

**STATEMENT OF CASE
ON BEHALF OF
EFFINGHAM PARISH COUNCIL**

**APPEAL BY BERKELEY HOMES (SOUTHERN) LTD AND
THE HOWARD TRUST PARTNERSHIP**

**SITE AT LOWER ROAD AND BROWNS FIELD, BROWNS LANE,
EFFINGHAM, SURREY, KT24 5JR**

Planning Inspectorate Ref: APP/Y3615/W/16/3151098

Local Authority Ref: 14/P/02109

September 2016



Effingham Parish Council

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CONTENTS

	PAGE
1. INTRODUCTION	3
2. THE APPEAL SITES	6
3. PLANNING POLICY CONTEXT AND RELATED DOCUMENTS	10
4. THE CASE FOR REFUSAL	11
5. CONCLUSION	18
6. LIST OF DOCUMENTATION AND OTHER INFORMATION	18

APPENDIX 1:

‘Berkeley Homes / Howard of Effingham School Proposals, Housing Provision, Design Requirements and Section 106 Contributions’, Effingham Parish Council, 29 April 2014

APPENDIX 2:

Education Funding Agency Property Data Survey 136833/4036 – Howard of Effingham School

APPENDIX 3:

Letter from Effingham and Leatherhead Rugby Football Club

APPENDIX 4:

Documents relating to planning application 00/P/00022

1. INTRODUCTION

- 1.1 This appeal relates to an appeal against Guildford Borough Council's refusal of planning permission (ref 14/P/02109) for:

Hybrid planning application for outline permission (only access to be considered) for the erection of a replacement secondary school for Howard of Effingham and up to 258 residential dwellings with means of access at Howard of Effingham School and Lodge Farm, Lower Road following demolition of all existing buildings; and full permission for the erection of 37 dwellings, with access, parking and landscaping works on land at Brown's Field, Brown's Lane, Effingham.

Guildford Borough Council is hereafter referred to as 'GBC'. The current Howard of Effingham School has the capacity for approximately 1600 pupils, and the proposed replacement secondary school would increase the capacity to 2000 pupils.

- 1.2 Effingham Parish Council, hereafter referred to as 'EPC', has been granted Rule 6 Status at the Inquiry and is in support of the refusal of planning permission. This Statement of Case is made in advance of exchange of proofs of evidence in due course and sets out the broad structure and content of the evidence to be presented on behalf of EPC.
- 1.3 EPC would like to make clear that it has always acted positively in support of all schools within the parish, and will continue to protect and promote the interests of young people in Effingham. However the scale of this planning proposal and the unprecedented scale of the detrimental impact on the village and the lives of all residents in the village are such that it objects to this planning application. As set out in the Emerging Neighbourhood Plan, policy C6, proposals for new developments, refurbishments or extensions to improve the educational facilities at the Howard of Effingham School on its existing site would be supported.
- 1.4 EPC objected to the planning application 14/P/02109 on the basis of the 2003 Guildford Local Plan and the National Planning Policy Framework (NPPF), and this objection provides the basis for the evidence to be provided at the appeal. Effingham was designated as a Neighbourhood Planning Area in April 2014 and the Emerging Neighbourhood Plan was subject to a Regulation 14 consultation from 23 May 2016 to 18 July 2016. It is anticipated that the Neighbourhood Plan will have progressed further by the date of the Inquiry and will carry increased planning weight. Policies of the Neighbourhood Plan are therefore cited here in support of the case for refusal.
- 1.5 The application was refused for eleven reasons based mainly on policies in the 2003 GBC Local Plan and the NPPF, which are summarised below (for the complete wording of the reasons, please refer to the Decision Notice):
1. *The proposed development represents inappropriate development within the Green Belt and is harmful by this definition. In addition the level of development proposed would have a clear and substantially detrimental impact on the openness of the Green Belt and conflict with the purposes of including land within the Green Belt. Very special circumstances to outweigh the harm to the Green Belt (and any other harm) have not been demonstrated.*
[RE2, NPPF chapter 9]
 2. *The application site is located within seven kilometres of the Thames Basin Heaths Special Protection Area (SPA); the lack of appropriate parking at the Effingham Common Suitable Alternative Natural Green Space (SANG) means this cannot mitigate any potential impact; significant concerns remain with regard to the adverse effect on the integrity of the SPA.*
[NE1, NE4 and saved policy NRM6 of the South East Plan 2009]

