval granted for the Weyside Urban Village development. This relates to the use of the site for offsite biodiversity gain associated with the Weyside Urban Village and other residential development through the purchase of the BNG Credits.

10.5 The amended Heads of Terms are as follows:

- Not to transfer the SANG to another entity other than one approved by the Council (or an Eligible Entity)
- The landowner to manage and maintain the SANG in accordance with the SANG Management Plan (condition 12) in perpetuity at its own cost and at no cost to the Council
- The landowner to submit to the Council for approval a funding statement demonstrating how the SANG maintenance and management will be funded.
- The landowner to provide unfettered public access to the SANG (save for agreed excluded areas) in perpetuity. The excluded areas will be shown on a plan or cross referenced to the final SANG Capacity Plan which will be subject to a condition
- The landowner to allocate the required area of SANG to the Weyside permission to meet the Weyside planning obligation and not to allocate any area of SANG allocated to Weyside to any other development
- Allocation of Biodiversity Net Gain (BNG) Credits to the Weyside permission.

## **11. Planning Balance and Conclusions**

11.1 The proposed change of use to publicly accessible open space will facilitate delivery of SANG which is an appropriate use within the Green Belt. The application is supported by technical documents which conclude that there would be no unacceptable environmental impacts and that there is significant room for enhancement in terms of landscape and biodiversity.

11.2 The proposed amendments to the application are considered acceptable and the extensive work undertaken since the application was reported to Committee in October 2021 has addressed the concerns raised by the Environment Agency regarding flood risk. With the amendments to the parts of the farm to be covered by public open space (for SANG), and the size and location of the car parking area, and the route of the circular walk the proposal would comply with policy and guidance on public open space and SANG provision.

11.3 The proposed site for the relocation of the car park in Flood Zone 1 will require the loss of some grassland and potentially one Category C tree. This is considered to be acceptable on balance given the lack of any suitable areas of existing hard standing and the need to provide adequate car parking to satisfy Natural England's criteria for land to be used as SANG. Details of the layout and

landscaping of the car park will be secured by condition to minimise any visual or environmental impact. Relocation of the car park from the previously proposed site adjacent to the Grade II listed Burpham Court Farm cottages will have some heritage benefits.

- 11.4 The proposal will result in significant public benefits in terms of access to a recreational resource for existing and future residents, which will also bring significant environmental benefits, helping to reduce recreational pressure on the Thames Basin Heaths SPA in accordance with local and national policy. The proposed development is necessary as suitable mitigation to enable Guildford Borough Council to meet its housing need, including at Weyside Urban Village as set out in the adopted development plan.
- 11.5 Full details for the SANG including layout, boundaries, vehicular access and parking, landscaping, walkways, boundary works and associated works will be secured by way of condition and future management of the SANG will be subject to a detailed a SANG Management Plan and Biodiversity Management Plan to be agreed with Natural England.
- 11.6 For these reasons, and the reasons set out in the body of the report, the proposal is in accordance with the development plan. The material considerations do not indicate that a decision should be taken other than in accordance with the development plan (s. 38(6) Planning and Compulsory Purchase Act 2004).

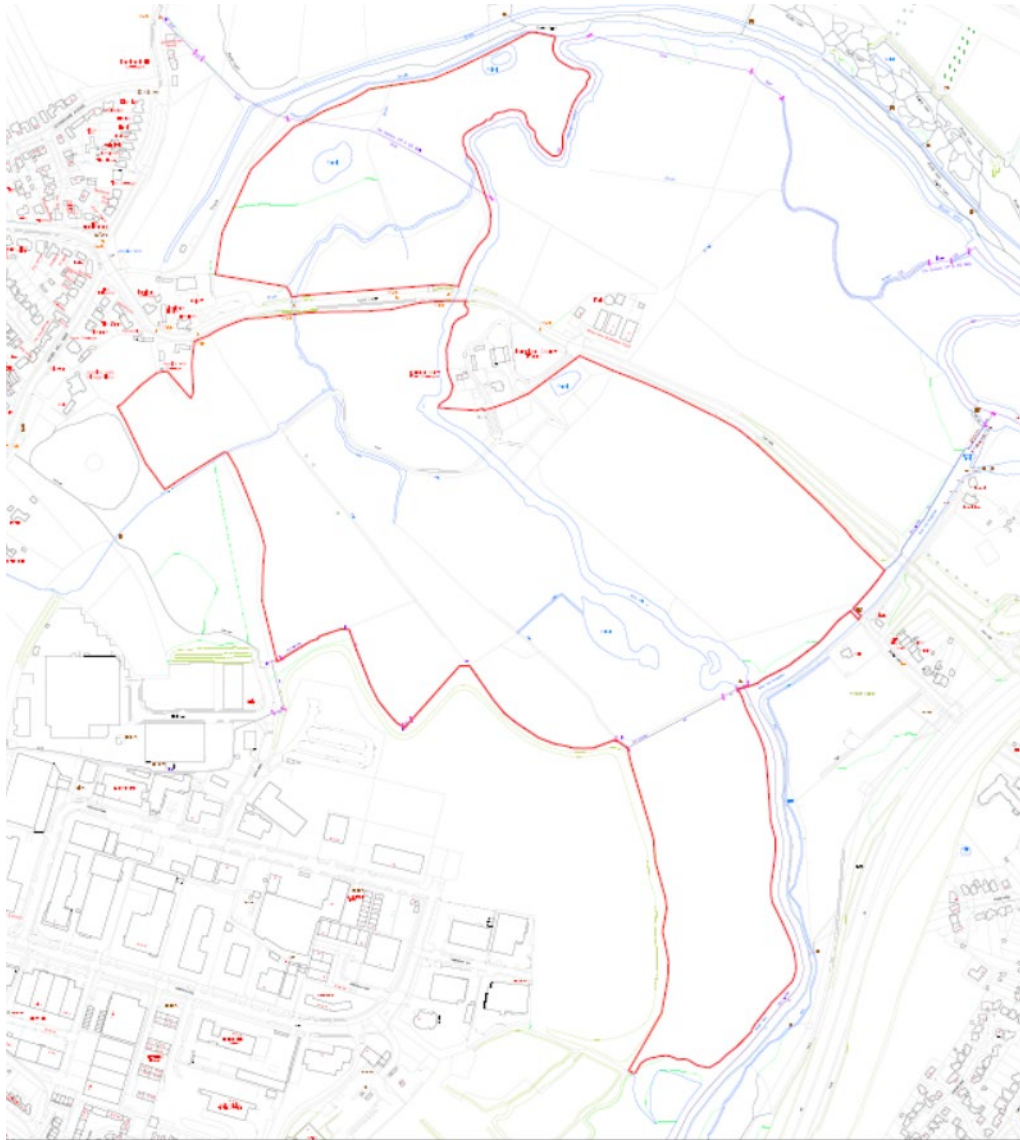
**Appendix 1**

**Application 20/P/02173**

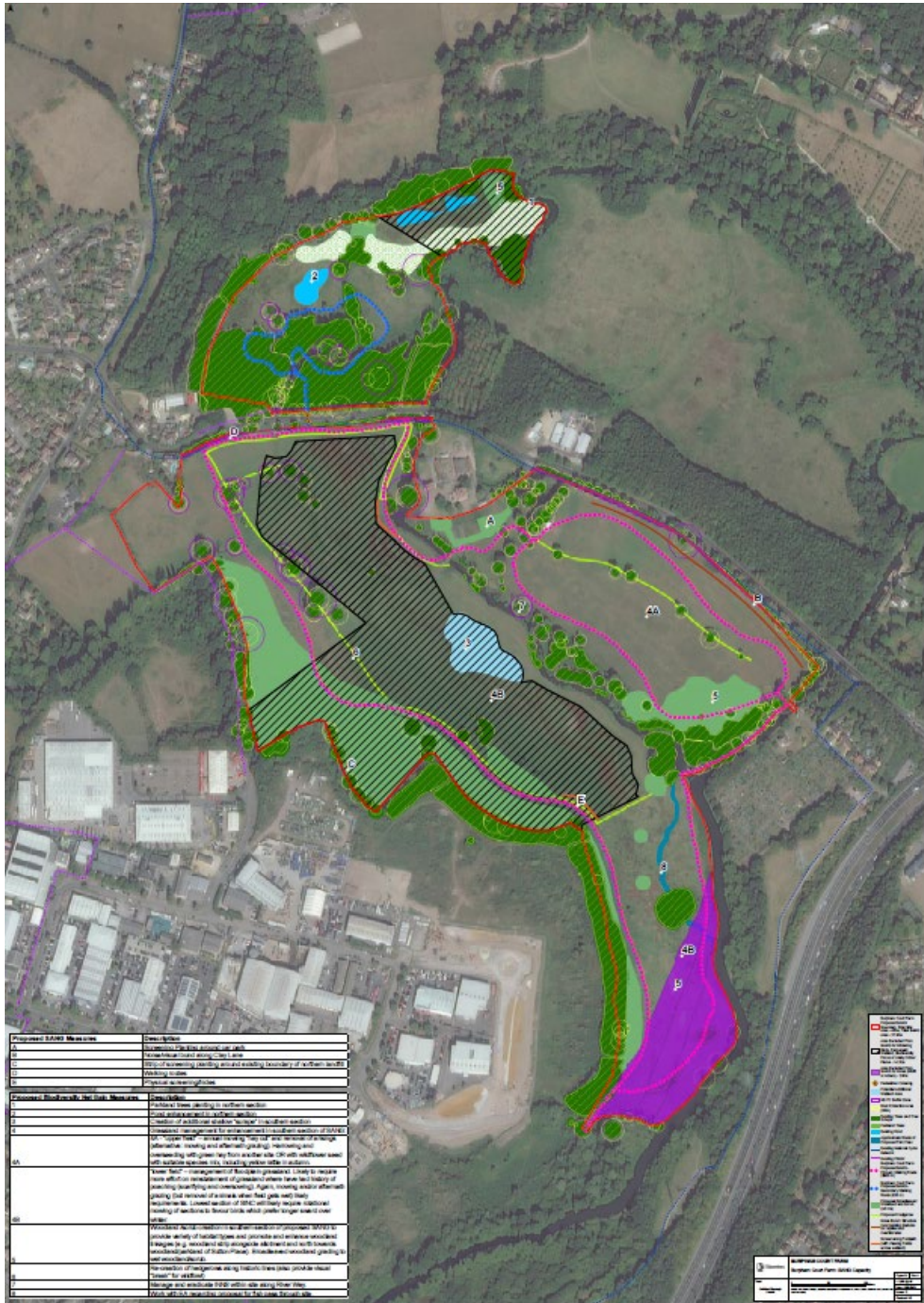
**Report to Planning Committee and Minutes of Meeting**

**20<sup>th</sup> October 2021**

**20/P/02173**  
**Land at Burpham Court Farm, Clay Lane, Guildford, GU4 7NA**



**Not to scale**



**App No:** 20/P/02173  
**Appn Type:** Major  
**Parish:** Part of the site: Worplesdon  
**Agent :** Savills

**16 Wk Deadline:** 21<sup>st</sup> March 2021  
**Case Officer:** Kelly Jethra/Andrew Lainton  
**Ward:** Stoke, Worplesdon and Burpham  
**Applicant:** Guildford BC c/o The Agent

**Location:** Land at Burpham Court Farm, Clay Lane, Guildford, GU4 7NA

**Proposal:** The change of use of the site to 45.9 hectares of land to publicly accessible open space and Nature Reserve to facilitate a Suitable Alternative Natural Greenspace (SANG).

The application itself has been screened as not requiring Environmental Assessment, however the Slyfield Urban Village application has been and is required to assess cumulative impact and hence its Environment Statement (ES) assesses cumulative impact of several other proposals in the Slyfield project, including the Burpham Court Farm application.

How each of the schemes is assessment in the Environment Statement is shown below:

<b>Planning Applications</b>	<b>Assessment within the ES</b>
<b>Weyside Urban Village</b>	The Proposed Development assessed in the main WUV ES report
<b>New STW</b>	Assessed cumulatively with the Proposed Development in WUV ES Volume 2
<b>New CRC and WRC</b>	Assessed cumulatively with the Proposed Development in WUV ES Volume 2
<b>Burpham Court Farm COU</b>	Assessed cumulatively with the Proposed Development in WUV ES Volume 2
<b>North Moors and Aldershot Road Allotments</b>	Incorporated into future baseline conditions assessed within WUV ES Volume 1
<b>Other existing and/or approved developments</b>	Assessed cumulatively with the Proposed Development in WUV ES Volume 2 Developments that are under construction or with discharged conditions are assessed as part of the future baseline within WUV ES Volume 1

# **1 Executive Summary**

## **1.1 Reason for Referral**

1.1.1 This application has been referred to the Planning Committee because it is a key project related to the adjoining Slyfield Area Regeneration Project (SARP) and is key to enabling the wider project A24 which is one of the largest strategic sites in the Guildford Borough Local Plan: strategy and sites (LPSS) 2019 and is the Council's main regeneration project.

## **1.2 Executive Summary**

1.2.1 This application has been prepared on behalf of Guildford Borough Council ('the Applicant') as land owner in support of the redevelopment of part the land allocated for the Slyfield Area Regeneration Project (SARP).

1.2.2 The application is for change of use to public open space/nature reserve, as a SANG itself is a function of areas which are within these land uses. The purpose of a SANG is to provide attractive green spaces for recreation in areas where development could bring increased visitor pressure on Special Protection Areas (SPAs) in accordance with adopted local plan policy.

1.2.3 Guildford is within the Zone of Influence of the Thames Basin Heaths Special Protection Area (SPA). The SPA was designated under the European Birds Directive in March 2005; it aims to protect important breeding populations of ground nesting birds. It includes 8,274 hectares (ha) of heathland across Surrey, Hampshire and Berkshire, covering nine different local authorities, including Guildford. As a result, SANGs are necessary as proposals for residential development come forward in Guildford. SANGs are a central element of the Council's Special Protection Area Strategy for the Thames Basin Heaths to reduce pressure on the SPA by providing attractive green spaces that people can use for recreation instead of the SPA.

1.2.4 The area identified for SANG is divided by a branch of the River Wey and Clay Lane and is found North of and adjacent to Slyfield Industrial Estate and areas allocated for the Slyfield Area Regeneration Project. The area identified for SANG is also located north east of the Weyside Urban Village (WUV) site, which is allocated in the adopted Guildford Borough Local Plan to deliver approximately 1,500 homes. An application on this site was submitted in December 2020 and is a later item on this agenda. It is anticipated that the area identified for SANG will assist considerably in providing mitigation for WUV and other development in the Guildford area before they are occupied to enable Guildford Borough Council to meet its housing need as set out in the adopted development plan.

## **1.3 Reasons for Recommended Decision**

1.3.1 The scheme complies with the requirements of National Policy (being an appropriate use in the Green Belt), local plan and the [Thames Basin Heaths SPA SPD](#). The proposals would preserve the openness of the Green Belt and the purposes of including land within it

1.3.2 With the suggested conditions unsuitable areas for a SANG-Open Space are excluded from the application, and a suitable car parking area included.

1.3.3 With these changes the site has demonstrated suitability for change of use to a SANG – open space with safe highway access.



- 1.3.4 There would be less than significant harm to the setting of Burpham Court Farm Cottages from the use of the derelict pigsties, however this is outweighed by utilising a brownfield location for the car park as other locations would result in a loss of habitat in a sensitive area. This location is supported by a number of nature conservation consultees. Adequate screening can be provided through the landscaping condition.
- 1.3.5 There are no other significant material considerations.

## **Formal Recommendation**

That this application be **GRANTED** subject to securing a planning obligation with the heads of terms as set out in Appendix 1, and subject to the conditions set out in Appendix 2, for the reasons set out in section 1.31.-1.3.5 above and expanded on in the body of the report.

That the Head of Place (or person with acting authority thereof) is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions and/or informatives) prior to a decision notice being issued, provided that the Head of Place (or person with acting authority thereof) is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee, where necessary in consultation with the Chairman of the Planning Committee and lead Ward Members for Stoke, Worplesdon and Burpham Wards.

That upon completion of the planning obligation, the application be determined by the Head of Place.

That if negotiations on the planning obligation are not successfully concluded within six months of the date of the committee decision the Head of Place (or person with acting authority thereof) be authorised to refuse the scheme on grounds lack of provision of the matters that would have been secured in the heads of terms set out in Appendix 1.

If the application is granted regulation 30 of the Environmental Impact Assessment Regulations 2017, which sets a duty on the local planning authority to inform the Secretary of State, consultation bodies and the public of the final decision, shall be complied with.

