

*Interested Party comments for the Planning Appeal at*

**Lollesworth Fields, Ockham Road North, East Horsley**

*Submission to the Planning Inspectorate made by:*

**EAST HORSLEY PARISH COUNCIL**

**Planning Appeal Reference: APP/Y3615/W/19/3236565**

**GBC planning reference: 19/P/00634**

**Submission date: 24<sup>th</sup> October 2019**

**Application summary:**

*Outline application for the demolition of two dwellings and alteration to access to allow for outline consent with all matters reserved (except for means of access from Ockham Road North not to include internal roads) for up to 110 dwellings and up to 99sqm of offices floor space (Use Class B1a) (0.01ha), open space, sustainable urban drainage system and associated landscaping, infrastructure and earthwork's at Lollesworth Fields, Ockham Road North, East Horsley.*

## 1. SUMMARY

East Horsley Parish Council ('EHPC') requests the Planning Inspectorate to REFUSE the appeal by Catesby Estates (Appeal reference number APP/Y3615/W/19/3236565) in connection with a proposed development at Lollesworth Fields in East Horsley, (GBC planning reference number 19/P/00634).

This document sets out our detailed reasons for requesting this refusal as an Interested Party and supplements earlier comments made by EHPC during the planning application process. Our reasons for requesting such refusal are summarised as follows:

a) **The application fails to comply with the applicable development plan for the area:**

The site is allocated in the Guildford Local Plan and accordingly the principle of development is not primarily at issue. However, as we identify below, the outline application fails to comply with at least 10 policies within the Local and Neighbourhood Plans. Fundamentally, what is being proposed is a high density, urbanised development totally out of character with this rural village location and one which fails to address important surface water flooding issues at the site, particularly impacting Ockham Road North.

b) **The application is potentially prejudicial to the health and safety of local residents:**

GBC's SANG officer has pointed out that the ancient woodland of Lollesworth Woods, adjacent to the site, has significant infestations of Oak Processionary Moths. These moths can be highly dangerous to both humans and animals. He has therefore recommended that a buffer zone of at least 100 metres is maintained between the woods and the new development, but this is not shown in the applicant's submitted plans. Protecting the health & safety of residents must be an issue of the highest priority for any planning application and as such we believe this application and the Catesby appeal should be refused until such a buffer zone is introduced. To do otherwise, risks imposing a serious health risk for new residents and visitors at the site.

## 2. BACKGROUND

Since it was first proposed as part of the Guildford Local Plan in 2014, EHPC has objected to development at this site, primarily on the grounds that:

- The exceptional circumstances test for Green Belt release was not satisfied; and
- With nearly one third of the land classified as Flood Zone 3 by the Environment Agency it was an inappropriate site for residential development; and
- Given the close proximity of the site entrance to a brick-arched railway bridge EHPC has serious concerns that road safety will be materially worsened along Ockham Road North.

With the adoption of the Guildford Local Plan, the removal of the site from the Green Belt and its allocation by Site Policy A38, the principle of development at this site is no longer at issue.

However, the planning application still needs to be judged against the applicable development plan. This document sets out EHPC's assessment of the application against both the Local Plan and the East Horsley Neighbourhood Plan. In particular we have identified specific policies from both of these plans where the application is non-compliant.

## 3. LOCAL PLAN POLICIES

We have identified two policies within the Guildford Local Plan where the outline planning application is not compliant, namely:

### a) Site Policy A38

Policy A38 of the Local Plan sets out the site allocation policy for Lollesworth Fields and related requirements and opportunities.

The housing number allocated under this policy is "approximately 100 homes (C3)". By contrast the applicant is seeking outline planning consent for up to "110 dwellings" plus an additional 99 square metres of office space, likely to be represented by a single office block. Taken together, this is a significantly greater quantum of development on the site than that specified by Policy A38.

The applicant has not presented a detailed housing layout with the outline application and the masterplan is explicitly shown as illustrative. Therefore, there is no reason why the applicant should not comply with the housing numbers as specified in Policy A38. We might well speculate that the applicant is driven by a desire to maximise profit through greater development volume. We might even speculate that a 10% increase in housing numbers, plus the inclusion of an office block, is merely a typical example of 'development creep', which could even be followed by a further increase at the "reserved matters" stage - and perhaps more in subsequent planning variations. But that would just be speculation.