3. *The application site is located in close proximity to the Thornet Wood site of Nature Conservation Importance (SNCI) and ancient woodland; the Environmental Statement and planning application submission does not assess the potential effects on the SNCI from either potential recreational access or the effects of urbanisation; no mitigation measures are identified to protect the SNCI/ancient woodland or surveying the existing flora and fauna; the local planning authority cannot therefore be satisfied that the proposed development would not have a detrimental impact on the SNCI.*

[NE3, NPPF chapter 11]

4. *The applicant's ecological study fails to investigate all ponds within 500 metres of the application site; in the absence of full investigations the Local Planning Authority cannot be satisfied that the proposed development would not have a harmful impact on Great Crested Newt habitats.*

[NE3, NPPF chapter 11]

5. *The proposed development of Browns Field would erode the rural nature of the existing land which sits at the heart of the village within the Effingham Conservation Area and provides a positive feature enhancing the significance of the heritage asset and the resulting urbanisation would erode the significance of the heritage asset.*

The development of the existing playing fields on the Howard of Effingham site would encroach onto the existing rural character which abuts the Effingham and Little Bookham Conservation Areas and neighbouring Grade II and II Listed Buildings; the urbanising effect would have a harmful impact on the setting of these heritage assets to the detriment of their significance.*

The scale of the development proposed on the Lodge Farm site, including the likely size of the replacement school, would transform the currently open land to a distinctly urban feature. This would affect views into and out of the adjacent Effingham Conservation Area adversely affecting its significance which is derived from its form as a historic village with a tight development pattern towards the core and a more loose knit feel towards the edge of the village and Conservation Area.

The proposed development would therefore result in less than substantial, but nevertheless considerable, harm to the Effingham Conservation Area and its setting, the setting of the Little Bookham Conservation Area and to the setting of Grade II and II Listed Buildings to the east of the Howard of Effingham site.*

[HE4, HE7, HE10, NPPF paragraph 134, Section 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990]

6. *The proposed development at Browns Field would fail to respect the existing grain of the village by introducing a feature of garden boundaries and courts onto The Street. The scale of the residential development would introduce large and bulky buildings, some up to 10 metres in height, together with steep roof forms on numerous plots, taken together, this is excessive in this rural village location. In design terms there are several convoluted roof forms notably plot 6 and plots 17-19 (which also would present a large bulky building with excessive gable elements), these would appear incongruous within the existing village and within the proposed development setting.*

[G5, CF4, NPPF chapter 7]

7. *The provision of up to 99 dwellings with associated parking on the Howard of Effingham site would present an urban development form on this edge of village site which would jar with the general loose knit feel of the immediate surroundings; the applicant has indicated that several properties would be three stories in height which would be at odds with the modest scale of the existing village which is predominantly two storeys in height.*

The Lodge Farm site currently forms a significant gap between the villages of Effingham and Little Bookham. The introduction of up to 159 residential units on to this site would unavoidably erode the open character of this site having a detrimental impact on the context of Effingham village. The likely provision of 2.5 – 3 storey dwellings along with the new school building, which is also likely to be set over three floors, would add to the concerns over the scale of the development introducing a building which would dominate the village in terms of its likely size and scale.

The proposal would therefore harm the character of the existing Effingham village and would jar with the context of the immediate surroundings of the three individual sites.

[G5, CF4, NPPF chapter 7]

8. *The application fails to make provision for affordable housing as part of the development proposals. The applicant has failed to demonstrate that the provision of appropriate affordable housing would detrimentally affect the viability and deliverability of the development.* *[H11, NPPF chapter 6, Planning Contributions SPD]*
9. *The proposed development would result in the loss of community playing fields on the Browns Field site, which is heavily used by the local rugby club. The proposed playing field facilities at the school would not provide an adequate replacement of this community facility. Sport England therefore retains an objection. The applicant has failed to demonstrate how the new facilities would be managed to meet Sport England requirements.*
10. *The applicant has failed to submit a completed legal agreement securing contributions towards primary and early-years education provision, travel plan auditing, improvements to cycle and pedestrian networks, and the refurbishment of the King George V Hall. Without such an agreement in place, the proposal would fail to provide for the educational need associated with the new development. The necessary improvements to the pedestrian and cycle network, beyond those already suggested by the applicant, would encourage sustainable travel in the area. In addition, the proposed additional dwellings would put increased pressure on existing community facilities such as the King George V Hall. A contribution towards the refurbishment of the building is therefore justified.*