### 3 Relevant Planning History

3.1.1 An online review of planning history reveals no relevant planning applications on the site. Notable planning history adjacent to the site includes:

Planning reference	Description	Decision
20/P/00725: Burpham Court Farm, Clay Lane, Jacobs Well, Guildford, GU4 7NA	Proposed change of use of existing agricultural building to form a single residential dwelling, with associated access, landscaping, amenity space and parking (Amended description and amended plans received 19/08/2020).	Approved Fri 19 Mar 2021
<b>Ref 20/W/00060, dated 27 April 2020</b>	<p>The development proposed is described in the application form as 'conversion of existing agricultural buildings (referred to as buildings 1 to 4) to form 4 no. residential dwellings'</p> <p>The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') for the conversion of existing agricultural buildings to form four dwellinghouses (use class C3) and associated building operations at Burpham Court Farm, Clay Lane, Jacobs Well, GU4 7NA in accordance with the terms of the application Ref 20/W/00060, dated 27 April 2020, and subject to the conditions set out in the attached schedule.</p> <p>'The proposals would not, whether considered individually or cumulatively, amount to a rebuild of the existing buildings that goes beyond what is reasonably necessary for conversion to residential use. Furthermore, the works would not amount to either a complete or substantial re-building of the pre-existing structures, or in effect, the creation of a new building or buildings.... The proposed building operations would be reasonably necessary to convert the buildings to dwellinghouses and would fall within the scope of works allowed under Class Q (b).'</p>	<p>Appeal Allowed 15<sup>th</sup> Sept 2021</p> <p>Appeal Ref: APP/Y3615/W/20/3265437</p>

### 4 Consultation

4.1.1 The following bodies and residents were consulted, where no reply has been received this is indicated.

- Woodland Trust
- Surrey Wildlife Trust, The Old School

- National Trust - Wey Navigation
- Worplesdon Parish Council, Unit 2 Beaufort, Parklands
- Natural England
- Guildford Society
- Surrey County Council Highways
- SCC SuDS Team
- Thames Water Development Control (Planning) – No reply
- Forestry Commission – No reply
- Tim Holman Tree Officer – No reply
- Campaign to Protect Rural England – No Reply
- SANGs Officer – No Reply
- Stephen Cake - Designing Out Crime– No Reply
- Andrew Taylor – Surrey Hills AONB -No Reply
- Geoff Monck – Trees Officer - No Reply
- Planning Policy – No Reply
- Parks & Countryside –
- Design & Conservation -No Reply
- Hankinson Duckett Associates
- Burpham Court Farm Cottages are Willow Tree Cottage and Moles Cottage – No reply

## **5 Consultation Responses**

5.1.1 Many of the responses referred to an original SANG concept design submitted in December 2021. Since then, there has been engagement with Natural England and GBC Parks and Countryside to revise the SANG Concept and a revised plan was submitted in September 2021. The SANG concept plan will need to be refined in relation to conditions imposed by this consent and a condition proposes the completed design be submitted for approval by Natural England and the LPA. This will be subject to condition.

### 5.1.2 Statutory Consultees

#### **5.1.3 Natural England – No Objection to SANG application alone**

As submitted, this application itself does not include residential development and would not have likely significant effects on the Thames Basin Heaths Special Protection Area (SPA) through increased recreational disturbance. Therefore Natural England have no objection to this proposal as a standalone application.

However, if any dwellings were to come forward wishing to use this site as their SPA mitigation then Natural England would currently object to this. The individual 'bespoke' proposals for avoidance and mitigation measures offered with this proposal are not considered to be appropriate because there is currently insufficient information to enable certainty that the use of this SANG to provide mitigation will be effective in ensuring no likely significant effect arising from recreational impacts to Thames Basin Heaths SPA.

Natural England advises that further information is required from the applicant to enable certainty that there will not be a significant impact upon the SPA from any developments wishing to use this SANG. We advise that further information is sought on:

- The exact length of primary circular walk. The requirement for a SANG is a minimum of 2.3km and this application states that it would be 'approx 2.5km+' which is fine but we would need to know the distance exactly;

- A SANG Management Plan containing information on the proposed long term management, costs and funding of the SANGs for in perpetuity (who will management ultimately default to, Natural England's preferred option would be the LPA);
- An agreement from Land Trust that they intend to manage the SANG in perpetuity if this is the case and wording included regarding step-in-rights. Alternatively, we would need confirmation that Guildford Borough Council agrees step-in-rights.
- Information on which areas will be discounted from the SANG due to noise being above 60db, areas for birds and flooding (if people cannot access certain parts of the SANG all year round). We would need to know the total hectareage of the site once the discounted areas have been taken into account.
- Information on which option will be taken as a result of the noise assessment to ensure no noise is above 60db due to its location adjacent to the A3 and its potential to disturb SANG users.
- Information on the car parking. Natural England want it officially recorded that a minimum of 32 car parking spaces will be required for this SANG, not the 12 spaces recorded elsewhere. Ordinarily the rule of thumb would be one space per hectare of SANG, however we accept a modest reduction here as some of the housing attributed to the SANG will be within 400m of the SANG and thus walking distance. Please re-consult Natural England once this information has been obtained.

#### **5.1.4 Surrey County Council Highways – Require More Information**

I refer to the above planning application upon which you have requested our consideration of the highway and transport issues. I am currently considering this application alongside the Transport Assessment submitted as part of the Weyside Urban Village application (20/P/02155). As a result of considering the applications together, the full response for this application will be slightly delayed. However, in the meantime, I have the following comments:

1. Please could you clarify whether the layout of the proposed SANG, including the specification and alignment of the proposed pedestrian pathways, subject to this application? The Transport Statement submitted suggests that the layout of the site is to be determined by a future detailed design application.
2. The proposal includes public access on both sides of Clay Lane and subsequently a crossing facility should be provided, as concluded by the Transport Assessment. However, I do not consider that this matter can be deferred for detailed approval at a later date as we cannot otherwise determine whether it is fundamentally acceptable. On this basis, I think a crossing location must be set out at this stage, and be subject to a design assessment and Road Safety Audit. The proposed car park access should also be safety audited. SCC can arrange this and add it to the list of Safety Audits being undertaken as part of the Weyside scheme, but this will delay our response on this application considerably.

#### **5.1.5 Surrey County Council –Flooding**

As there is no change to the existing drainage or surface water regime, we would have no further comments

The Flood Risk Assessment by Stantec refers to footpaths and carparks that are to be included within the SANG; these elements will require design some form of drainage that does not increase surface water flood risk on or off site. No details have been submitted within this application. There appears to be opportunity to accommodate sustainable drainage systems (SuDS) within the site. Consideration should be given to including SuDS where possible.

#### 5.1.6 Internal Consultees

#### 5.1.7 **GCC Conservation Officer**

The application seeks consent for the change of use of 45.9 hectares of agricultural land to publicly accessible open space and Nature Reserve to facilitate a Suitable Alternative Natural Greenspace (SANG).

The area identified for SANG is sited approximately 3km north east of the centre of Guildford. The site is of an irregular shape and is divided by a branch of the River Wey and Clay Lane and adjoins the Slyfield Industrial Estate to the south. A small enclave of properties known as Burpham Court Farm are situated toward the north of the site.

There are a couple of designated heritage assets that have been identified as having the potential to be impacted by the proposed change of use. These are namely:

- Wey and Godalming Navigations Conservation Area;
- Burpham Court Farm

Each heritage asset has been assessed individually and this is reflected in the following comments.

##### *Wey and Godalming Navigations Conservation Area*

###### Description

The proposed development site sits adjacent to the Wey and Godalming Navigations Conservation Area (WGNCA) which, as its name suggests, is a conservation area that is dedicated to the Wey and Godalming Navigations. The Navigations is a long and sinuous inland canalised waterway. In total it provides a 20-mile continuous navigable route from the River Thames at Weybridge, all the way through to Godalming, via Guildford, entering and exiting Guildford Borough at Wisley and Peasmarsh respectively. It passes through a rich tapestry of varied landscapes as it traverses the borough, ranging from tranquil flood plain meadows through to the bustling urban environment of Guildford Town Centre.

The waterway was opened in two sections. The course between Guildford and Wisley, running all the way through to the Thames is historically known as the Wey Navigation and was completed in 1653, making it one of the earliest rivers to be made navigable in England. Whilst the southern extension, the Godalming Navigation, was seamlessly added in 1760. The purpose of its conception was to provide a more efficient and practical means of transportation between Guildford, London and beyond, particularly for commercial traffic. Of particular note the route has facilitated the transportation of timber and stone to London following The Great Fire in 1666, including construction materials (stone) for St Paul's Cathedral, as well as providing a safe conduit for the shipment of gunpowder from Chilworth Powder Mills.

Today it is valued as a multifunctional asset fulfilling important amenity, biodiversity, transport, leisure and recreation roles. It also forms an essential part of the borough's green infrastructure network and makes a fundamental contribution to the landscape quality and character of the borough.

A couple of pieces of notable canal infrastructure that can be found along this particular stretch of the Navigations which is considered to contribute and enrich the significance of the Conservation Area are Stoke Lock and its associated Lock-keepers Cottage. Stoke Lock as seen today was opened in 1653 having been constructed from some reclaimed stone from one of Henry VIII's palaces and is noted as being the oldest lock in Surrey. It is thought, but as yet, no conclusive proof, that it could possibly be the oldest lock in the country. The lock-keepers cottage, sited on the NW bank of the lock, dates from 1882 and replaced an earlier building.

### *Setting*

Originally, the Navigations setting of the section that is most relevant to this application, would have comprised of rural open countryside on both sides (NW & SE) with possible views towards nearby isolated farmsteads. Nevertheless, over the past few centuries, as a consequence of industrialisation and population growth, this setting has undergone notable change, specifically on its NW bank. Initially from the advent of the STW that is located within the application site, but also as a result of Guildford's suburban expansion, which has yielded a significant amount of housing in this area. Despite being in such proximity to these new additions to the landscape the Navigation bank is naturally planted with trees and vegetation, and there are only a small number of instances where existing structures are legible or partly legible in view from the towpath.

In contrast, the Navigations setting along its SE bank has, certainly in the visual foreground, remained rather bucolic with the retention of adjoining mature water meadow and woodland which is now an 80-hectare nature reserve, however the background noise of the nearby A3, which sits approximately 250m away, serves as a reminder that this not a totally rural setting. Taking into account the above the conclusion is the character of this part of the Navigations is probably best described as being urban-rural fringe.

### *Significance*

The significance of a heritage asset is defined by its archaeological, artistic, architectural and historic values. In the case of the Conservation Area this can be summarised as follows:

#### Artistic and Architectural

- Represents a locally valuable and environmentally sensitive water corridor
- The area's natural qualities and character subtly and harmoniously combine with the prevailing remnants of the industrial revolution
- Retention of key pieces of canal infrastructure
- The Lock-keepers cottage is a good example of local vernacular architecture

#### Historic

- WGNCA instrumental in continuing and enhancing Guildford's prosperity – enabling an efficient and quicker way of transporting goods thereby encouraging both industry and agriculture
- Both the WGNCA and Stoke Lock, by virtue of their early technical innovation as pioneering examples of canalisation

The National Trust who are custodians of the waterway have produced their own Statement of Significance for the Navigations which states:

“The Wey Navigations is nationally significant as one of the earliest waterways to be made navigable which, when combined with the Godalming Navigations, form the southernmost extremity of the Inland Waterway network. Together the Navigations represent a locally very important and environmentally sensitive corridor through Surrey, linking heavily populated and commercially developed suburban areas with open countryside. The corridor offers unique opportunities for informal recreational enjoyment, educational development and historical enrichment by a wide range of visitors and users. The development and use of the Navigations over the past 350 years has significantly influenced local history, commerce, townscape and landscape throughout the valley of the Wey from Godalming to the Thames at Weybridge.”

#### Impact on Significance

The proposed change of use allows for the retention of the existing rural landscape character that is experienced along this stretch of the Navigation, and as such would not detract from the adjoining conservation area. Given this, and the modest level of

infrastructure required, I am satisfied that proposal would not harm the setting or the significance of the WGNCA.

### *Burpham Court Cottages*

#### Description and Setting

Nos 1 & 2 Burpham Court Cottages are pair of fairly modest and unassuming 2 storey cottages which date back to the early 17th Century, that are located within and historically associated with the Burpham Court farmstead. It is believed that the parts of the farmstead date back to the 11th Century, with the earliest building on the wider site not appearing until the middle of the 17th Century, when the 1768 John Rocque Map of Surrey illustrates boundaries of fields and buildings marked as Burpham Farm. In addition to the cottages the farmstead also included the farmhouse, and a number of historic outbuildings and agricultural buildings. The farmhouse and the outbuildings are situated fairly centrally, whilst the cottages are located on the western side of the complex, immediately adjacent to the River Wey Navigation. The farmstead's configuration consists of linked ranges formally arranged around a couple of yards, which is a fairly common arrangement for estate farms, as this once was.

With regards to the cottages, historic records indicate that No.2 Burpham Court Cottage now occupies the original 17th century structure, whilst No.1 Burpham Court Cottage is largely contained within a late 19th Century extension that was undertaken under Lord Onslow's ownership of the site.

The 17th century section of the property is identifiable by its timber framed construction (parts of which are still externally exposed on the property's north elevation) and red brick infill, whilst the 19th Century addition is solely of brick construction. Both sections are covered over by a plain tiled pitched roof, however the 19th Century section is made more discernible as a result of its hipped form. Articulating this roofscape is a total of three brick chimney stacks.

The overall built form of the cottages, following their subdivision at the end of the 19th Century, remains intact and clearly legible, and the integrity of the historic fabric and exterior treatment remain essentially intact. The cottages exhibit a variety of window and door styles which suggest these have been replaced at various times.

The listing description reads as follows:

*Cottages. Early C17 with C19 extensions to right end. Timber framed centre and left on rendered plinth, exposed with brick infill, red brick extensions to right. Plain tiled roof hipped to right and over extension. Two storeys. 3 framed bays with extension projecting to front right. Front ridge stack to left, end stack to right. 3 casement windows in first floor centre left, one larger casement window to right of centre, one 3-light cambered head casement to first floor right. 3 casement windows to ground floor, with one single arched casement window to right. Single storey, low pitched gable extension projecting to left with C20 planked door under pentice drip course. (No. 2). Further door to right hand return front (No. 1).*

#### *Significance*

*The significance of a heritage asset is defined by its archaeological, artistic, architectural and historic values. In the case of the Burpham Court Cottages this can be summarised as follows:*

- *Good example of early 17th century domestic vernacular architecture*
- *A domestic structure that forms part of a legible historic courtyard 'E' plan estate farmstead with medieval origins - Opportunities to recognise, understand and appreciate their contribution to the collection of buildings*



### *Impact on Significance*

In one sense there is a concern that the proposed change of use from agricultural to a SANG does start to dilute the farmstead setting of the cottages, particularly the land to the south, which has had a long historical association with the farmstead, thus weakening the overall historic narrative. Despite recent development works to and around the farmstead, including conversion of outbuildings to domestic use, the arrangement of the agricultural grouping and their relationship with the surrounding land, including 'farmland' continues to be perceptible. Nevertheless, it is acknowledged that the proposed change of use would allow for the retention of the existing rural landscape character, albeit in a slightly modified way.

The main areas of modification would be the provision of formalised walking routes; seating and rest stops; interpretation boards and signage, and carparking. All of these are features which are not typically associated with farmland, but in most instances would not necessarily be too discernible in views to be of concern, particularly once the landscape becomes more established over time. The exception to this is the proposed carpark. This is shown to be sited close to the Burpham Court Farm boundary, approximately 50m south of the statutory heritage asset, and would also be accessed through the complex

Paragraph 5.27 of the supporting Planning Statement states that the maximum capacity of the car park would be 12 spaces, however this is contradicted by the supporting Heritage Statement which indicates in paragraph 4.10 that the proposals are for a minimum of 12 car parking spaces but goes on further to say that this is expected to increase to approximately 30 car parking spaces.