Policy A38 also includes the requirement to "Avoid development in flood zones 2 and 3." This is significant since current Environment Agency mapping shows that around one third of the site is classed as Flood Zones 2 and 3. Detailed environmental modelling presented by the applicant

concludes that the extent of these flood zones is actually much smaller and, it is reported by the applicant, that the Environment Agency agrees with these findings. However, to date this reclassification has not been formally implemented by the Environment Agency and we presume that any granting of outline planning permission would be conditional upon such changes being formally approved – otherwise the application would be non-compliant with this requirement of Policy A38.

*CONCLUSION: The application is not compliant with Policy A38 in respect of the proposed housing numbers. This may be remedied by changing the proposed housing to “approximately 100 homes”, thereby making it compliant with this policy, although arguably this figure should be reduced to compensate for the inclusion of an office development at the eastern end of the site. It should certainly not be exceeded.*

### **b) Policy D1 Place-shaping:**

The applicant is proposing a high density development with a strongly urban feel, situated close to the main village centre of East Horsley.

The proposed density of the developed sections at the site (ie. excluding green public areas and the employment space) is given as 40 dwellings per hectare ('dph') by Barton Willmore in Paragraph 5.2 of their Planning Statement. This is a particularly high density in the context of East Horsley, where the average density across the settlement area is 8 dph. Moreover, the development of 40 homes for retirees at the nearby Frenchlands Gate, built in 2011 by Beechcroft, was quoted by Barton Willmore in their Design & Access Statement ('DAS') as being a good example of a recent high density development in keeping with the style of East Horsley - this particular development actually has a housing density of 30.1 dph. This means that the housing density currently proposed for Lollesworth Fields is 33% above a recent 'high density' development in the locality and 5 times the average for the East Horsley settlement area.

The DAS describes the approach proposed for new housing at Lollesworth Fields in terms of different character areas, with 3 storey buildings arrayed in the southern part of the site and residential 'lanes' and 'private drives' over much of the remainder. The DAS also illustrates street scenes based upon a Shared Space design for shared use by cars, pedestrians and cyclists. It also indicates there will be on-street parking for visitors, large areas of hard standing outside the residences, extensive street lighting, and metal railings proposed for the frontages of some houses. All of this paints a fundamentally urban street scene, something seen in many towns and cities across England, but not something currently to be found in the village of East Horsley.

A further defining characteristic of East Horsley is its 'leafiness', (*See Neighbourhood Plan, Page 18*). New tree planting proposed for this greenfield site is largely confined to the periphery and to the central corridor, according to the applicant's masterplan. Within the residential areas a handful of newly-planted trees are shown illustratively. However, following a meeting with Catesby in January 2019, the South East Design Review Panel commented on Page 6 of their report that: *“The indicative street trees will not thrive on account of their proximity to the buildings and hard standing.”*

On the southern and eastern edges of the site significant areas are set aside as ponds to control surface water flooding, although as the Design Review Panel also commented on Page 7 of their report: *“The use of attenuation ‘ponds’ to mitigate the flood risk will in reality provide large, dry basins for much of the year.”*

Overall, the picture which emerges from the masterplan and the DAS is that of a stark urban development having very limited tree cover within its residential roads and whose main public green spaces will comprise bare earthen craters for much of the year. The contrasting image with other parts of East Horsley could not be greater.

In the Place-shaping section of the Local Plan, under the heading ‘Distinct Local Character’, Policy D1.4 states that:

*“All new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development.”*

In the opinion of EHPC the current masterplan for Lollesworth Fields fails in this requirement.

*CONCLUSION: The application is not compliant with Place-shaping Policy D1.4 of the Local Plan. In order to comply with this policy, EHPC suggests the proposed housing density needs to be significantly lower and the masterplan approach must become much less urban.*

## **4. NEIGHBOURHOOD PLAN POLICIES**

We have identified eight policies in the East Horsley Neighbourhood Plan where the outline application is not compliant, namely:

### **a) EH-H2 Bungalows**

The Neighbourhood Plan policy on Bungalows EH-H2 states that:

*“Developments on sites of more than 20 dwellings should ensure that at least 10% of all dwellings are built to increased mobility standards for the less mobile elderly. Development of bungalows is encouraged as a popular local building type.”*

In the Sketch Layout submitted with the application, a breakdown is provided of the various different types of housing to be built at the site. This shows a total of 5 bungalows to be built of 2 bedrooms each. There are no other bungalows shown in the schedule. Based upon a total development of 110 homes this represents 4.5% of all dwellings, less than half the proportion that is required by the Neighbourhood Plan.