[R1, NPPF chapter 8 and Sport England's playing fields policy]

[G6, NPPF and Planning Contributions SPD]

11. *Due to the quantum of the proposed development and a combination of the potential shortfall in parking at the proposed school and Browns Field sites, the general increase in traffic using the highway network within this rural village and potential deficiencies with the methodology used by the applicant in the transport assessment, particularly including trip rates assumptions, the Local Planning Authority cannot be satisfied that the cumulative effect would not have a severe impact on local highway conditions. The Local Planning Authority is not satisfied that the mitigation measures set out in the transport assessment would overcome the potential severe harm.*

[G1(1), G1(2), NPPF chapter 4]

2. THE APPEAL SITES

a) Site 1 – The existing Howard of Effingham School, Lower Road

- 2.1 An area of approximately 3.75 hectares to the south of Lower Road, the current school site lies beyond the Settlement Area of the 2003 Local Plan, adjoining both Effingham Conservation Area and the Conservation Area of Little Bookham immediately to the east; the site plays a key role in supporting an open rural setting for the two Conservation Areas. The site is bordered by Lower Road and undeveloped land to the north, open fields to the east and the park and recreation ground of King George V Fields to the south, and sits within the 5-7 km zone of the Wisley and Ockham Commons Special Protection Area. The site contains the main school buildings, the sixth form centre, a sports hall which is also open to the community, a nursery school, car parking, playground space and tennis courts as well as a large area of grassland used for play areas and sports.
- 2.2 The school site was originally farmland belonging to the manor of Effingham East Court and belonged to the lord of the manor as part of his demesne. Effingham East Court manor house was replaced by The Lodge (now Effingham Place) in about 1799, and the school site was part of its extensive park and gardens. In 1939 the site had been sold to Surrey County Council to build the Central School as a secondary school, later the Howard of Effingham County Secondary School and now an Academy.
- 2.3 Planning applications over the last 25 years are listed below. (The earlier applications were made to Surrey County Council (SCC), and the numbers refer to the SCC consultation made to GBC.)
- 1992: 92/P/00518 Erection of a six classroom block and two moveable classrooms with extensions to main school buildings for laboratory and ancillary office space together with creation of a 20-space car park.
- 1993: Erection of a double and a single moveable classroom
- 1994: 94/P/00274 Single storey extension to existing library
- 1995: 95/P/01149 New sixth form block, sports hall, two laboratories and car parking provision
- 1997: 97/P/00691 Four additional classrooms, offices, stores and multi-purpose area
- 1998: 98/P/00030 First floor extension to form enlarged art centre and ground floor extension to existing music block
- 2002: 02/P/00394 Alterations to and extension of school main entrance and reception area
- 2002: 02/P/01786 Erection of a purpose built day nursery
- 2003: 03/P/00151 First floor extension on north east elevation over existing laboratories to provide an additional Maths & IT suite.
- 2003: 03/P/00981 Extension to existing building comprising new pitched roof. Single storey school dining hall and cyber café with flat roofed link; creation of replacement parking spaces.
- 2006: 06/P/01229 Single storey extensions and design technology lab to provide storage, science building to create foyer and display space and sports hall to provide equipment store
- 2006: Creation of two enclosures to provide secure storage for 48 cycles; extension of car park to create net increase of 20 parking spaces
- 2007: 07/P/00818 Extension at first floor level to provide ancillary office space

2008: 08/P/01282 Two-storey modular building and covered link to existing building to provide ancillary administration offices.