Based on the indicative plans provided, the introduction of a formalised carpark in very close proximity to the listed cottages, along with the proposed convoluted route of access as illustrated in the indicative plan is of significant concern for the following reasons:

- Increase traffic and movement through the historic farmstead and alongside the listed cottages
- The imposition of formal parking and ensuing parked vehicles with the setting
- The dilution of formal courtyard plan as a result of the meandering vehicular access

Given all of the above I have to conclude that proposed change of use would result in harm to this statutory designated heritage asset. When assessing 'harm', current good practice is to firstly identify whether the harm is substantial or less than substantial and to then consider it against a spectrum, ranging from low to high. With that in mind, and given all that has been discussed above, I would conclude that the degree of harm caused to this asset would be classed as less than substantial. However, in terms of where on the spectrum it would fall, this is pretty difficult to conclusively determine. The harm resulting from the change of use by itself would certainly be at the lower end of the spectrum, however, given that certain infrastructure (paths, car parks, etc...) is required in order to implement, then I find myself concluding that the harm will undoubtedly increase, more so if the parking capacity is increased.

Nevertheless, as harm has been identified this means that paragraph 202 of the NPPF needs to be engaged, with the resultant harm being weighed against the public benefits of the proposal.

### 5.1.8 GBC Parks and Countryside

Thank you for the opportunity to provide comments on the updated SANG concept plan dated 10/06/2021 that has been made available on 22/09/2021.

Several issues regarding the SANG development were raised by the Parks Section, including SANG Officer and Tree Officer. Those were submitted as a draft document to Planning on the original submitted concept plan dated 17/12/2020.

The Countryside team had concerns that the concept plan (17/12/2020) for the layout at Burpham Court Farm SANG impacts negatively on existing biodiversity and misses opportunities to protect and enhance wildlife habitat through Biodiversity Net Gain.

It was also doubtful that the proposed access network adequately addresses issues with future management and maintenance, including likely visitor movements, user conflicts, infrastructure safety and maintenance. The SANG layout should be considered within the wider SANG Network in the area, building on connections with already existing SANG.

The Parks and the Countryside Team recommended several adjustments to make the SANG proposal acceptable in planning terms and we have welcomed the opportunity to take part in discussions with the developer to address the concerns. This is reflected in the new concept plan dated 10/06/2021.

We welcome the opportunity that the site provides for Wey Valley habitat improvement works and partnership programmes under the umbrella of the Wey Landscaped Partnership.

Burpham Court Farm has, as Council owned site, the potential to set an example on implementation of policies of support the Governments Environment Plan and emerging Biodiversity Net Gain policies.

Key objectives in line with the Guildford Council's adopted Countryside Vision:

- Minimise disturbance to wintering wader habitat in middle part of site (South of Clay Lane)
- Maximise opportunity to create new wintering wader habitat on site North of Clay Lane
- Avoid changes to northern ridge and furrow
- Enable fish bypass channel
- Protect veteran trees (protect root zones, aim to reduce water logging)
- Create access for SANG and link into opportunities to develop a "super SANG" through existing SANG network
- Design new infrastructure with the aim to retain a natural environment, minimise urbanisation and long-term maintenance requirement

*Design principles:*

- Utilise/ upgrade ditch system for water level management and visitor management
- Use footpath system to provide larger SANG route utilising Riverside (as this is the obvious access route from WUV).
- Keep footpaths on higher elevations to avoid flooding and minimise impact on flood plain
- Provide new river crossing at location of weir
- Minimise disturbance from north / south path
- Plan in potential need for additional car parking. Use location that draws people away from sensitive areas.
- Design site for management with conservation grazing in western part of site and north of clay lane.

*Development of the new concept plan:*

GBC Parks and Countryside welcome that the following proposed amendments have been addressed in the new concept plan (10/06/2021) in discussion with Natural England.

1) Southern Part of BCF:

Locate bridge crossing in a location near the existing weir.

Reasons: To reduce disturbance to overwintering waders using wetland scrapes in the middle of the site. Utilise existing foundations. Provide circular SANG route.

2) Land North of Clay Lane:

Redesign access to provide additional access through southern wooded part and remove access to the northern part.

Reason: To provide access to woodland habitat and create variety of site experiences, including nature watching opportunities. Create wetland scrapes and wintering wader habitat in northern part of this site through biodiversity net gain. To provide habitat enhancement and mitigation for potential disturbance in middle part of BCF.

3) Mature/ veteran trees:

Locate footpaths away from important trees (i.e. min 15m+)

Reason: To protect and improve health condition of mature/ veteran trees

*Further recommendation for SANG Management Plan:*

The Parks and Countryside Section made further recommendations that should be considered in the development of the detailed SANG management plan and would welcome the opportunity to be consulted in the development of the plan.

1) Car Parking: We recognise the constraints in relation of the car park location. We would like to see further communication on the car park design with this department so that any impacts on the site, including operational constraints and visitor movements can be managed through design.

2) North/ South cycle route:

This route should be located close to the western site boundary.

Reasons: To reduce disturbance to overwintering waders using wetland scrapes in the middle of the site, use of land form to ensure path does not flood, protect mature/veteran trees.

3) Management through conservation grazing:

It would be beneficial to clarify conservation grazing areas in the site design and management plan.

7) Access: There are further access opportunities from the public footpath adjacent to the industrial estate and Parish Council Field.

8) Trees: Consider adjusting and clearing ditch network, so that water levels can be controlled and water logging to trees can be reduced without compromising wader habitat.

9) Biodiversity Net gain areas: We would welcome further discussion about the suitability of BNG proposals for the long term vision of habitat development on site.

### 5.1.9 HDA Landscape – GBC Specialist Landscape Advisors

This is a full application, but the proposals are presented only in outline (e.g., it is evident that the proposals are at an early stage in the design process given the title of the only drawing showing the proposals which is “indicative SANG concept plan”). To ensure that a SANG can be delivered on this site, an initial detailed site quality checklist, based upon Natural England’s SANG twelve criteria (2008) of ‘must/should haves’, should be provided (in much greater detail than addressed at paragraph 5.7 of the Planning Statement). It is imperative for the application to demonstrate that the site is fit for propose as a SANG, for example, would flooding issues, noise levels (generated by traffic on the A3 and Clay Lane) or the need for biodiversity exclusion areas, limit the amount of land available for SANG purposes. Following on from the checklist, the application should also be supported by detailed hard and soft landscape plan(s) (based upon the topographical survey used for the Tree Constraints Plan) and a SANG management plan, including ‘in perpetuity’ maintenance costs.

The following issues require resolution prior to any planning approval:

- a. Access from the southern end of the SANG to link to WUV – A pedestrian connection needs to be resolved relative to the proposed waste recycling centre, the Ancient Woodland (and its 15m non-development buffer), retention of tree T63 and woodland G58.
- b. Given that people will naturally gravitate towards the river, to walk along its banks, the applicant needs to confirm if this would be in conflict with ecological objectives and whether any means of resisting/controlling access will be required?
- c. Access to the car park – Demonstration that there will be no impact arising from widening the access track on trees T454, T455 and T457 (all Category B) or submit designs for no-dig construction methods in the Root Protection Areas (RPAs) of these trees.
- d. The proposed car park would utilise the footprint of former cattle sheds [sic piggeries], which is commendable as no new areas of hardstanding would be introduced into the site.

However, there are concerns that the car park is not big enough (guidance of 1 space per hectare of SANG), therefore where will the additional parking be located and would it be preferable to split provision so its visual intrusion is reduced?

- e. There are also concerns that given the car park’s distance from Clay Lane it would be difficult to keep it under surveillance from the road (though its proximity to buildings at Burpham Court Farm would provide some natural surveillance, but also the potential for disturbance to these residents). The applicant will need to demonstrate that car park security has been adequately addressed, either through installation of CCTV, or management to close the car park at dusk. There is also the potential that the existing Jacobs Well village hall car park will be utilised by SANG users, but this is unlikely to be acceptable to the parish council, unless some agreement is put in place (for upkeep).
- f. A vehicle height restriction barrier should be included on the access to the car park. If the car park access is also proposed for use by maintenance vehicles, details of how potential conflicts with a height restriction barrier would be overcome should be provided.

- g. Investigate other potential pedestrian accesses into the SANG to improve accessibility from the surrounding area, e.g., from Footpath 438 where it joins the northern end of North Moors, or from Harry's Memorial Field behind Jacobs Well village hall.
- h. Pedestrian access is proposed from Bowers Lane over a bridge owned by the NT, therefore their agreement for its use/upkeep should be secured.
- i. Confirmation is required from the applicant that the 2.5km SANG route can be accommodated in areas with noise levels below 60 decibels or whether mitigation will be required to enable this. If mitigation is required, details of this will be required (e.g., fencing along the A3 is likely to be detrimental to motorists' current views of roadside vegetation).
- j. The SANG will need to be accessible to dogs off the lead. If areas need to be fenced off for biodiversity enhancement purposes (e.g., protection of ground nesting birds), then wire pig netting will need to be attached to the post and wire fencing. The excluded areas could not be counted towards SANG provision.

Access into the fenced off areas will still be required for maintenance operations.

- k. Crossings of river – Would the crossing to the south-west of the car park utilise the existing concrete bridge (is it fit for purpose?) or is a new bridge proposed?

Submit proposals for new bridges, if any, for example, to north-west of weir.

- l. Fish pass – Design details to be provided (and confirmation that these are acceptable to the Environment Agency), including how the fish pass is to be bridged (twice) by the SANG route. The proposed position of the fish pass should avoid the removal of the trees at G611.

- m. The FRA confirms that the site is within Flood Zone 3, therefore details are required to demonstrate that the proposed SANG route would be accessible all year round, e.g., large lengths of the route may need to be accommodated on boardwalks and these will need to be designed with safety constraints and 'in perpetuity' maintenance costs in mind.

- n. Potential impacts from the relocated SWWTW on the attractiveness of the SANG cannot be considered until the planning application is forthcoming. This will include potential visual effects and reference to an odour assessment.

- o. Do the practicalities of providing a pedestrian crossing of Clay Lane make the SANG north of this busy road feasible? This parcel of land does not contribute to the 2.5km SANG route, therefore is it required to provide the necessary SANG capacity?

- p. Verification of potential secondary circular walk route through the woodland belts of W712 and W713 to the north of Clay Lane to minimise impact on RPAs.

Issues raised by NE and NT should also be addressed.

Provision of the information requested above is required before a judgement can be made that the site subject of this application is suitable for use as a SANG

### 5.1.10 GBC Tree Officer

I can confirm having reviewed the submitted arboricultural documentation and visited the site, I raise no objection to the proposal for the change of use from agricultural land to publicly accessed open space and Local Nature Reserve to facilitate a Suitable Natural Greenspace (SANG).

A Detailed Arboricultural Statement that has assessed the trees and woodland at Burpham Court Farm and surrounding farm land, has been submitted.

The detailed survey identifies 325 individual trees, 64 tree groups containing around 286 significant trees, 7 woodland groups and 2 hedges.

The report also highlighted a number of veteran trees of high value and remnant ancient woodland features.

In regard to ancient trees and woodland paragraph 180c of the NPPF states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'

The Forestry Commission and Natural England Standing Advice on Ancient Woodlands and Trees recommends that a 15 metre buffer be retained between the edge of ancient woodland and any proposed development.

A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.

The report highlights that all trees of value can be retained and only the removal of a small number of trees maybe necessary for footpath access.

To ensure the necessary protection to all retained trees and woodland (buffer zones, no-dig construction of paths etc) a detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) will need to be submitted, once finalized plans are agreed. This should be in accordance with the British Standard 5837:2012.

If planning is approved, an appropriate condition will be required to secure the AMS and TPP.

Eg.

*No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan, in accordance with British Standard 5837:2012, has been submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the agreed Arboricultural Method statement and Tree Protection Plan.*

*No development shall commence until a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the LPA Tree Officer.*

*Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the tree protection measures need to be checked prior to the development commencing to ensure they are adequately installed.*

There will also need to be a long-term management plan for trees and woodland. A separate condition will be required to ensure the Woodland Management Plan is commissioned, implemented and updated when necessary.

## **5.2 Other Groups**

### **5.3 Woodland Trust – No Objection**

We have noted the application in question and the Arboricultural Statement submitted as part of this planning application. We consider that the Arb Statement has given strong consideration to the presence of both veteran trees and the candidate veterans that would be the successors to the existing generation of veteran trees. We note that the authors of the Arboricultural Statement, Treework Environmental Practice, have taken account of these trees and considered the appropriate planning guidance and policy related to veteran trees, including the need for buffer zones of 15 times the DBH / 5m beyond the crown (whichever is greater), as recommended in Natural England's standing advice and recognised by the Woodland Trust and Ancient Tree Forum.

As long as the proposals in question follow the guidance and practice suggested within the applicant's Arboricultural Statement and in standing advice, then the Woodland Trust has no objection to planning application 20/P/02173.

### **5.4 Surrey Wildlife Trust and Surrey Nature Partnership – Support**

Support proposal for its recreational and nature conservation benefits.

### **5.5 National Trust - Objection**

Summarised – full response on public access.

In principle the National Trust supports the proposal to create a SANG at Burpham Court Farm, which it considers to be an appropriate location for such use, consistent with the Trust's objectives for this stretch of the River Wey Navigation. However, the Trust has several reservations about the proposals.

#### *Biodiversity*

Most concerned about the inclusion in the SANG of the land to the north of Clay Lane. This area of land is of importance for wildlife and is largely undisturbed at present.

In the Ecological Appraisal submitted with the application it is recorded that this area has lowland mixed deciduous woodland, a priority habitat, and marshy grassland. The Ecological Appraisal also notes the presence of protected species including great crested newt, reptiles, reed bed birds, bats and barn owls. That being the case there is no doubt that increased recreational use, including dog walking, would be prejudicial to the habitats and protected species in this area. The Trust considers that the land north of Clay Lane should be excluded from the SANG and that consideration should be given to the inclusion of alternative, less sensitive blocks of land within the application site. The area to the north of Clay Lane should remain as a wildlife refuge, suitable for some of the more specialist species, such as otter.

The Trust has several suggestions to make as to how Biodiversity Net Gain might be achieved:

The presence of Cetti's warbler suggests that there is already some wetland, reed and marginal habitat of reasonable quality available. This should be retained, expanded where possible, and enhanced with measures to ensure that it remains wet for the majority of the year.



National Trust volunteers have identified at least 15 dragonfly and damselfly species on Trust-owned land in the River Wey catchment. This is almost certainly an underestimate (because of the limited number of surveys undertaken) and there should be an emphasis on creating high quality marginal areas for these and other invertebrates associated with this habitat.

Eel passes have been installed in parts of the Thames catchment downstream and it is thought that this species is present on-site in small numbers. However, the SANG is an opportunity to ensure that passes are installed, wherever possible, to enable eels to migrate from the main channel into surrounding ditches and wetland.

Otter was thought to have been seen in the initial biodiversity survey. This is a mammal that needs shelter and refuge from people and dogs and often uses quiet scrubby areas. Suitable sanctuary areas should be created and managed, where minimal human activity is permitted.

The National Trust has had experience of high-quality wildflower meadow restoration. Much of this work has been undertaken in partnership with specialists in the subject (e.g. Royal Botanic Gardens, Wakehurst/Millennium Seed Bank). A major contribution towards ensuring that the SANG is as flower-rich as possible would be to create high quality grassland even in the areas of high recreational use, by employing the most up-to-date techniques of seed collection, sowing and germination to maximise floristic diversity. which, in themselves, will be nectar sources for a large number of invertebrates.

- 5.5.1 A range of bat species use the flood plain. Probably the most important in this respect is *Nathusius' pipistrelle*. Every effort should be made to create suitable habitat and roosting areas for bats, with input from specialist bat workers who understand its requirements..

Where tree planting is possible the emphasis should be on those species that will thrive best on floodplains such as willow and black poplar. Provision should also be made for significant areas of the scrubby species such as hawthorn, which will provide refuges for songbirds and an invaluable source of nectar for many invertebrates.

#### *Flood risk and drainage*

The Trust notes that the flood risk assessment submitted with the application concludes that there would be no increase in flood risk as a result of the proposed use of the application site as a SANG. Given the proximity of the application site to the River Wey Navigation and the presence of outfalls from the site into the river the Trust needs to be satisfied that the flood risk assessment is robust and that its findings can be relied upon. Until such time as the Trust has completed its review of the flood risk assessment it must adopt a precautionary approach and give notice that it may seek the inclusion of further mitigation measures if it appears likely that there could be an increase in flood risk.

#### *Car parking and access*

The Trust has three concerns relating to car parking and access. The first relates to the level of parking provision in the proposed car park at Burpham Court Farm. Here 12 spaces are proposed which the Trust considers will be insufficient to accommodate the likely demand for parking at peak periods. To avoid casual parking in Clay Lane and the associated congestion and risk to highway safety it would be advisable for greater provision to be made in the new car park.