*CONCLUSION: The outline application is not compliant with Neighbourhood Plan Policy H2 Bungalows.*

**b) Policy EH-H7 Design Code: *character***

The Design Code Policy EH-H7a.i sets out one of the most fundamental policies of the Neighbourhood Plan, namely that:

*“Designs are in keeping with the established character of East Horsley and with the style of properties surrounding the development.”*

However, as commented earlier in Section 2(b) in relation to settlement density, the proposed settlement shown in the illustrative masterplan and in the DAS is one of a high density urban development which is in complete contrast to the rest of the village. East Horsley is a historic village with a distinctive character, set in rural surroundings. It is well liked by its residents and regularly features amongst the ‘Best Villages in England’ or similar surveys. The Lollesworth Fields site is a large site located very close to the designated district centre and therefore its particular character will have a significant impact on the overall character of the village.

The Design Review Panel picked up strongly on this theme, as Page 4 of their report comments:

*“...the design concept for this development needs further consideration. This is one of the most sustainable locations for development outside of a town centre, but it is neither a rural site nor a suburban site, but a village centre site. The development should respond to that condition in its form and layout. As such, we consider that there could be a range of alternative housing typologies included in this development such as terraced cottages more typical of a village centre...”*

In the DAS, under the section headed ‘Local Context Study’, reference is made to the Frenchlands Gate development of 2011, commenting *“how a successful interpretation of local character can be applied to a higher density settlement”*. Unfortunately, in the design concept proposed for Lollesworth Fields, almost nothing seems to have been borrowed from Frenchlands Gate.

*CONCLUSION: The design concept proposed for Lollesworth Fields does not reflect the established character of East Horsley and as such it is not compliant with Neighbourhood Plan policy EH-H7a.i. This can only be remedied by a fundamental re-working of the design concept for this site.*

**c) Policy EH-H7 Design Code: *landscaping***

The Design Code Policy EH-H7a.ii sets out a landscaping policy for new development as follows:

*“Landscaping is consistent with the surroundings and context, whilst generally enhancing the ‘leafy’ character of East Horsley;”*

This was partially discussed in Section 2(b) earlier, with reference to comments made by the Design Panel Review. The full paragraph of their comments in relation to landscaping (*Page 6*) is now quoted below:

*“The description of ‘green corridors’ is misleading; there are no green corridors provided in this masterplan. The indicative street trees will not thrive on account of their proximity to the buildings and hard standing and more thought needs to be given by a landscape architect to the conditions required for signature trees to thrive as a feature of this development. It is fundamentally important not to ‘rubber stamp’ trees across the masterplan, but to understand precisely where trees will grow and thrive.”*

As with the housing designs, it seems that the masterplan places little value on being ‘consistent’ with the surroundings and context of this development.

*CONCLUSION: The application is not compliant with the Design Code policy EH-H7a.ii in relation to landscaping. A revised approach is needed to address this matter.*

#### **d) Policy EH-H7 Design Code: *building heights***

Policy EH-H7(a).iii of the East Horsley Design Code states that:

*“Residential development should be no more than two storeys high, other than in exceptional circumstances;”*

In the applicant’s submitted Parameter Plan for Scale, a large section of housing in the northern component of the site is shown as being “up to 2.5 Storey” in height whilst in the southern component all of the housing is shown as being “up to 3 Storey”. Taken together these two areas, shown in dark and medium blue shading, represent around three-quarters of the total development area. Yet all of the housing being proposed within these areas is seeking approval for maximum building heights which are contrary to the Neighbourhood Plan Design Code policy, where two storeys is the maximum allowed for residential housing.

*CONCLUSION: The Parameter Plan is not compliant with Design Code Policy EH-H7(a).iii in relation to building heights.*

#### **e) Policy EH-H7 Design Code: *parking***

Policy EH-H7(a) vi of the East Horsley Design Code states that:

*“Sufficient off-street parking shall be provided for all dwellings, dependent upon the size and type of housing, in order to ensure there is no on-street parking at the development other than in exceptional circumstances.”*

Although the Barton Wilmore Planning Statement reports in Paragraph 5.24 that “Details regarding car parking will be finalised and agreed at the Reserved Matters stage”, their previous two paragraphs detail the main principles to be followed, stating that for the site’s main routes and lanes: “Visitor parking will be provided within the carriageway at irregular intervals between access drives” whilst for residential properties on the private drives there will be “some informal on-street parking intended for visitors.”