2011: 11/P/00740 Two –storey extension to the existing science building to provide an enlarged science faculty, offices at ground floor level and three offices at first floor level

2014 14/P/02109 The current proposal.

b) Site 2 – Browns Field, Browns Lane

2.4 Browns Field is a 1.7 hectare green field that sits at the southern edge of the Conservation Area, at the entrance to The Street. As a large open green space it serves as a buffer between the original core of the village, now a Conservation Area, and the modern housing to the south of the A246, thereby providing the landscape context for the historic heart of the village. A 19th century structure (locally listed as an apple store) is sited near the western boundary, and to the north the site adjoins another locally listed building (Old Hollies) with the Grade II listed ‘Browns’ also in very close proximity. ‘Vine Cottage’, a grade II listed property and ‘The Cottage’ (locally listed) sits across from the site on the opposite side of The Street. Almost immediately to the south are ‘Crosslands’ and ‘Effingham House’ (now Effingham Golf Club), both of which are grade II listed properties. The site sits within the 5-7 km SPA of the Thames Basin Heaths and is also a designated Local Green Space in the emerging Neighbourhood Plan. It is an existing school playing field and is currently a recreation space for ‘mini rugby’, junior rugby organised by Effingham and Leatherhead Rugby Football Club, which takes place here every Sunday in season. Part of the site is also within the designated Area of High Archaeological Potential.

2.5 The site was part of the farmland for ‘Manor Farm’ (now ‘Browns’), the manor house for the manor of Effingham owned by the Lord Howard of Effingham until the mid 17th century. In the 20th century the field was acquired by Surrey County Council, and was transferred into the ownership of the Howard of Effingham School when it became an Academy.

2.6 There is no recent planning history on this site. It was considered for possible rebuilding of St Lawrence Primary School during the 1960s/70s, but planning permission was not given.

c) Site 3 – Effingham Lodge Farm, Lower Road

2.7 Effingham Lodge Farm site is a 19.7 hectare area of Green Belt land, to the north of Lower Road, adjoining both Effingham Conservation Area and the Conservation Area of Little Bookham immediately to the East. The land was designated as ‘high-sensitivity Green Belt’ in Guildford Borough Council’s ‘Green Belt and Countryside Study’. It is located outside the settlement boundary of Effingham identified in the 2003 Local Plan and outside the inset boundary proposed in the 2016 Emerging Local Plan. The majority of the site is open grade 3 agricultural land, with some permanent structures and temporary glasshouses on an area to the south east of the site fronting Lower Road. The permanent structures include two detached houses and three buildings with permission for B1 use (office, light industrial or research and development). The site adjoins the Effingham Conservation Area and is slightly to the east of the locally listed church of ‘Our Lady of Sorrows’ and the historic Lutyens ‘Red House’ and Lodge/Yard which is Grade II listed. Immediately to the north is the ancient woodland and SSSI of Thornet Wood, with Effingham and Bookham Commons (another SSSI) further north. Part of the site fall within the 5 km zone of the Thames Basin Heaths Special Protection Area, with the remainder within the 5-7 km zone. The eastern part of the site is designated in the Effingham Neighbourhood Plan as a wildlife corridor connecting the SSSIs at Bookham Common and Ranmore Common.