The second concern is about whether the existing car park in Bowers Lane will have sufficient capacity to accommodate visitors to both the Riverside SANG and the Burpham Court SANG. The Trust has its doubts that the existing parking provision can meet the future demand and is concerned that there will be increased on-street parking and traffic congestion at peak times. In addition, the Trust notes that access to the Burpham Court SANG from Bowers Lane is proposed over a National Trust-owned bridge. Whilst the Trust has no objection in principle to the use of this bridge by pedestrians such use can only be under the terms of an agreement between the Trust and the Borough Council to deal with liability for repairs and maintenance.

The Trust's third concern relates to the proposed pedestrian crossing on Clay Lane to access the northern part of the SANG. For the reasons set out above the Trust considers that the land north of Clay Lane should be excluded from the SANG in the interests of nature conservation. Under the current proposals people accessing this area would need to cross Clay Lane, which is a busy road leading to the A3. An informal crossing in this location would be potentially dangerous for anyone slow to cross the road so, if pedestrian access is required, there should be a formal crossing with traffic light control. A better resolution in the Trust's view would be to avoid the need for a crossing by excluding the land to the north from the SANG.

- 5.5.2 Over the last year or so the National Trust has enjoyed a productive working relationship with the Borough Council in the formulation of its proposals for Weyside Urban Village and the SANG. As part of this ongoing collaboration the Trust would welcome the opportunity to discuss the above issues with the Borough Council with a view to reaching a satisfactory resolution before the application is determined.

## **5.6 Local Groups**

### **5.6.1 Merrow Residents Association – Support**

Needs 32 parking spaces as stated by National Trust.

Clay lane is dangerous to cross and needs an underpass or bridge.

### **5.6.2 Worpleden Parish Council**

Clay Lane floods.

### **5.6.3 Guilford Society – Support**

a) Parking Provision does not appear generous enough, it should be improved.

b) The proposed Pedestrian Crossing should be provided but in the form of a underpass or bridge. Clay Lane is a busy road and having a crossing close to a bend is major risk.

c) The border between the Sang and the Exclusion Area for Biodiversity is not stated, how is this going to provided.

d) The Sang access point at the southern end needs to provide detail as to how a footpath/bike path will link into the Weyside Development and the Riverside Park.

## **5.7 Individuals**

- 5.7.1 21 representations received from members of the public. Many of these relate to and duplicate representations made on the accompanying Weyside Urban Village Application also considered on this agenda.

5.7.2 A Mr J Allen raises many technical points regarding the flood risk modelling and transport assessment and raises specific points about the adequacy of parking at Bowers Lane given proposals for yellow lines to secure emergency service access. Needs 10 parking spaces for canoeists and landing area.

5.7.3 One from a Mr Martin Kettell states:

*'I cannot support this proposal, since its principal aim seems to be as a SANG, in other words the provision of space for people and dogs to exercise. One of the factors that makes the site so special is the lack of disturbance in the main (western and southern) wetland area. The SANG concept plan shows footpaths surrounding this area, which will undoubtedly lead to people and dogs having access to much of the site.*

*The Ecological Appraisal seems fairly thorough but fails to sufficiently highlight the importance of Burpham Court Farm for wintering wildfowl. The site regularly holds the largest flock of Wigeon in Surrey during the winter months, as well as good numbers of Teal and Snipe. Rarer wildfowl often stop here too; in the last few months there have been records of Pintail, Shelduck and Russian White-fronted Goose. In the Spring, at least one pair of Lapwings usually attempts to breed.*

*All of these species (mostly red or amber listed) are acutely sensitive to disturbance. The current plan would bring people and dogs much closer to the pools and grassland in the centre of the farm, and without doubt these special birds would disappear.'*

5.7.4 A Mr M Weightman states:

*The land North of clay lane floods annually and can go from nothing to being completely underwater in 30 mins. As we know, it was the stress of this flooding, that caused the local farmer at Burpham Court farm to take his own life.*

*I have had livestock who have in the past needed rescuing from the land that has been proposed as a result of flooding. Given this, I don't know how it is feasible to put safe walkways around some of the areas. Further research would need to be undertaken to ensure it was safe for users, particularly the elderly and disabled.*

5.7.5 A Mr Guy Norman States:

*I ... fully support the protection of this remarkable and very beautiful area, and have no objection in principle to classification as "publicly accessible open space and Nature Reserve". However, documentation including the SANG Concept Plan submitted 17 Dec 2020 strongly suggests that it is likely to become a high-throughput recreational park rather than a Nature Reserve, and I have therefore indicated my stance as Object. In my view, protection of this site's ecological value requires strong measures to restrict human and dog access to most of the area, and the current plans do not ensure this.*

5.7.6 5 members of the public state 12 parking spaces (the number at Boyers Lane) is insufficient and this often overflows. Several mention the dangerous nature of the proposed crossing on Clay Lane.

## **6 Planning Policies**

### **6.1 Heritage Duties**

6.1.1 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.

6.1.2 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the

### **6.2 National Planning Policy Framework July 2021 (NPPF):**

6.2.1 The fourth revision of the National Planning Policy Framework (NPPF) published on 20th July 2021 sets out the Government's planning policies for England and how these are expected to be applied and is a material consideration in determining the application. In assessing and determining planning proposals, the local planning authority should apply the presumption in favour of sustainable development, which is the main focus of the NPPF in relation to both the plan-making and decision-making process (para. 11). It states that this means 'approving development proposals that accord with an up-to-date development plan without delay.'

6.2.2 However, the presumption in favour of sustainable development does not apply in a number of defined cases relating to: habitats sites (europa sites – european designations) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty,; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change. Of these the following applies to parts of the site: Green Belt, Wey and Godalming Canal Navigation Conservation Area. In addition in terms of international sites, such as the Thames Basin Special Protection Area: the NPPF states (para 182) '*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*'

6.2.3 The sections of the latest version of the NPPF can be found below.

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- [1. Introduction](#)

Paragraphs 1 to 6

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- [2. Achieving sustainable development](#)

Paragraphs 7 to 14

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- [3. Plan-making](#)

Paragraphs 15 to 37

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- [4. Decision-making](#)

Paragraphs 38 to 59

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- **[5. Delivering a sufficient supply of homes](#)**  
Paragraphs 60 to 80

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  - **[6. Building a strong, competitive economy](#)**  
Paragraphs 81 to 85

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  - **[7. Ensuring the vitality of town centres](#)**  
Paragraphs 86 to 91

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  - **[8. Promoting healthy and safe communities](#)**  
Paragraphs 92 to 103

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  - **[9. Promoting sustainable transport](#)**  
Paragraphs 104 to 113

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  - **[10. Supporting high quality communications infrastructure](#)**  
Paragraphs 114 to 118

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  - **[11. Making effective use of land](#)**  
Paragraphs 119 to 125

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  - **[12. Achieving well-designed places](#)**  
Paragraphs 126 to 136

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  - **[13. Protecting Green Belt land](#)**  
Paragraphs 137 to 151

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  - **[14. Meeting the challenge of climate change, flooding and coastal change](#)**  
Paragraphs 152 to 173

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  - **[15. Conserving and enhancing the natural environment](#)**  
Paragraphs 174 to 188

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  - **[16. Conserving and enhancing the historic environment](#)**  
Paragraphs 189 to 208

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  - **[17. Facilitating the sustainable use of minerals](#)**  
Paragraphs 209 to 217

6.2.4 In particular para 180 (d) of the NPPF states:

‘developments whose primary objective is to conserve or enhance biodiversity should be supported’

### **6.3 Guildford Borough Local Plan: strategy and sites (LPSS) 2019:**

6.3.1 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).

- S1 Presumption in favour of sustainable development
- H1 Homes for all
- H2 Affordable homes
- P4 Flooding, flood risk and groundwater protection zones
- P5 Thames Basin Heaths Special Protection Area
- D1 Place shaping
- D2 Climate change, sustainable design, construction and energy
- D3 Historic environment
- ID1 Infrastructure and delivery
- ID3 Sustainable transport for new developments
- ID4 Green and blue infrastructure

6.3.2 In April 2021 the Council agreed to review the LPSS to include a full update and reassessment of the relevant evidence used and other factors including regeneration, demand for retail/commercial property, impact of the pandemic, loss of A3 widening scheme, infrastructure delivery, declaration of Climate Emergency and the Planning Bill. This review is at a very early stage and no draft plan is published, and therefore the NPPF would accord the review limited weight.

6.3.3 The site is indicated as site SANG 5 Strategic Suitable Alternative Natural Green Space (SANG) Burpham Court Farm, North Guildford In appendix 6 Infrastructure schedule of the LPSS.

### **6.4 Evidence base:**

- Land Availability Assessment (LAA) 2020
- Open Space, Sport and Recreation Assessment 2017
- The Guildford Borough Traveller Accommodation Assessment (TAA) 2017
- West Surrey SHMA Guildford Addendum Report (SHMA Addendum) 2017
- West Surrey Strategic Housing Market Assessment (SHMA) 2015
- Green Belt & Countryside Study 2013

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

6.5.1 Following the adoption of the LPSS, until the Local Plan: Development Management Plan Policies DPD is produced and adopted some of the policies (parts of the policies) contained within the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) remain part of the development plan.

- G1 (3), (4), (8), (11), (12) General Standards of Development
- G5 (2), (3), (4), (5), (7), Design Code
- (8), (9)
- NE4 Species Protection
- E5 Dev. Affecting Trees, Hedges & Woodlands

**6.6 South East Plan (SEP) 2009: (as saved by CLG Direction)**

NRM6 Thames Basin Heath Special Protection Area

**6.7 Supplementary planning documents:**

- Climate Change, Sustainable Design, Construction and Energy SPD 2020
- Planning Contributions SPD 2017
- [Thames Basin Heaths Special Protection Area SPD 2021](#)
- Guildford Landscape Character Assessment 2007
- Vehicle Parking Standards SPD 2006
- Residential Design SPG 2004
- Surrey Design 2002

**6.8 Other guidance:**

- Surrey County Council Vehicular and Cycle Parking Guidance 2018

**6.9 Designations relating to the Site**

- 6.9.1 The application site is entirely within the Metropolitan Green Belt. A large proportion of the site is located with Flood Zone 3, which is at the highest risk of flooding.
- 6.9.2 Most of the Site with the exception of the drier field in the north-east of the part south of Clay Lane and small parts of the fields in the western extent of the Site fall within the River Wey (plus tributaries) Biodiversity Opportunity Area (BOA). BOAs identify the most important areas for wildlife conservation in Surrey, where targeted conservation action will have the greatest benefit.
- 6.9.3 The River Wey - Woking SNCI passes through the site.

## **7 Planning Report**

### **7.1 Site Description and Context**

- 7.1.1 The application site is wholly within the greenbelt and is located approximately 3 km north east of the centre of Guildford. The site is of irregular shape and is divided by a branch of the River Wey and Clay Lane. To the south west is Slyfield Industrial Estate and an area of land that forms part of the Slyfield Area Regeneration Project (SARP), which is allocated for mixed use redevelopment, including approximately 1,500 new homes, under Policy A24 (SARP) of the adopted Local Plan (April 2019). Weyside Urban Village (WUV) forms part of the SARP site.
- 7.1.2 Other land uses in close proximity include the Riverside Park Local Nature Reserve and existing SANG, Bowers Lane allotments and the community of Jacobs Well which forms a northern suburb of Guildford. The residential part of the WUV site is a short distance to the south. The site area is approximately 46 hectares, though not all of this is suitable for full SANG use.
- 7.1.3 The site is currently greenfield land comprising areas of pasture and marshy grassland grazed by cattle to the south of Clay Lane. To the north is an area of marshy grassland and woodland. Many trees and hedges are found within the site with a dense tree belt on the western boundary. The southernmost part of the site is defined as Local Nature Reserve and as a Site of Nature Conservation Importance (SNCI).
- 7.1.4 The River Wey is a dominant feature of the site, which has existing wetland features. A large proportion of the site falls within Flood Zone 3 and is at the highest probability of flooding. A Flood Risk Assessment accompanies the application.
- 7.1.5 The site is within the Zone of Influence of the Thames Basin Heaths SPA. At its nearest point, the SPA is located approximately 600m north west of the site.

### **7.2 The Proposed Development**

- 7.2.1 The proposal would require relatively small physical changes to the area, mostly improvements to access and some land management changes to facilitate access.
- 7.2.2 There are currently no public rights of way across the site, although footpath 438 to Jacobs Well fringes its eastern boundary. There is the Bowers lane footbridge which does enable informal access to the eastern part of the site.
- 7.2.3 The project would introduce a car park directly to the South of the existing farm, replacing an area of derelict cattle sheds.
- 7.2.4 A circular walk would be introduced in the part of the site south of Clay Lane with four entry points to walkers, off Clay Lane near Jacobs Well, at the western edge of the site linking to footpath 438, across the Bowers lane footbridge and at the southern edge of the site on the Wey navigation non towpath side linking to the riverside open space.
- 7.2.5 Various areas would be proposed for new planting including hedgerow restoration, and some areas would have restricted public access in order to enhance biodiversity net gain for the Weyside urban village application.
- 7.2.6 Various picnic areas and seating is proposed as well as signage.



### 7.3 Key Issues

7.3.1 The following are the key issues in this case:

- The Principle of Development
- Suitability of the Site as a SANG
- Noise
- Ecology and Biodiversity Net Gain
- Landscape and Trees
- Flood Risk
- Heritage Issues
- Loss of Agricultural Land
- Access and Highways

### 7.4 Principle of Development

7.4.1 The site is located wholly within the Green Belt. Criterion (3) of Guildford Borough Local Plan (GBLP) Policy P2 states that:

“Certain other forms of development are considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, and these are listed in the NPPF.”

7.4.2 Criterion e) of Paragraph 146 of the NPPF sets out that material changes in the use of land, such as changes of use for outdoor sport or recreation, are not inappropriate.

7.4.3 The proposed change of use would secure the land as publicly accessible open space for recreation and ecological enhancement, thereby preserving the openness of the Green Belt and does not conflict with the purposes of including this land within the Green Belt, in accordance with local and national policy.

7.4.4 A car park would have a small impact on reducing the openness of the Green Belt but would further the Green Belt acceptable use of outdoor recreation and is essential (required by SANG Guidance and Natural England) for a SANG of this size. Ecological use is not specifically listed in NPPF Para. 150 however the list (including open space) is not exclusive, stating ‘such as’ providing the key test of preserving the openness of the Green Belt and does not conflict with the purposes of including this land within the Green Belt, which these proposals meet.

7.4.5 Criterion (3) d) of GBLP Policy P5 sets out that proposals for new SANGs are unlikely to be acceptable unless agreed by Natural England.

7.4.6 The Thames Basin Heath Special Protection Area Strategy 2009 – 2016 and [Thames Basin Heaths SPA Avoidance Strategy 2021 SPD](#) both identify the site as a potential option for SANG. These documents also set out that Natural England has confirmed, in principle, that the site can meet the criteria for SANG in accordance with Policy P5.

7.4.7 It is considered that the principle of the proposed change of use for publicly accessible open space accords with national and local planning policy and therefore is an acceptable use of this site preserving the openness of the Green Belt and the purposes of including land within it.

## 7.5 Suitability of the Site as a SANG

7.5.1 The application is not directly for a SANG as this is a function of a land use, not a type of a land use. However as the intention is to operate as a SANG it is sanguine to consider its suitability.