Parking for visitors is clearly not parking ‘in exceptional circumstances’ as required by the Neighbourhood Plan. It is routine everyday parking. To have these spaces provided from on-street

parking is therefore contrary to the East Horsley Design Code. There are very few roads in East Horsley where on-street parking occurs regularly and where it does it is usually problematic – hence the reason for the inclusion of this policy in the Neighbourhood Plan.

There is also another parking-related issue which is not addressed at all in the Planning Statement or the DAS, namely the fact that this site is very close to Horsley Station and that an effective parking strategy will need to be developed to prevent commuters from parking all day within the residential roads of this development.

*CONCLUSION: The proposal for on-street parking for visitors referenced in the Planning Statement and in the DAS is contrary to Design Code Policy EH-H7(a)vi. The applicant's plans need to be revised to exclude on-street visitor parking from the design of this development, other than on an exceptional basis.*

#### **f) Policy EH-H7 Design Code: new roads**

Policy EH-H7(c)ii of the Design Code, in relation to the layout and form of new roads, states that:

*"If there is to be screening at the front of the house, use hedges or shrubs, not fences, walls or railings."*

In Section 8 of the DAS, addressing Character & Appearance, there are various references and illustrations of the areas labelled as Ockham Gate and Lollesworth Core to boundary treatments which involve 'Metal railings/low walls' and also to 'Wooden Garden Fencing', all of which are contrary to the recommendations set out in the Neighbourhood Plan Design Code.

*CONCLUSION: References in the DAS to 'hard' boundary treatments such as Metal Railings, etc, are contrary to Design Code Policy EH-H7(c)ii. These aspects of the Character & Appearance of the proposed development should be revised.*

#### **g) Policy EH-EN2 Trees & Hedgerows**

The Neighbourhood Plan environment policy EH-EN2 addressing Trees & Hedgerows states that:

*"Developments on greenfield sites should include an appropriate landscaping plan to ensure the 'leafy' character of East Horsley is sustained and which should involve planting of new trees and hedgerows of native species on gardens, communal areas or roadside verges where feasible."*

This issue was partly addressed in Section 2(b) in the context of Place-shaping and also in Section 3(c) in the Design Code policy on landscaping. This part of the environmental policy EH-EN2 on Trees & Hedgerows was specifically included in the Neighbourhood Plan to address developments at greenfield sites. As the Design Review Panel also commented in their report, whilst new tree planting on the periphery of the site is proposed in the masterplan, it is amongst the Shared Spaces of residential urban streets that establishing 'leafiness' becomes problematic.



*CONCLUSION: The proposed high density layout means that new trees planted along the various 'lanes' and 'private drives' within the new development are unlikely to flourish, leaving stark urban street scenes, contrary to Policy EH-EN2 of the Neighbourhood Plan.*

## **h) Policy EH-EN5 Flooding**

The Environment Agency's classification presently has around one third of the site classified as a Flood Zone 3. This has meant that addressing flooding issues and ensuring the development is safe from flooding risk has been a core part of preparing the planning application for this site. It has involved the applicant commissioning detailed modelling work to allow a re-assessment of flood risk. This work came to the conclusion that much of the site is now considered to be of Low Flood risk, although this re-classification is still subject to formal confirmation by the Environment Agency. However, the eastern part of the site is not a Low Flood risk area, as Barton Willmore report in their Planning Assessment (Page 24):

*"Environment Agency 'Flood Risk from Surface Water' mapping suggests a substantial risk of surface water flooding in the very east of the site, adjacent to Ockham Road North. This concurs with known local issues of flooding which have affected Ockham Road North in the past."*

On behalf of the applicant, Peter Brett Associates ('PBA') prepared a detailed 'Flood Risk Assessment & Surface Water Management Strategy' for the site. PBA acknowledge that the issue of flooding risk at the eastern part in Paragraph 5.1.20 with the comment:

*...due to the existing risk of pluvial flooding affecting the location of the proposed site entrance and the wider area along Ockham Road North outside of the site, there may be times when access/egress to/from the site is temporarily impeded. However, the proposed roads within the site and the proposed properties will be unaffected by this existing local issue and the development itself will therefore remain safe.*

So whilst the development site itself may be safe from flooding, secured by a range of mitigation measures, attenuation ponds, etc, the problem of flooding on Ockham Road North remains unresolved, as PBA comment in Paragraphs 5.2.10 and 5.2.11 of their report:

*"It was suggested by the LLFA, following the meeting held 19th February 2019, that consideration should be given to the provision of a 'dished' area in the east of the site to intercept pluvial flood flows from Ockham Road North, with these being managed by either return into the highway drainage system or discharge to the Stratford Brook or Ordinary Watercourse A.*

*It has subsequently been agreed that there may be potential to implement such a scheme, however there is no specific policy requirement for the development to address this local flooding issue and such a scheme requires more detailed consideration before it can be confirmed to be feasible and beneficial. This opportunity will therefore be considered further in conjunction with the LLFA at the detailed design stage."*

Surface water flooding along Ockham North Road has been a problem for residents for many years. There is an existing surface water drainage system which runs beside the highway but it is old and prone to blockages, frequently leaving much of the highway under water during periods of heavy rainfall. In future surface water running off the site, including along the access road, will inevitably flow down into Ockham Road North and enter the roadside drainage system.

Whilst PBA may believe that “*there is no specific policy requirement for the development to address this local flooding issue*” this is not strictly correct. Policy EH-EN5 of the East Horsley Neighbourhood Plan requires that:

*“Development proposals in East Horsley which will result in surface water draining into drainage gullies, ditches, culverts, pipes or other systems provided for surface water drainage that will run at some point downstream through an area subject to higher risk of flooding than found in Zone 1 of the Environment Agency’s classification are required to demonstrate that the system is capable of accepting the extra load.*

From the documentation provided by the applicant, EHPC does not believe that any such demonstration has yet been provided to show that the surface water drainage system in Ockham Road North is capable of accepting the extra load.

The second paragraph of Policy EN-EN5 continues:

*“Development proposals in such locations are required to ensure that existing drainage systems are not worsened, and ideally are improved, as a result of the proposed development. They must also ensure that no increase in surface water flooding will arise at the development site or the surrounding area as a consequence of the development.”*

Whilst PBA and the LLFA may choose to consider this issue in further detail “*at the detailed design stage*”, the infrastructure of the site represents an integral part of Catesby’s outline planning application. Therefore, EHPC believes that deferring such an important matter to an unspecified later date would be highly inappropriate. Indeed EHPC believes that this issue is so significant that failure to meet this policy requirement would be sufficient of itself to withhold outline planning consent.

*CONCLUSION: The application fails to comply with Policy EH-EN5. EHPC believes that the application should not be approved until the applicant has demonstrated that it is fully compliant with both parts of this important policy.*

## 5. NON-COMPLIANCE WITH THE DEVELOPMENT PLAN

EHPC has identified a total of 10 policies from the local and neighbourhood plans where the planning application for development at Lollesworth Fields is not compliant, namely:

|                           |  |
|---------------------------|--|
| <b>Local Plan</b>         | A38 Site Policy<br>D1 Placing Shaping  |
| <b>Neighbourhood Plan</b> | EH-H2 Bungalows<br>EH-H7 Design Code (character, landscaping, building heights, parking, new roads)<br>EH-EN2 Trees & Hedgerows<br>EH-EN5 Flooding |

This is a significant list of non-compliance. Therefore, until these issues have been satisfactorily addressed through a revised plan, EHPC believes this application and the current appeal should be refused.

## 6. HEALTH & SAFETY

In connection with the planning application, GBC's SANGs officer, Mr Tom Childs, has submitted two documents pointing out that the adjacent ancient woodland of Lollesworth Woods has significant infestations of Oak Processionary Moths. He has repeatedly given clear advice that a 100 metre buffer zone is needed between the site and Lollesworth Woods in order to protect residents from infection by Oak Processionary Moths which infest those woods. This buffer zone does not feature on the plans submitted by the applicant.

Following an exchange of correspondence with the applicant's advisers, Mr Childs repeated his advice in a letter dated 4<sup>th</sup> July 2019 stating that a 100 metre buffer zone is needed between the site and Lollesworth Woods, otherwise residents at the site, their pets and persons visiting the area may be at risk from serious infections caused by these moths.

During recent months several instances of Oak Processionary Moth infestations have been reported at different locations around East Horsley whilst various areas of woodlands containing oak trees (eg those around Effingham Common) now have Surrey County Council notices warning of the risks arising from Oak Processionary Moths.

EHPC believes that protecting the health & safety of residents is an issue to which any local authority must give the highest weighting. Accordingly, we believe the appeal must be refused and planning application withheld until such a buffer zone is included within a revised plan for development at this site. To do otherwise, would risk imposing a serious health risk for new residents and visitors at and around this location.

*East Horsley Parish Council, 24th October 2019*