7.5.2 The site is identified in the Thames Basin Heaths SPA Avoidance Strategy SPD as a potential option for SANG and Natural England has confirmed in principle that the site can meet the criteria for SANG. Notwithstanding this, the SANG Guidelines within Annex 2 of the SPD sets out a checklist of essential and desirable criteria for individual SANGs. The provision of a SANG Management Plan is anticipated to be a condition of any planning permission for this proposed change of use and will detail how these guidelines will be met. However, this change of use application, the supporting information and Concept Plan enables a number of criteria to be assessed, including:

- Adequate parking for visitors
- Provision of a circular 2.3-2.5km walk that would be possible from the car park
- Car parking being easily and safely accessible by car
- The accessibility of the site would include access points appropriate for visitor use
- Safe design
- Semi natural feel
- Variety of habitats

7.5.3 The applicant has set down an assessment of the sites suitability against Natural England's SANG Criteria.

Must/should have – these criteria are essential for all SANGS		
Criteria		Description
1	Parking on all sites larger than 4ha (unless the site is intended for use within 400m only)	Car park proposed for Burpham Court Farm using existing access from Clay Lane and located at site of former piggeries. (space for 32 car-parking spaces shown on illustrative plan).
2	Circular walk of 2.3-2.5km	Illustrative plan shows circular route possible from Burpham Court Farm car park (including new Wey Crossing over existing weir) (3600m). Secondary loop via crossing point across Clay Lane (625m). NB GBC also exploring potential for wider potential links with new footbridge over the Wey to Riverside Nature Reserve.
3	Car parks easily and safely accessible by car and clearly sign posted	Road safety and visibility splay checks have been undertaken of use of existing access road from Clay Lane and into car park at former piggeries.
4	Access points appropriate for particular visitor use the SANGS is intended to cater for	Access from proposed car park directly onto 3.6km loop (either direction). Furthermore, and perhaps even more importantly, proposal for direct access from Weyside Urban Village also proposed directly from the southern end of the 3.6km loop. Linkages onto wider footpath network also identified.
5	Safe access route on foot from nearest car park and/or footpath	Yes – direct access to the 3.6km loop from the car park. Crossing point to be provided to secondary loop (pelican crossing).
6	Circular walk which starts and finishes at the car park	Yes – see illustrative plan and as above.

<b>7</b>	Perceived as safe – no tree and scrub cover along part of walking routes	Range of habitats are present in SANG (appropriate for SANG of >12ha). Existing or proposed tree cover is anticipated along the route but mostly as gateways to open areas and to guide recreation use to appropriate areas (and away from sensitive winter bird/wetland area). Existing tree cover north of Clay Lane would be walked through (likely on board walk). However, this provides good screen to road and helps create semi-natural feel within the area north of Clay Lane so should be seen as advantageous and likely to create perception of “gateway” into that section of SANG.
<b>8</b>	Paths easily used and well maintained but mostly unsurfaced	Proposal to create new pathways; likely some would be created on bunds and/or on boardwalk to allow year-round access due to lower fields being in floodplain.
<b>9</b>	Perceived as semi-natural with little intrusion of artificial structures	Yes, there is already a good semi-natural feel at the site which is supported by the trees/woodland belts around the SANG edge, the River Wey corridor running through it and the retention of some of the old farm field structures. Potential for additional planting and bunding on northern section of Burpham Court Farm to provide additional screening of upper field from Clay Lane. Additional screening also required between existing farmhouse at Burpham Court Farm (currently being refurbished) and the SANG.
<b>10</b>	If larger than 12 ha then a range of habitats should be present	Range of habitats already present – different grassland types, River corridor, ditches, defunct hedges, woodland edge. potential to provide additional habitat enhancements to habitats present to secure Biodiversity Net Gain. These measures would be over-and-above requirements relating to SANG. The BNG measures would include those measurable through the Defra Metric (habitat enhancements) and additional measures for species enhancements (e.g. reptile hibernacula). Latter features (targeting species) would be provided away from walking routes.
<b>11</b>	Access unrestricted – plenty of space for dogs to exercise freely and safely off the lead	Likely to need guide planting/signage to discourage people and their dogs from using the sensitive bird area. However, this is mainly used by birds in winter and the area of most bird interest is also likely to be flooded in winter which would discourage recreational access on foot in any case.
<b>12</b>	No unpleasant intrusions (e.g. sewage treatment smells etc.)	Proposal for new STW within Slyfield industrial estate acknowledged. Information on “unpleasant intrusion” and proposed odour control has been sought from Thames Water to inform SANG exclusion area.
<b>13</b>	Clearly sign posted or advertised in some way	Proposal for interpretation/signage at key points along route: proposed new car park, bird area viewing screens and at woodland “gateway” entrance to the proposed SANG area north of Clay Lane.
<b>14</b>	Leaflets or website advertising their location to potential users (distributed to homes and made available at entrance points and car parks)	Potential for this new area to be advertised via existing website and for new information to be provided in new home-owners pack.
<b>Desirable features</b>		
<b>15</b>	Can dog owners take dogs from the car park to the SANGS safely off the lead	Potential for dog owners to take dogs safely off lead straight from possible new car park at Burpham Court Farm.

<b>16</b>	Gently undulating topography	Variable topography already present
<b>17</b>	Access points with signage outlining the layout of the SANGS and routes available to visitors	Potential for additional interpretation boards and signage, as described above (no. 13)
<b>18</b>	Naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. Provision of open water is desirable	All already present.
<b>19</b>	Focal point such as a view point or monument within the SANGS	Views already available from upper field of SANG down into lower SANG and across to Guildford. Proposed viewing screens across winter bird interest area.

- 7.5.4 The proposed change of use would provide approximately 46ha of land for potential use as SANG, which would provide sufficient SANG land for a maximum 5,750 new residents with a catchment area of 5km. The SANG Concept Plan and supporting information demonstrates that parking can be provided (minimum 0.75 parking spaces per ha of SANG and minimum of 26.4ha needed to service Weyside Urban Village) and that a circular walk, in excess of 2.3km from the car park and other access points can be completed. The delivery of Biodiversity Net Gain would provide enhancement to the existing range of habitats to users to experience in a semi-natural space in an accessible location to existing and proposed residential development.
- 7.5.5 Considered against the Natural England SANG criteria the proposed change of use would facilitate a suitable site as SANG in compliance with policy and the Thames Basin Heaths SPA Avoidance Strategy.
- 7.5.6 However, it transpires some of the site may not be suitable as SANG as:
- a. The area north of Clay Lane has difficult access and a pedestrian crossing would require a safety audit. A condition is suggested to exclude this from the SANG area and for it to become a biological exclusion zone unless and until there is approval and delivery of a safe pedestrian crossing facility on Clay Lane. There are no protected species identified North of Clay Lane – this apprehension from the National Trust appears to derive from a misreading of the Ecological Report.
  - b. Some parts of the site suffer from noise from the A3, and areas within the 60dba contour are unsuitable, including from the circular walk;
  - c. Some parts of the site will need to be fenced as Biological exclusion zones;. Including some areas used by overwintering birds;
  - d. Some parts of the site are in flood risk 3 areas and will be underwater for much of the winter. If suitable parts of the circular walk can include such areas (if safe boardwalks) and any escape routes in case certain areas are cut off during periods of flooding.
- 7.5.7 With these changes it seems certain that Burpham Court Farm would be too small alone to fully mitigate Weyside Urban Village as a SANG, until the pedestrian crossing on Clay Lane is built, however as the report on Weyside Urban Village explains Tyting Farm is also available as a SANG.
- 7.5.8 GBC Parks and Countryside, Natural England and the National Trust support the change of use proposal in principle but have been concerned about the detailed design to operate as a SANG. The design submitted with the application was very high level and lacked key details. Since then, a more detailed plan has been prepared and detailed discussions are on going with the National Trust and Natural England, and discussions are ongoing with the applicant on the amended plan in terms of areas excluded and routing of the circular walk. The revised illustrative design demonstrates:
- The confirmed length of the primary circular walk (3600m) and the secondary loop (625m)
  - The confirmed area considered suitable for SANG is 27.9ha (note exclusion zones identified for noise, wintering bird interest and anticipated likely odour plume ('unpleasant intrusions') from the Thames Water proposed new Sewage Treatment Works)
  - Indicates car-parking location suitable for 32 car parking spaces.

- 7.5.9 However, your officers remain concerned about safety issue for crossing Clay Lane, and are proposing excluding north of Clay Lane from Public open space (SANG) Use (as a biological exclusion area) so the change of use here would solely be for Nature Reserve unless and until safe pedestrian crossing of Clay Lane is provided.
- 7.5.10 Discussions are also ongoing regarding the SANG management plan – these are expected to be concluded before the date of the committee, however no interests would be prejudiced as a suggested condition would require approval of a detailed management plan which would be subject to public consultation, and conditions would define excluded areas and require a minimum length of circular walk.
- 7.5.11 The SANG parking standard is one space per ha of SANG, however Natural England agree this can be reduced by 25% are part of the WUV site is within 4000m of Burpham Court Farm. This is accepted. A car park is essential to meet the SANG Standard and the site of the derelict pigsties is considered acceptable on balance and the best site available (see section of report on heritage impact). GBC Parks and Countryside would support a full 32 spaces as not all would be used for SANG use, i.e. for volunteer activities.

## 7.6 Noise

- 7.6.1 A tranquil environment is a fundamental component of the acceptability of a site as a SANG. Although no noise limit is set in Natural England SANG guidance, they have asked for a limit of 60 dB LAeq,16h. based on recommendations of the applicant's noise consultant. The noise report submitted with the application took measurements at 4 locations and then modelled noise across the hole of the rest of the site based on its topography.
- 7.6.2 The existing levels across the site, without mitigation, are below 60 dB LAeq,16h across the majority of the site. A small area along Clay Lane and an area on the eastern side of the site, closer to the A3, exceed 60 dB LAeq,16 hours.
- 7.6.3 The noise levels along Clay Lane and in the eastern corner of the site could exceed 60 dB by 1 to 2dB. This is within the margin of forecasting error.
- 7.6.4 The noise levels in the southern part of the site, nearest to the A3, are likely to be up to approximately 70 dB LAeq,16h.
- 7.6.5 The report has modelled the proportion of the site that would be below the acceptable 60 dB LAeq,16h level given a number of mitigation scenarios, no mitigation, 2 m Bund along Clay Lane, and 2, 3 and 4m barriers alongside the A3.

<b>Modelled Options</b>	<b>Approximate % of SANG below 60 dB LAeq, 16hours</b>
<b>No Barrier (Existing) 81</b>	89
<b>2 m Bund along Clay Lane</b>	83
<b>2 m Barrier along A3</b>	89
<b>3 m Barrier along A3</b>	95
<b>4 m Barrier along A3</b>	96

- 7.6.6 To achieve 60 dB LAeq, 16 hours across 100 % of the site would not be practicably achievable and a compromise will have to be made between the extent of mitigation and the percentage of the site below the 60 dB criterion.
- 7.6.7 Based on the results of the acoustic model, the proposed noise criterion of 60 dB LAeq, 16 hours would be met across approximately 81 % of the site without mitigation. This can be considered acceptable from a noise perspective with no mitigation required. The site is large enough to accept a 19% reduction in area and still provide a viable SANG. The cost of noise mitigation along the A3 would be very high and disproportionate in this case.

## **7.7 Ecology and Biodiversity Net Gain**

7.7.1 Criterion (1) of GBLP Policy ID4 states that:

*“The Council will maintain, conserve and enhance biodiversity and will seek opportunities for habitat restoration and creation, particularly within and adjacent to Biodiversity Opportunity Areas (BOAs)”*

7.7.2 Criterion (2) of GBLP Policy ID4 states that:

*“New development should aim to deliver gains in biodiversity where appropriate. Where proposals fall within or adjacent to a BOA, biodiversity measures should support that BOA’s objectives.”*

7.7.3 The application is supported by an Ecological Appraisal (Stantec, December 2020). The appraisal establishes the ecological baseline and outline impacts associated with the proposed change of use. It also provides broad principles for mitigation and enhancement to be taken forward into the subsequent detailed design process.

7.7.4 The appraisal identifies a range of habitats on the site with known or potential value to a variety of species. The appraisal also identifies the presence of the invasive non-native plant, Himalayan balsam on the site.

7.7.5 The appraisal identifies that the proposed change of use has a potential impact as a result of disturbance. However, this could be overcome by sensitive approaches and timing to any future works and through appropriate design. The Appraisal also identifies that there are significant opportunities to enhance the biodiversity of the site through design and management and removal of invasive non-native species. These opportunities include:

- Enhancement of hedgerows e.g. through in-fill or double/new planting.
- Management of existing woodland via selective thinning and planting of new woodland.
- Diversification of some grassland areas e.g. using meadow management techniques.
- Management of existing ponds to increase the diversity of vegetation.
- Creating buffer areas along the riverbanks where access is prevented.
- The creation of larger shallow pools or scrapes in areas toward the centre of the Site.
- Creation of log and brush piles to provide refuge for small fauna.
- Expansion of reedbed habitat in the south of the Site.
- The installation of new bird and bat boxes.

- 7.7.6 The results of the Biodiversity Metric 2.0 (beta test) calculation, undertaken with reference to the illustrative design for the SANG and biodiversity enhancements at Burpham Court Farm, demonstrate that the proposed biodiversity enhancements and habitat creation are capable of delivering a net gain in biodiversity value (+115.43 habitat units, +43.37%, and +9.58 hedgerow units, +37,876.36%). Accordingly, in addition to providing capacity for an off-set for Weyside Urban Village, there is also capacity for other GBC or other applicants to use Burpham Court Farm as a Habitat Bank.
- 7.7.7 Natural England has agreed that once a project has commenced using version 2 of the metric there is no switch to the more recent version 3.
- 7.7.8 It is considered that the proposed change of use would maintain, conserve, and enhance biodiversity in accordance with Policy ID4.
- 7.7.9 Note: A Habitat Regulation Screening Assessment was submitted with the application. The HRA Screening identified the following European Sites within 10km of the Project with the potential to be affected by the Project:
- Thursley, Ash, Pirbright & Chobham SAC; and
  - Thames Basin Heaths SPA.
- 7.7.10 The potential threats / vulnerabilities identified for the qualifying features of these European Sites as a result of the Project were identified and considered as to if they were relevant to the Project.
- 7.7.11 The Screening Statement found no relevant potential threats/vulnerabilities at the identified European Sites such that a Screening Stage of Likely Significant Effects is not required
- 7.7.12 Accordingly, this shadow HRA Screening Statement concludes that the proposed Project will not result in any significant adverse effects on the integrity of the identified European Sites located within 10km of the Site, either alone or 'in-combination' with other Plans or Projects. This statement is accepted.



## **7.8 Landscape and Trees**

- 7.8.1 The site is located within the Corridor of the River Wey and includes a large number of trees within it. Saved GBLP 2003 Policy G11 seeks to protect or improve the special character of the landscape within the Corridor. Saved GBLP Policy G1 (12) seeks to safeguard and enhance the characteristic landscape of the locality and existing natural features on the site, such as hedgerows, trees, watercourses and ponds which are worthy of protection.
- 7.8.2 The application is supported by an Arboricultural Statement (Treework Environmental Practice, December 2020), which includes an extensive survey of the trees on the site and future recommendations. The proposed change of use seeks to preserve the character of the site and its landscape features and the Statement confirms that all of the valuable trees on the site can be retained and protected. Localised removal of trees may be necessary for future pedestrian access. However, tree planting and landscaping to enhance the site will form part of a future application to Natural England. The Concept Plan has considered areas for additional landscaping within the site that would inform the future SANG management plan, which will be supported by a detailed tree and planting plan and schedule to increase native species and secure a robust landscape framework for the site.
- 7.8.3 It is considered that the proposed change of use would safeguard and enhance the characteristic landscape of the locality and the Corridor of the River Wey in accordance with Saved GBLP 2003 Policies G1 (12) and G11.

## **7.9 Flood Risk**

- 7.9.1 A large proportion of the site is located with Flood Zone 3, which is at the highest risk of flooding. GBLP Policy P4 sets out a number of criteria for development in areas of high risk of flooding:
- (2) Development in areas at medium or high risk of flooding, as identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment, including the 'developed' flood zone 3b (functional floodplain), will be permitted provided that:
- a) the vulnerability of the proposed use is appropriate for the level of flood risk on the site
  - b) the proposal passes the sequential and exception test (where required) as outlined in the NPPF and Government guidance
  - c) a site-specific flood risk assessment demonstrates that the development, including the access and egress, will be safe for its lifetime, taking into account climate change, without increasing flooding elsewhere, and where possible, will reduce flood risk overall
  - d) the scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site
  - e) when relevant, appropriate flood warning and evacuation plans are in place and approved and
  - f) site drainage systems are appropriately designed, taking account of storm events and flood risk of up to 1 in 100 year chance with an appropriate allowance for climate change.

- 7.9.2 Paragraph 164 of the NPPF sets out that applications for changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.
- 7.9.3 The application is supported by a Flood Risk Assessment (FRA) (Stantec, December 2020).
- 7.9.4 The FRA sets out that the proposed change of use constitutes a 'Water Compatible' use, which is appropriate within all flood zones and is exempt from the application of the Sequential and Exception tests. The FRA also sets out that the SANG management plan will include flood mitigation measures. The SANG will be proposed in accordance with applicable criteria:
- Remain safe for users in times of flood;
  - Result in no net loss of floodplain storage;
  - Not impede water flows and not increase flood risk elsewhere.
  - Undeveloped corridor of minimum 8m either side of the watercourses.
- 7.9.5 As a result, the proposed change of use would be safe and in accordance with the requirements of national and local planning policy.

## **7.10 Heritage Issues**

- 7.10.1 The National Planning Policy Framework (NPPF) sets out the Government's policy with regards to the Historic Environment. It makes clear that harm to the significance of heritage assets can result from changes to their setting (paragraph 190). The NPPF requires that all harm to heritage significance should be avoided where possible or minimised, and that any remaining harm has clear and convincing justification (paragraphs 190 and 194). Harm to the significance of a designated heritage asset should then be weighed against the public benefits of a proposal in the manner set out in paragraph 196.
- 7.10.2 In terms of Archaeological Interest a Desk Based Assessment for the site has been produced by Oxford Archaeology which provides a comprehensive archaeological and historical baseline for the Application Site. The following extract summarises the archaeological potential for the main part of the site:
- "The River Wey passes through the site and the site is considered to have a high potential to contain relict water courses (palaeochannels) and sub channels associated with the river. The site is bounded to the west by a drainage channel (OA 90). This drainage channel may have originally been a branch of the River Wey which was reduced to a drain following the construction of the River Wey Navigation (1651-1653). Another extant river channel (OA 130) has been identified immediately north-west of the site. These features have the potential to contain waterlogged deposits and organic material which would contribute to the understanding of the floodplain chronology and evolution. It is also worth noting that archaeological material can be found beneath, within and overlying alluvial deposits.
- No early prehistoric period (Palaeolithic and Mesolithic) remains have been recorded within the study area and accordingly the site has a low potential to contain finds or monuments dating to this period.

The site is considered to have a moderate potential to contain later prehistoric activity (Neolithic, Bronze Age and Iron Age). Eight pits containing Bronze Age/early Iron Age pottery were found c 50m south of the site, on the River Wey gravel terrace and a further two later prehistoric finds have been recovered from river gravel terraces elsewhere within the study area. The central and southern part of the site are situated on alluvium whilst the eastern part of the site is situated on Kempton Park Gravel Member deposits. Prehistoric activity if present is likely to be focused upon areas of high ground within the gravel terrace. The alluvial deposits within the site have been formed by the repeated inundation of the site caused by the flooding of the river. These areas are less likely to have been utilised for settlement in these periods.

There is a moderate potential for Roman activity within the site. Burials associated with Roman pottery were found 100m south of the site (OA 41), suggesting that a Roman settlement may have been located nearby. A Roman road is thought to pass through the north-eastern part of the study area although the exact course of this road is unknown. The road may have been the focus of Roman activity in the area including farmsteads and roadside burials.

The site has an unproven potential to contain Saxon and medieval settlement remains. Documentary sources suggest that the Saxon manor of Burgham may have been located in the north-eastern part of the site in the area now occupied by Burpham Court. At present there is no archaeological evidence for this settlement but place name evidence suggests that a fortified settlement may have been located in this area and topographically the north-eastern part of the site, which is situated in a loop of the River Wey, would have been a suitable location for a defensive settlement.

During the medieval and post-medieval periods, it is likely the site was used for both arable and pastoral agriculture. The north-western part of the site contains earthwork ridge and furrow (OA 115) which could be associated with the medieval open field system. A number of drainage ditches (OA 121, OA 122) were identified across the central and southern part of the site and it is possible that these features are associated with earlier field boundaries or possibly a water meadow system.

The Bowers Cut (OA 87) of the River Wey Navigation bounds the southern part of the site as does the associated Old Bucks Weir (OA 76). The Old Bucks Weir (OA 76) was initially one of the four 'tumbling bays' original weirs built in the 1650s but was rebuilt in the 20th century. The parts of the site which are adjacent to these features have the potential to contain extant or below ground remains associated with the initial construction of the River Wey Navigation". (Oxford Archaeology 2019, 13-14).

- 7.10.3 The 'Flowing River' refers to a stretch man-made waterway cut by Sir Richard Weston in c. 1618, so that he could improve his meadows by systematically flooding them. It is recorded as 'Flowing River' on the tithe map for Stoke by Guildford and ran from Stoke Lock to near Burpham Weir. Currie (1995) and Nash (1969) record that he was considered 'largely an innovator'. Currie noted that Weston scheme is, 'one of the earliest recorded watermeadow schemes on a large scale to be carried out in England' (Currie 1995).
- 7.10.4 Assessment of LiDAR indicates that the asset is visible as an extant earthwork ditch to the north of 'North Moors' and runs parallel to the application site boundary (Figure 5). A short section of the ditch at the northwest of the study site shows as a residual earthwork. The QGIS profiling tool indicates a residual (<50cm deep) ditch along the same alignment as the Flowing River. The flowing river is then beneath modern development and is then visible as an extant earthwork to the north of Clay Lane.

- 7.10.5 LiDAR assessment identified additional drainage ditches (Orion 2); Residual ridge and furrow (Orion 3); Area of drainage ditches (Orion 4); Water management feature/pond (Orion 5); Area of drainage ditches (Orion 6); Ditch (Orion 7); Water management feature/pond (Orion 8). These form an extension of land management features previously recorded by Oxford Archaeology 2019 and 2021). The features are currently undated, but may relate to post-medieval land-use.
- 7.10.6 The Wey Navigation passes through the site which is part of the Wey/Godalming Conservation area (WGNCA). The WGNCA is a stretch of the River Wey which is considered to be the earliest example of canalisation in this country. The resulting waterway is typical of canals, following restoration, usually from considerable dereliction, to become picturesque and peaceful recreational areas augmented by light pollution at night.
- 7.10.7 Despite the proximity of the A3 dual carriageway, differing levels result in relatively minor noise pollution, although it is understood that this is augmented at night by car-light pollution.
- 7.10.8 The WGNCA was instrumental in continuing and enhancing Guildford's prosperity, developed from the Middle Ages, but the canal system allowed transport of goods both to and from the town, encouraging both industry and agriculture. As a result of this, the historic value of the WGNCA is medium. The proposals do not impact this value. Similarly, the artistic and aesthetic values of the Conservation Area will not be impacted by the proposed development.
- 7.10.9 The proposals will result in minor landscape alterations within the setting of the Conservation Area. Based on the minor character of the changes it is clear that no harm to setting or significance of the Conservation Area will result from the proposed development as its rural character would be protected
- 7.10.10 Based on the proposed development involving largely minor landscape and alterations it is clear that no harm to the setting or significance of Sutton Park/Sutton Green Conservation Area will result from the proposed development.
- 7.10.11 Part of the site north of Clay Lane has historic ridge and furrows which would be unaffected by the development as proposed to be conditioned.
- 7.10.12 Some cottages at Burpham Farm are listed. List description as follows:  
*Grade II Burpham Court Cottages (NHLE 1191703)*  
*Cottages. Early C17 with C19 extensions to right end. Timber framed centre and left on rendered plinth, exposed with brick infill, red brick extensions to right. Plain tiled roof hipped to right and over extension. Two storeys. 3 framed bays with extension projecting to front right. Front ridge stack to left, end stack to right. 3 casement windows in first floor centre left, one larger casement window to right of centre, one 3-light cambered head casement to first floor right. 3 casement windows to ground floor, with one single arched casement window to right. Single storey, low pitched gable extension projecting to left with C20 planked door under pentice drip course. (No. 2). Further door to right hand return front (No. 1).*
- 7.10.13 The significance of Burpham Court Cottages lies in their historic and architectural value as early 17th century domestic structures. They provide an example of the local vernacular architecture and historic dispersed settlement pattern. The cottages are located adjacent to the River Wey Navigation and the study site form part of the immediate and wider rural setting of the asset. The farmstead is well preserved although the setting of the listed buildings are disrupted by a modern agricultural building between the farmstead and Clay lane..

- 7.10.14 The proposals are for a minimum of 12 space car-park but ongoing consultation with GBC and Natural England means this is expected to increase to approximately 30-35 space car park c.50m south of the asset within its wider rural setting. The introduction of a small car park at ground level will result in a slight increase in traffic, and low level visual intrusion at ground level. The proposals include the planting of broadleaved woodland and scrub around the western edge of the car park which will mitigate harm to the setting of the asset.
- 7.10.15 There would be less than significant harm to the setting of Burpham Court Farm from the use of the derelict pigsties, however this is outweighed by utilising a brownfield location for the car park as other locations would result in a loss of habitat in a sensitive area. The route to it is circuitous, but this is necessarily so to avoid the root protection area of a numbers of trees. This location is supported by a number of nature conservation consultees, Adequate screening can be provided through the landscaping condition. Therefore the scheme complies with the NPPF Heritage tests.
- 7.10.16 Construction of the car park will be brought forward as a separate application. It is noted that the proposed car park is located within an area of previous development / disturbance and is therefore unlikely to disturb previously unrecorded archaeological remains. Significant effects to archaeology as a result of such works are not expected.
- 7.10.17 A Heritage Management Plan is recommended as a condition of planning to ensure that the historic features within the Application Site and its immediate environs, particularly surviving and remnant sections of the 'Flowing River', are maintained and not adversely impacted by proposed planting, relandscaping and construction of the walkways. There is an opportunity to implement a programme of Public Engagement through signage to promote the historic environment of the Application Site.
- 7.10.18 In terms of all other heritage assets other than the Burpham Court Farm cottages, following the implementation of the recommendations above, the proposed development will result in no harm to designated assets within the vicinity of the Application Site. The designated assets considered, individually and cumulatively, include:
- The Wey and Godalming Navigation Conservation Area lies immediately adjacent to the east boundary of the study site. There is currently no published conservation area appraisal (Figure 3).
  - Sutton Park/Sutton Green Conservation Area.
  - Grade II\* Sutton Park
- 7.10.19 The impact on Grade II Burpham Court Cottages (NHLE 1191703) less than significant harm to the setting of Burpham Court Farm being negative – less than significant harm, which is considered justified (see para. 7.10.5 above) by benefits to nature conservation and public access to the SANG, and so complies with the NPPF Heritage tests. This impact can be mitigated by conditions on design of the car park and screening landscaping.

## **7.11 Loss of Agricultural Land**

- 7.11.1 The site is grade 4 poor quality. This grade is not protected by national planning policy.

## **7.12 Access and Highways**

7.12.1 GBLP Policy ID3 sets out transport requirement for new developments. Paragraph 109 of the NPPF states 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.*

7.12.2 The application is supported by a Transport Statement, prepared by Markides Associates, December 2020. The Statement sets out the linkages the site will have to existing and proposed development to serve pedestrians and cyclists, and vehicles.

7.12.3 As the proposed change of use will enable recreational use of the site for walking and dog walking, it is expected that the majority of users will arrive on foot. The site will be accessed directly from the local area through connection to Footpath 438 and Clay Lane to Jacobs Well and Slyfield Industrial Estate. The site would also be accessible on foot from the proposed WUV development. Improved footway access to Burpham Farm and a cycle route through to Clay Lane would be secured as part of the Weyside urban village planning application if approved.

7.12.4 For vehicular users' access is proposed from Clay Lane using the existing access to Burpham Court Farm. Supporting drawings demonstrate how suitable access could be arranged and a car park provided for up to 12 car parking spaces, however the SANG standard requires 1 space per Ha of SANG (which HE and GBC accept could be reduced by 25% because part of the WUV site is within 400m). The required number of spaces to meet the standard is proposed to be set by planning condition and approval of further details of the parking area. As a result, the traffic generation from the SANG is expected to be minimal in the context of the local highway network. There may also be demand for non - SANG uses, i.e. volunteers for biodiversity works.

7.12.5 It is considered that the proposed change of use would provide well integrated sustainable transport opportunities and safe highway access in accordance with local and national policy.

## **8 Planning Balance and Conclusion**

- 8.1.1 The proposed change of use will facilitate an appropriate use within the Green Belt. The application is supported by technical documents which conclude that there would be no unacceptable environmental impacts and that there is significant room for enhancement in terms of landscape and biodiversity.
- 8.1.2 With the amendments proposed by condition to the parts of the farm to be covered by public open space (for SANG), and the size and location of the car parking area, and the route of the circular alk the proposal would comply with policy and guidance on public open space and SANG provision.
- 8.1.3 The proposal will result in significant public benefits in terms of access to a recreational resource for existing and future residents, which will also bring significant environmental benefits, helping to reduce recreational pressure on the Thames Basin Heaths SPA in accordance with local and national policy. The proposed development is necessary as suitable mitigation to enable Guildford Borough Council to meet its housing need, including at Weyside Urban Village a major brownfield site, as set out in the adopted development plan.
- 8.1.4 The impact on Grade II Burpham Court Cottages (NHLE 1191703) less than significant harm to the setting of Burpham Court Farm being negative – less than significant harm, which is considered justified (see para. 7.10.5 above) by benefits to nature conservation and public access to the SANG, and so complies with the NPPF Heritage tests. This impact can be mitigated by conditions on design of the car park and screening landscaping.
- 8.1.5 Full details for the SANG including layout, boundaries, vehicular access and parking, landscaping, walkways, boundary works and associated works will be submitted through a SANG Management Plan and Biodiversity Management Plan to be agreed with Natural England.

## **8.2 Human Rights**

- 8.2.1 From 2nd October 2000 the Human Rights Act 1998 has the effect of enshrining much of the European Convention on Human Rights in UK law. Under 6(1) of the Act, it is unlawful for a public authority to act in a way, which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1), and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.
- 8.2.2 The main Convention rights relevant when considering planning proposals are Article 1 of the First Protocol (the peaceful enjoyment of property) and Article 8 (the right to a private and family life). Article 1 of the First Protocol guarantees the right to peaceful enjoyment of possessions and Article 8 of the Human Rights Act 1998 guarantees a right to respect for private and family life. Article 8 also provides that there shall be no interference by a public authority with the exercise of this right except in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the freedom of others.
- 8.2.3 For the reasons set out in 'Planning Considerations, it is not thought there would be any breach of the convention rights. Even if there was to be an interference with convention rights then, in this case, it is thought that the interference would be justified in the interests of public amenity. Accordingly, it would not be unlawful to grant planning permission for this development.

## **8.3 Public Sector Equalities Duty**

- 8.3.1 Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or "PSED").
- 8.3.2 in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.3.3 The relevant protected characteristics are "age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, and sex and sexual orientation."
- 8.3.4 The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and
  - b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.



The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

#### **8.4 Planning Obligation Heads of Terms**

##### 8.4.1 Securing Management of the SANG and Biodiversity Exclusion Zones in Perpetuity, including step in rights

8.4.2 This is necessary to ensure proper management of the SANG is secured.

##### 8.4.3 Improvements to the Bowers Lane Bridge

8.4.4 This is necessary to ensure that access is maintained from the Bowers Lane area.

##### 8.4.5 Construction of a controlled pedestrian crossing across Clay Lane

8.4.6 This is necessary on public safety grounds and to bring the area north of clay lane into SANG use.

## **9 Positive and Proactive Working**

- 9.1.1 In determining this application, the local Planning Authority has worked with the Applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the Applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **Appendix 1 Planning Obligation Head of Terms**

- Securing Management of the SANG and Biodiversity Exclusion Zones in Perpetuity, including step-in-rights.
- Improvements to the Bowers Lane Bridge, with public access granted by confirmatory deed.
- Construction of a controlled pedestrian crossing across Clay Lane, and costs of any associated TRO to adjust extent of Jacobs Well speed limit X
- Improvement to bell mouth of access to Burpham Court Farm to bring to a Safe Standard.

## Appendix 2 Planning Conditions and Informatives

### CONDITIONS:

#### 1. Time limit – Full Application

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. Drawing no.s

The development hereby permitted shall be carried out in accordance with the following list of approved plans and documents, except where other conditions require detailed and /or revised drawings on specific matters.

Plan No	Date Issued /last revision	Title
42287/3147/001	17 <sup>th</sup> Dec 2020	Site Location Plan
42287/3147/03	17 <sup>th</sup> Dec 2020	Transport Note including Indicative Site Access and Parking Layout Drawings
42287/3147/03	17 <sup>th</sup> Dec 2020	Landscape Details
20275-MA-RP-D-TS01	17 <sup>th</sup> Dec 2020	Arboricultural Statement
201209-1.0-WUVSANG-AS-CH	17 <sup>th</sup> Dec 2020	Ecological Appraisal and Shadow Habitats Regulations Assessment Screening Statement
42287/3163	17 <sup>th</sup> Dec 2020	Flood Risk Assessment
42287/4017	17 <sup>th</sup> Dec 2020	Noise Assessment
42287/3167	17 <sup>th</sup> Dec 2020	Sustainability Statement
<b>20_P_02173</b>	22 Sep 2021	SANG Illustrative Design

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans and documents is achieved in practice.

#### 3. Exclusion of Certain Areas as SANG (pre-commencement condition)

The change of use to Public Open Space (intended for SANG purposes) does not apply to the following areas:

- a) All areas within the site Boundary north of Clay Lane, unless and until the pedestrian crossing required by the planning obligation linking footpaths north and south of Clay

Lane is approved by the planning authority and highways authority and so implemented.:

- b) All areas defined as biological exclusion areas in the approved landscape management plan;
- c) All areas within the A3 60DbA noise contour;
- d) All areas shown on the flood management plan as being within flood zone 3 and where safe pedestrian access cannot be provided.

Prior to commencement of development and coming into use as a SANG clear plans shall be submitted to and approved by the local planning authority showing each of these 4 areas, and the area of the residual SANG area.

Reason: To ensure the Natural England minimum standards for SANGS are met.

#### **4. Public Use in Perpetuity**

Following the of all the capital works as shown on the approved plans under condition 2 the site shall be made available for public use in perpetuity, other that the excluded areas listed in condtion 3.

Reason To ensure the site can qualify as a SANG

#### **5. SANG Car Park (pre-commencement condition)**

Prior to commencement of development and coming into use as a SANG plans for a car park and access arrangements within the red line boundary for at least 1 car parking space for every 0.7ha of approved SANG, plus other spaces for Non SANG activities, shall be submitted to and approved by the local planning authority and so implemented. This shall include screening landscaping details and include a minimum of two DDA wide bays.

In addition, the Car Park shall not be opened for public access until the planning obligation for improvement to the bellmouth has been implemented.

Reason: To ensure the Natural England minimum standards for SANGS are met.

#### **6. SANG and Biodiversity Management Plan (pre-commencement condition)**

Prior to commencement of development hereby permitted a SANG and landscape and ecological management plan (SLEMP), including long-term design objectives, management responsibilities and maintenance schedules for all areas shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out and maintained thereafter in accordance with the approved details.

All works in the approved SLEMP, including hard and soft landscaping, shall be implemented before any approved parts of the plan suitable for SANG are brought into use of as public open space.

The plan shall also include the additional elements listed below:

- i. aims and objectives of the management plan
- ii. description of the ecological features of the site to be managed and habitat condition to be achieved, including tree planting measures

- iii. a plan which illustrates which areas have been included for Biodiversity Net Gain for other schemes;
- iv. Description of measures to encourage and manage public access, including signage, walkways, bird hides, cycleways, car parks, and picnic areas
- v. Ecological trends and constraints on site that might influence management
- vi. Areas where public access is restricted (biodiversity exclusion areas)
- vii. details of maintenance regimes for each habitat type supported by a detailed map. coppicing/pollarding should aim to create approximately 60% sun and 40% shade over the watercourse.
- viii. timings of maintenance activities and ecological considerations (e.g. avoiding bird nesting season when carrying out vegetation clearance/tree works) details of how public access will be restricted and disturbance minimised to the buffer zone
- ix. landscape maintenance for a minimum period of 10 years, including timings, work programmes, replacements etc
- x. monitoring for and control of non-native invasive species, including Himalayan Balsam which has been recorded on site
- xi. details of new/restored Hedgerow planting and enhancement of hedgerows e.g. through in-fill or double/new planting.
- xii. management of existing woodland via selective thinning and planting of new woodland.
- xiii. diversification of some grassland areas e.g. using meadow management techniques.
- xiv. management of existing ponds to increase the diversity of vegetation.
- xv. creating buffer areas along the riverbanks where access is prevented.
- xvi. the creation of larger shallow pools or scrapes in areas toward the centre of the Site.
- xvii. creation of log and brash piles to provide refuge for small fauna.
- xviii. expansion of reedbed habitat in the south of the Site.
- xix. the installation of new bird and bat boxes
- xx. details of Eel passes
- xxi. details of proposals to increase wetland areas, wet woodland and wildflower meadows
- xxii. details of measures to encourage otter habitat
- xxiii. details of on-going ecological survey work to further shape the Management Plan details of management responsibilities
- xxiv. all native planting is to be of local provenance.
- xxv. 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
- xxvi. A circular walk of minimum length of 2.3 km

- xxvii. The LEMP shall be implemented in accordance with the approved details and thereafter maintained.
- xxviii. Details of drainage

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

#### **7. Heritage Management Plan (pre-commencement condition)**

Prior to the commencement of development a heritage management plan shall be submitted to and approved by the local planning authority showing how heritage assets and archaeological features (particularly surviving and remnant sections of the 'Flowing River'), are maintained and not adversely impacted by proposed planting, re-landscaping and construction of the walkways; and the scheme shall be implemented in line with the approved plan.

Reason: to protect heritage assets. This is required to be a pre-commencement condition to ensure that this issue is fully considered in drawing up detailed management proposals.

#### **8. Tree protection measures (pre-commencement meeting)**

No development shall other than in accordance with finalised Arboricultural Method Statement (AMS) (detailing all aspects of construction and staging of works relating to the full application) and the finalised Tree Protection Plan (TPP), submitted with and approved as part of this planning application, including both trees affected by the full application works, and needing to be protected where part of future phases, in accordance with British Standard 5837:2012.

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.

#### **9. Tree Protection Meeting (pre-commencement meeting)**

No development shall commence until a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the LPA and Parks and Countryside Tree Officers.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the tree protection measures need to be checked prior to the development commencing to ensure they are adequately installed.

## **10. Ancient Woodland and Veteran Tree Buffer**

No development may take place within 15m of any veteran tree or area of ancient woodland identified in the arboricultural statement (20275-MA-RP-D-TS01), other than no-dig development agreed in advance with the local planning authority.

Reason: To protect the nationally protected trees on site which are to be retained in the interests of the visual amenities of the locality.

## **11. Weyside Buffer Zone scheme**

In order to protect the River Wey (and associated biodiversity receptors), an 8m minimum ecological buffer is required between the top of the River Wey riverbank and any development. There shall be no development within this buffer zone other than that required for access to the River Wey or for the creation of a riverside Walk.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Buffer zones to watercourses form a vital part of green infrastructure provision.

## **12. Restriction of Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no buildings, gates, fences, or any other form of enclosure other than shown on the approved plans or agreed as part of the Landscape and Biodiversity Enhancement and Management Plan shall be constructed or erected on the site.

Reason: In the interests of visual amenity.

## **13. Ecological Appraisal**

Unless otherwise agreed by the Biodiversity and Landscape Enhancement and Management Plan the development shall be undertaken in accordance with the recommendations set out in the submitted Ecological Appraisal as well as the Bat Survey, Breeding Birds Survey, Badger Survey, Dormouse Survey and Great Crested Newt Survey.

Reason: In order to protect the nature conservation and biodiversity value of the site.

## **14. Landscape Design (SANG use)**

Prior to use of the site as an area of public open space approved for use as Suitable Alternative Natural Green Space (SANG) details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall be subsequently implemented in accordance with the approved plan details.

Reason: In order to ensure implementation of the approved landscape details..

## **15. No Lighting**

No lighting shall be installed on the site unless otherwise agreed and approved in writing by the LPA.

Reason: In the interests of visual amenity and nature conservation. Any variance would require a separate habitat assessment in terms of protected species such as bats.



## **16. Western Wey Bank Exclusion Zone**

The exclusion zone for the protection of wintering birds in the centre of the site is to be extended to the western bank of the river, so that it includes the area between the proposed bridge crossings.

Reason: To protect this area from disturbance to wintering birds, reduce operational impacts on managing this area for nature conservation and biodiversity net gain.

## **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 which addressed initial issues, the application has been submitted in accordance with that advice, however, further issues were identified during the consultation stage of the application. Officers have worked with the applicant to overcome these issues.

### **2. 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.

As part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufactures recommendations, this should include evidence

that a hydrogeologist has reviewed the pond liner design to take account of ground conditions.

### **3. County Highway Authority Informatives:**

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 [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehiclecrossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehiclecrossovers-or-dropped-kerbs)

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

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-trafficmanagement-permit-scheme](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-trafficmanagement-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-planningandcommunitysafety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planningandcommunitysafety/flooding-advice)

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

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.

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. For guidance and further information on charging modes and connector types please refer to: [www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicleinfrastructure.html](http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicleinfrastructure.html)

#### 5. Ecology Informative:

Should Bats be identified as present or their roosts, the applicant should contact Natural England to establish if a Protected Species licence is required in order to allow the development to proceed lawfully.

#### 6. SANG Informative

The proposed site is unlikely to provided mitigation against the impact of residential development on the TBH SPA unless and until a SANG Management Plan, including details and responsibilities of a suitable management body and the long term funding of the sites management, has been agreed with the Local Planning Authority in consultation with Natural England.

### **Appendix 3 Review of Environment Statement**

Please refer to Weyfield Urban Village Report appendix 3

## PLANNING COMMITTEE

\* Councillor Fiona White (Chairman)  
Councillor Colin Cross (Vice-Chairman)

- |                                |  |
|--------------------------------|--|
| * Councillor Jon Askew         | * Councillor Angela Gunning            |
| Councillor Christopher Barrass | * Councillor Liz Hogger                |
| * Councillor David Bilbé       | * The Mayor, Councillor Marsha Moseley |
| * Councillor Chris Blow        | * Councillor Ramsey Nagaty             |
| * Councillor Ruth Brothwell    | * Councillor Maddy Redpath             |
| * Councillor Angela Goodwin    | * Councillor Pauline Searle            |
|                                | * Councillor Paul Spooner              |

\*Present

Councillors Joss Bigmore, George Potter, John Redpath and John Rigg, were also in attendance.

### **PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Chris Barrass and Colin Cross. Councillors Tim Anderson and Tony Rooth attended as substitutes for Councillors Chris Barrass and Colin Cross respectively.

### **PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

No disclosable pecuniary interests were declared.

#### **20/P/02173 – Land at Burpham Court Farm, Clay Lane, Guildford, GU4 7NA and 20/P/02155 – Weyside Urban Village (Slyfield Regeneration Programme), Slyfield Green, Guildford, GU1**

Councillor Fiona White declared a non-pecuniary interest in the above applications, owing to being a member of the Weyside Urban Village Governance Board and Guildford Borough Councils Major Projects Board. Only the principles of developing the Council's strategic sites in the Local Plan had been discussed by those Board's and she had not made statements at any time that would prejudice her objectivity in deciding either of the above applications.

Councillor Paul Spooner declared a non-pecuniary interest in the above applications, owing to being Chairman of the Major Projects Board until May 2019 and member of the Major Projects Board since May 2019, also formerly Lead of the Council and previously, the Lead Member for Planning Policy and Development Management in relation to the Local Plan (Weyside Urban Village as an allocated strategic site). He confirmed he had not been involved in the details of either application and would not prejudice his objectivity in deciding either of the above applications.

Councillor Ramsey Nagaty declared a non-pecuniary interest in the above applications, owing to being a member of the Weyside Urban Village Governance Board and Guildford Borough Council's Major Projects Board. He confirmed that his membership of those Boards would not prejudice his objectivity in deciding either of the above applications.

Councillor Angela Gunning wished to confirm that despite being a ward councillor for Stoke for the past 25 years that this would not prejudice her objectivity in deciding either of the above applications.

**PL3      20/P/02173 - LAND AT BURPHAM COURT FARM, CLAY LANE, GUILDFORD, GU4  
7NA**

The Committee considered the above-mentioned application for change of use of the site to 45.9 hectares of land to publicly accessible open space and Nature Reserve to facilitate a Suitable Alternative Natural Greenspace (SANG).

The Committee received a presentation from Kelly Jethwa, Specialist Development Management (Majors). The Committee noted that the change of use would allow for the land to be used as a SANG which was mitigated in accordance with the Thames Basin Heaths Avoidance Strategy (TBHSPA) adopted by the Council. Members were reminded that the SANG was not a land use of itself, the application was to look at the material change of use so that it could become publicly accessible land. If the land became a SANG, its proximity to the residential development proposed at Weyside Urban Village to the south would provide valuable mitigation for that development as well as other residential development that would meet the Council's housing needs.

The site was referenced in Appendix 6 of the Local Plan as part of the Infrastructure Schedule. It is located in the Green Belt and would be appropriate development as it complied with paragraph 150, Part E of the NPPF which allowed for change of use for outdoor recreation. The proposed car park would be an engineering operation as it would preserve the openness of the Green Belt being on brownfield land or near existing development at the farmstead. The site would also have biodiversity value added to it and would continue to act as a home for protected species.

The Council and Natural England had worked with the applicant on refining and improving the SANG concept design to ensure that the site would provide a suitable environment. As a result, Natural England had no objection to the proposals. The constraints of the site needed to be taken into consideration, which included the provision of crossing points, the distance of footpaths to trees, new footpaths which would provide year-round access and odour control from the new sewage treatment works. Taking these constraints into consideration, it was believed that the site would be able to deliver a SANG of 27.9 hectares. Conditions were recommended in relation to the final design and SANG management plan as well as additional screening. Land to the north of Clay Lane would require a safe crossing point and therefore at this time land would only be used as a nature reserve until a safe pedestrian access across Clay Lane could be provided. Most of the site would have noise levels that were within acceptable levels. The parts of the site where noise levels would be exceeded included areas by Clay Lane and by the A3 and would not be used as SANG land. The site is also located within a flood zone, however flood mitigation measures were proposed and formed part of the management plan. The applicant had also provided a possible circular SANG walking route from Burpham Court and the proposed car park with a secondary loop also provided.

A range of habitats existed on the site including grasslands, river corridor, ditches, hedges, and woodland edge. There was also the potential to include additional habitat enhancements which would also provide and secure biodiversity net gain such as hedgerow enhancements, shallow pools, log, and brush piles to extend the reed bed and bird and bat boxes. The most significant trees would be retained and where trees were removed there would be new planting, the details of which secured by condition 6. The site would need a car park and the illustrative plans proposed 32 spaces with suitable access.

The proposed site contained a Grade II listed building, Burpham Court Farm Cottages which provides a good example of early 17<sup>th</sup> century domestic architecture and formed part of the legible historic courtyard of the farmstead. Less than substantial harm would be caused to the setting of the Farm Cottages and had been verified by the Council's Conservation Officer who when balancing the harm caused to the heritage assets and its setting against the public

benefits concluded that given the car park would be sited on previously developed land its location would have a lesser impact on habitats and the benefits would outweigh the setting of the identified heritage asset in this case. Members were also reminded that several alternative sites were looked at for the car park and this was felt to be the best one given the other constraints that existed. The application was therefore recommended for approval subject to conditions and a legal agreement.

The Chairman permitted the Ward Councillor for Burpham, Councillor George Potter to speak for an extended period of time of five minutes. He noted concerns raised regarding the Flood Risk Assessment and its robustness having been questioned by the National Trust in earlier versions of the application such as getting the height of the riverbanks incorrect. The site was in a floodplain and any errors in Flood Risk Assessment would materially affect the suitability of parts of the site for SANG usage. In terms of car parking, one parking space per hectare should be provided and according to Waterway's guidance an additional 10 parking spaces should be provided for canoe users to access water. In the report it was stated that only 0.75 hectares was needed but condition 5 only provides 0.7 spaces per hectare. Natural England stated that you needed 38 spaces for the new SANG yet only 32 spaces had been recommended as part of condition 5. You would therefore have a shortfall of 16 spaces. This would also provide an extension to the existing Burpham Nature Reserve with the existing access point at Bower's Lane serving as one of the access points to the new SANG. The existing nature reserve did not have 1 parking space per hectare provided, so if the new SANG did not accommodate this unmet need, we would see more parking at Bower's Lane which was already at capacity and also at Clay Lane. No parking spaces had been provided on the urban side of the new SANG meaning that the catchment area would be much bigger than for the residents of Weyside and many of the people using the SANG would come by car. He raised further concerns that to approve a change of usage the new use was meant to be viable and sustainable which cannot be the case if concerns remained over the flood risk, parking, and access. Parking concerns had been raised by County Highways, GBC Parks and Countryside and GBC's specialist landscape advisers.

He raised concerns that if the application was approved that additional conditions should be applied so to ensure that parking provision took account of the unmet need for visiting nature reserves and make provision for other users of the SANG such as canoe users. Condition 5 should be varied which went beyond the reduction agreed by Natural England and failed to take account of the unmet need of Burpham Nature Reserve. Assurance was needed also that the Flood Risk Assessment would be properly tested and evaluated. Any changes made to the second application in terms of the recommendation and changes to conditions also needed to be applied to this application. Insufficient parking provision would negatively affect the residents of Jacob's Well and Clay Lane.

The Head of Place, Dan Ledger confirmed that in respect of concerns raised regarding flood risk this issue had already been addressed on pages 51 and 52 of the agenda. This set out the flood risk compatibility of the use being provided, and the measures being put in place. Again, parking had been covered in the report, and in terms of working out the parking provision for the site, whilst the site area was of a significant size, the amount of it that was put towards the SANG was less. The purpose of the SANG was to serve the new development and not to mitigate other impacts that were already in existence. One of the intentions of the location so it was close to Weyside was so that it was accessible by foot thereby reducing reliance upon vehicle movements and car parking. The final point in relation to the scheme of delegation, it had been mentioned that we should make the same updates in relation to the following application 20/P/02155. This was a matter for members, the intention was to keep the recommendation as simple as possible, but it should be straightforward to implement if desired.

The Committee discussed the application and noted that clarification was requested on page 51 of the agenda regarding flood risk and paragraph E in relation to appropriate flood warning and evacuation plans. How would the SANG work in practice given the current flood problems?

The Committee sympathised with the concerns raised regarding parking and whether that issue should be re-visited by the Review Board? In relation to the timescale for the SANG, it was understood that the SANG had to be operational before any property was first occupied. There was also a proposal in the agenda that Tyting Farm might be a suitable fallback position for a SANG and whether that was viable?

The Head of Place, Dan Ledger confirmed that it had previously been discussed at Committee about the difference between planning applications for land use and the operation of the land as a SANG. A planning permission for residential development would include S106 requirements regarding the operation of a SANG. This would set the triggers in place for standards to be met and safety factors were always integral to this. In terms of Tyting Farm, it was not strictly relevant to this application, however just for clarity, it's set out as an alternative due to the crossing requirements for the northern part of the SANG. Tyting Farm was set within the right catchment area but was further away and could be used if needed. Operational matters to do with the SANG were generally controlled through the S106 on residential developments. Natural England had to be content on each of those applications that the SANG provision was adequate. So even if permission was granted for land intended to be a SANG, at the point of granting permission or intending to grant permission for those other applications, Natural England still had to be content that what was on the ground was acceptable.

The Senior Planning Officer – Major Applications, Andrew Lainton further confirmed that the SANG would not be needed unless after 2027 there was no crossing north of Clay Lane. Effectively, the council had 5-6 years to design, consult and build a pedestrian crossing which could be reasonably achieved. A flow of housing would come forward in phases in Weyside to satisfy the condition. There had to be sufficient SANG at the point that phase came forward to meet the Natural England test. It was possible for Burpham Court Farm to be built in phases, and the more SANG you build the more housing that relied on that SANG could be built.

The Committee noted a query raised regarding sustainable drainage systems and whether further information could be provided by officers in that regard.

The Committee also noted a query in relation to it being asked to approve a change of use rather than for this specifically to be a SANG. The S106 requirements for any residential development was hoped would give us some guidance or control over what was happening on the SANG whilst also assuming that we were talking about reserved matters for residential development on the Weyside Urban Village. The Committee was also in agreement with the proposal put forward by the Ward Councillor for Burpham, George Potter that the formal recommendation was changed to be the same as that for Weyside Urban Village and that any necessary changes were made in consultation with the Chairman of the Planning Committee.

The Senior Planning Officer – Major Applications, Andrew Lainton referred members to page 63 of the agenda where the key condition on the management plan was detailed. Natural England had to agree the SUDs and included a large number of issues which had also been agreed with the Council's Parks and Ecology Services. The condition did not mention SUDs like it did for a housing development given that SUD's were designed to recreate the natural drainage you might find on a riverside or park, so strictly speaking SUDs was not the term which should be used, it would rather be drainage. The condition at point 23 could therefore be updated to include details of drainage.

A motion was moved and seconded which was carried so that the formal recommendation for this application was updated to reflect the same wording as that used for application 20/P/02155:



RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Paul Spooner	X		
2	Liz Hogger	X		
3	Fiona White	X		
4	Maddy Redpath	X		
5	Pauline Searle	X		
6	Ruth Brothwell	X		
7	Angela Gunning	X		
8	Tim Anderson	X		
9	Tony Rooth	X		
10	Jon Askew	X		
11	Angela Goodwin	X		
12	Chris Blow	X		
13	Marsha Moseley	X		
14	Ramsey Nagaty	X		
15	David Bilbe	X		
	<b>TOTALS</b>	<b>15</b>	<b>0</b>	<b>0</b>

A subsequent motion was moved and seconded to approve the application which was carried:

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ruth Brothwell	X		
2	Maddy Redpath	X		
3	Chris Blow	X		
4	Liz Hogger	X		
5	Angela Gunning	X		
6	Paul Spooner	X		
7	Tim Anderson	X		
8	Fiona White	X		
9	Tony Rooth	X		
10	David Bilbe	X		
11	Ramsey Nagaty	X		
12	Pauline Searle	X		
13	Marsha Moseley	X		
14	Jon Askew	X		
15	Angela Goodwin	X		
	<b>TOTALS</b>	<b>15</b>	<b>0</b>	<b>0</b>

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED that this application be GRANTED subject to securing a planning obligation with the heads of terms as set out in Appendix 1, and subject to the conditions set out in Appendix 2, for the reasons set out in section 1.31.-1.3.5 above and expanded on in the body of the report.

That the Head of Place (or person with acting authority thereof) is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions and/or informatives) prior to a decision notice being issued, provided that the Head of Place (or person with acting authority thereof) is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee, where necessary in consultation with the Chairman of the Planning Committee and lead Ward Members for Stoke, Worplesdon and Burpham Wards.

That upon completion of the planning obligation, the application be determined by the Head of Place.

That if negotiations on the planning obligation are not successfully concluded within six months of the date of the committee decision the Head of Place (or person with acting authority thereof) be authorised to refuse the scheme on grounds lack of provision of the matters that would have been secured in the heads of terms set out in Appendix 1.

If the application is granted regulation 30 of the Environmental Impact Assessment Regulations 2017, which sets a duty on the local planning authority to inform the Secretary of State, consultation bodies and the public of the final decision, shall be complied with.

## **Appendix 1 Planning Obligation Head of Terms**

- Securing Management of the SANG and Biodiversity Exclusion Zones in Perpetuity, including step-in-rights.
- Improvements to the Bowers Lane Bridge, with public access granted by confirmatory deed.
- Construction of a controlled pedestrian crossing across Clay Lane, and costs of any associated TRO to adjust extent of Jacobs Well speed limit X
- Improvement to bell mouth of access to Burpham Court Farm to bring to a Safe Standard.

**Appendix 2 Planning Conditions and Informatives**

CONDITIONS:

**1. Time limit – Full Application**

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. Drawing no.s**

The development hereby permitted shall be carried out in accordance with the following list of approved plans and documents, except where other conditions require detailed and /or revised drawings on specific matters.

Plan No	Date Issued /last revision	Title
42287/3147/001	17 <sup>th</sup> Dec 2020	Site Location Plan
42287/3147/03	17 <sup>th</sup> Dec 2020	Transport Note including Indicative Site Access and Parking Layout Drawings
42287/3147/03	17 <sup>th</sup> Dec 2020	Landscape Details
20275-MA-RP-D-TS01	17 <sup>th</sup> Dec 2020	Arboricultural Statement
201209-1.0-WUVSANG-AS-CH	17 <sup>th</sup> Dec 2020	Ecological Appraisal and Shadow Habitats Regulations Assessment Screening Statement
42287/3163	17 <sup>th</sup> Dec 2020	Flood Risk Assessment
42287/4017	17 <sup>th</sup> Dec 2020	Noise Assessment
42287/3167	17 <sup>th</sup> Dec 2020	Sustainability Statement
<b>20_P_02173</b>	22 Sep 2021	SANG Illustrative Design

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans and documents is achieved in practice.

### **3. Exclusion of Certain Areas as SANG (pre-commencement condition)**

The change of use to Public Open Space (intended for SANG purposes) does not apply to the following areas:

- a) All areas within the site Boundary north of Clay Lane, unless and until the pedestrian crossing required by the planning obligation linking footpaths north and south of Clay Lane is approved by the planning authority and highways authority and so implemented.:
- b) All areas defined as biological exclusion areas in the approved landscape management plan;
- c) All areas within the A3 60DbA noise contour;
- d) All areas shown on the flood management plan as being within flood zone 3 and where safe pedestrian access cannot be provided.

Prior to commencement of development and coming into use as a SANG clear plans shall be submitted to and approved by the local planning authority showing each of these 4 areas, and the area of the residual SANG area.

Reason: To ensure the Natural England minimum standards for SANGS are met.

### **4. Public Use in Perpetuity**

Following the of all the capital works as shown on the approved plans under condition 2 the site shall be made available for public use in perpetuity, other than the excluded areas listed in condition 3.

Reason To ensure the site can qualify as a SANG

### **5. SANG Car Park (pre-commencement condition)**

Prior to commencement of development and coming into use as a SANG plans for a car park and access arrangements within the red line boundary for at least 1 car parking space for every 0.7ha of approved SANG, plus other spaces for Non SANG activities, shall be submitted to and approved by the local planning authority and so implemented. This shall include screening landscaping details and include a minimum of two DDA wide bays.

In addition, the Car Park shall not be opened for public access until the planning obligation for improvement to the bellmouth has been implemented.

Reason: To ensure the Natural England minimum standards for SANGS are met.

### **6. SANG and Biodiversity Management Plan (pre-commencement condition)**

Prior to commencement of development hereby permitted a SANG and landscape and ecological management plan (SLEMP), including long-term design objectives, management responsibilities and maintenance schedules for all areas shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out and maintained thereafter in accordance with the approved details.

All works in the approved SLEMP, including hard and soft landscaping, shall be implemented before any approved parts of the plan suitable for SANG are brought into use of as public open space.

The plan shall also include the additional elements listed below:

- i. aims and objectives of the management plan
- ii. description of the ecological features of the site to be managed and habitat condition to be achieved, including tree planting measures
- iii. a plan which illustrates which areas have been included for Biodiversity Net Gain for other schemes;
- iv. Description of measures to encourage and manage public access, including signage, walkways, bird hides, cycleways, car parks, and picnic areas
- v. Ecological trends and constraints on site that might influence management
- vi. Areas where public access is restricted (biodiversity exclusion areas)
- vii. details of maintenance regimes for each habitat type supported by a detailed map. coppicing/pollarding should aim to create approximately 60% sun and 40% shade over the watercourse.
- viii. timings of maintenance activities and ecological considerations (e.g. avoiding bird nesting season when carrying out vegetation clearance/tree works) details of how public access will be restricted and disturbance minimised to the buffer zone
- ix. landscape maintenance for a minimum period of 10 years, including timings, work programmes, replacements etc
- x. monitoring for and control of non-native invasive species, including Himalayan Balsam which has been recorded on site
- xi. details of new/restored Hedgerow planting and enhancement of hedgerows e.g. through in-fill or double/new planting.
- xii. management of existing woodland via selective thinning and planting of new woodland.
- xiii. diversification of some grassland areas e.g. using meadow management techniques.
- xiv. management of existing ponds to increase the diversity of vegetation.
- xv. creating buffer areas along the riverbanks where access is prevented.
- xvi. the creation of larger shallow pools or scrapes in areas toward the centre of the Site.
- xvii. creation of log and brash piles to provide refuge for small fauna.
- xviii. expansion of reedbed habitat in the south of the Site.
- xix. the installation of new bird and bat boxes
- xx. details of Eel passes
- xxi. details of proposals to increase wetland areas, wet woodland and wildflower meadows
- xxii. details of measures to encourage otter habitat
- xxiii. details of on-going ecological survey work to further shape the Management Plan details of management responsibilities
- xxiv. all native planting is to be of local provenance.
- xxv. 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
- xxvi. A circular walk of minimum length of 2.3 km

- xxvii. The LEMP shall be implemented in accordance with the approved details and thereafter maintained.
- xxviii. Details of drainage.

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

#### **7. Heritage Management Plan (pre-commencement condition)**

Prior to the commencement of development a heritage management plan shall be submitted to and approved by the local planning authority showing how heritage assets and archaeological features (particularly surviving and remnant sections of the 'Flowing River'), are maintained and not adversely impacted by proposed planting, re-landscaping and construction of the walkways.; and the scheme shall be implemented in line with the approved plan.

Reason: to protect heritage assets. This is required to be a pre-commencement condition to ensure that this issue is fully considered in drawing up detailed management proposals.

#### **8. Tree protection measures (pre-commencement meeting)**

No development shall other than in accordance with finalised Arboricultural Method Statement (AMS) (detailing all aspects of construction and staging of works relating to the full application) and the finalised Tree Protection Plan (TPP), submitted with and approved as part of this planning application, including both trees affected by the full application works, and needing to be protected where part of future phases, in accordance with British Standard 5837:2012. 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.

#### **9. Tree Protection Meeting (pre-commencement meeting)**

No development shall commence until a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the LPA and Parks and Countryside Tree Officers.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the tree protection measures need to be checked prior to the development commencing to ensure they are adequately installed.

#### **10. Ancient Woodland and Veteran Tree Buffer**

No development may take place within 15m of any veteran tree or area of ancient woodland identified in the arboricultural statement (20275-MA-RP-D-TS01), other than no-dig development agreed in advance with the local planning authority.

Reason: To protect the nationally protected trees on site which are to be retained in the interests of the visual amenities of the locality.

### **11. Weyside Buffer Zone scheme**

In order to protect the River Wey (and associated biodiversity receptors), an 8m minimum ecological buffer is required between the top of the River Wey riverbank and any development. There shall be no development within this buffer zone other than that required for access to the River Wey or for the creation of a riverside Walk.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Buffer zones to watercourses form a vital part of green infrastructure provision.

### **12. Restriction of Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no buildings, gates, fences, or any other form of enclosure other than shown on the approved plans or agreed as part of the Landscape and Biodiversity Enhancement and Management Plan shall be constructed or erected on the site.

Reason: In the interests of visual amenity.

### **13. Ecological Appraisal**

Unless otherwise agreed by the Biodiversity and Landscape Enhancement and Management Plan the development shall be undertaken in accordance with the recommendations set out in the submitted Ecological Appraisal as well as the Bat Survey, Breeding Birds Survey, Badger Survey, Dormouse Survey and Great Crested Newt Survey.

Reason: In order to protect the nature conservation and biodiversity value of the site.

### **14. Landscape Design (SANG use)**

Prior to use of the site as an area of public open space approved for use as Suitable Alternative Natural Green Space (SANG) details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The shall be subsequently implemented in accordance with the approved plan details.

Reason: In order to ensure implementation of the approved landscape details.

### **15. No Lighting**

No lighting shall be installed on the site unless otherwise agreed and approved in writing by the LPA.

Reason: In the interests of visual amenity and nature conservation. Any variance would require a separate habitat assessment in terms of protected species such as bats.

### **16. Western Wey Bank Exclusion Zone**

The exclusion zone for the protection of wintering birds in the centre of the site is to be extended to the western bank of the river, so that it includes the area between the proposed bridge crossings.

Reason: To protect this area from disturbance to wintering birds, reduce operational impacts on managing this area for nature conservation and biodiversity net gain.



## 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 which addressed initial issues, the application has been submitted in accordance with that advice, however, further issues were identified during the consultation stage of the application. Officers have worked with the applicant to overcome these issues.

2. 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.

As part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufacture's recommendations, this should include evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions.

3. County Highway Authority Informatives:

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 [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehiclecrossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehiclecrossovers-or-dropped-kerbs)

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 [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-trafficmanagement-permit-scheme](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-trafficmanagement-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-planningandcommunitysafety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planningandcommunitysafety/flooding-advice)

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

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.

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. For guidance and further information on charging modes and connector types please refer to:

[www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicleinfrastructure.html](http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicleinfrastructure.html)

5. Ecology Informative:

Should Bats be identified as present or their roosts, the applicant should contact Natural England to establish if a Protected Species licence is required in order to allow the development to proceed lawfully.

6. SANG Informative

The proposed site is unlikely to provided mitigation against the impact of residential development on the TBH SPA unless and until a SANG Management Plan, including details and responsibilities of a suitable management body and the long term funding of the sites management, has been agreed with the Local Planning Authority in consultation with Natural England.