- 2.8 Originally, Effingham Lodge Farm was farming land owned by Little Bookham Estate but in the Manor and Parish of Effingham. It formed part of Dunglass Farm at the end of the 19th century along with the farmhouse in Browns Lane. In 1906 it was sold to George Pauling owner of The Lodge (now Effingham Place), and renamed Effingham Lodge farm. It was sold from his estate in 1935, and bought by the Mizen family in 1948 who erected greenhouses and made it a successful horticultural business in addition to farming the land. The Van Den Berg family later acquired the land, which continued to be run as a farm and horticultural business. The horticultural business eventually closed, the permanent buildings were largely converted to commercial uses and other uses, and the glasshouses used for storage or abandoned, and the open fields were farmed sporadically by local farmers. On 6 September 2013 title transferred to Berkeley Homes (Southern) Ltd for the stated price of £2 million.
- 2.9 The vast majority of this site is currently open greenfield land. There is a small area of permanent construction to the south-west corner of the site. Permanent buildings here include two four-bedroom detached houses, a warehouse formerly used for a seed business and subsequently the storage of electronic equipment, a former tea-room serving the ATM company previously on the site, a small building previously used by a floristry business, a pump house (over a well 270 ft deep), and a single story office building (with the appearance of a bungalow) now used as a children's nursery. There are also significant areas of hard-standing for parking, storage and an access road. There is an area of temporary glasshouses, currently derelict but previously in operational use at the farm; some have been used for storage of hydroponics equipment and scrap electronic machines from the ATM business, as well as waste computer packaging. Builder's waste has been dumped behind the glasshouses.
- 2.10 There is an extensive planning history for this site, and the main approved applications are set out below. The documents for the most recent approval (00/P/00022) are included in the Document List in Section 6 and attached as Appendix 4.
- 1966 GU/R 14742 – CJ 217 Erection of glasshouse
- 1968 GU/R 272—3-69 Erection of a new packaging shed and store
- 1971 GU/R 387-5-71 Erection of glass house to replace existing obsolete structure
- 1973 GU/R 257-2-73 Erection of a glasshouse size 201' 6" x 115' 7"
- 1978 78/P/0372 Erection of cold store building, glasshouse I and glasshouse II within GBC area
- 1978 78/P/1076 Erection of two detached 4-bed houses with garages for occupation by site manager and site engineer (by SCC)
- 1978 78/P/1094 Demolition of existing chimney & boiler house & erection of new boiler house
- 1979 79/P/0634 Single storey addition to office to provide additional office and feed store
- 1980 80/P/0628 Erection of a pair of detached houses without compliance with condition VII of planning permission 78/P/1076
- 1981 81/P/0050 New staff toilet and shower block
- 1984 84/P/1533 Taking down of high profile old glasshouses and re-erection of new low profile glasshouses of 9216 sq m to be used for growing salad crops ie lettuce, tomatoes and cucumbers etc
- 1984 84/P/1546 Occupation of two dwellings permitted under 78/P/1076 without compliance with condition VII for permanent use.

- 1997 97/P/1623 Continued use of three buildings for storage and small repairs of computers for a temporary period of two years.
- 2000 00/P/00022 Continuance of B1 (office, light industrial or research and development) use without complying with condition 1 of planning approval 97/P/1623 (permanent use of three buildings).

N.B An informative to the decision notice states “The applicant is advised that this permission does not extend to the existing glasshouses on the site. Any use of the glasshouses for non-horticultural uses would require a separate planning permission and due to the temporary nature of their construction it is unlikely that such a permission would be granted.”

3. PLANNING POLICY CONTEXT AND RELATED DOCUMENTS

3.1 The evidence will be prepared with due consideration to the National Planning Policy Framework (NPPF) and the following planning policy and related documents.

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

3.2 The Adopted Guildford Local Plan dates from 2003, and the majority of its policies were saved by CLG Direction in 2007. Under policy RE3, Effingham is an identified settlement within the Green Belt. Policy RE2 sets out planning policy for development in the Green Belt.

b) Guildford Borough Emerging Local Plan 2016 and Evidence Base

3.3 Guildford Borough Council carried out a Regulation 18 consultation on a revised Local Plan: Strategy and Sites in 2014. Following a review of the consultation responses and updating of the Evidence Base, the draft Local Plan was revised and a 'Submission Local Plan: Strategy and Sites' went to Regulation 19 consultation in June 2016. This '2016 Emerging Local Plan' takes account of the updated 'Green Belt and Countryside Study' which designates Green Belt land parcels across the borough as High, Medium or Low sensitivity Green Belt.

3.4 Under the 2016 Emerging Local Plan, Effingham is proposed to be inset from the Green Belt, on a boundary shown on the Effingham map in Appendix H. Of the sites in these proposals, Sites 1 and 2 are within the proposed inset boundary, and site 3 is outside. Sites 1 and 3 lie within a land parcel designated 'High Sensitivity' Green Belt in the updated Green Belt and Countryside Study. Site 2 is designated as 'open space' under policy I4, based on the Guildford Open Space, Sport & Recreation Assessment in the evidence base.

c) Effingham Emerging Neighbourhood Plan and Supporting Documents

3.5 EPC is the Qualifying Body to produce a Neighbourhood Plan for the parish of Effingham, designated a Neighbourhood Planning Area in April 2014. EPC published a draft Neighbourhood Plan in September 2015 for informal consultation and a Health Check. Following revision to take account of the informal consultation and the revised draft Local Plan published in April 2016, a preferred Draft Effingham Neighbourhood Plan was published (Effingham Neighbourhood Plan 2016-2030, Draft for Consultation agreed by Effingham Parish Council on 19 April 2016). A formal Regulation 14 consultation on this draft was carried out with a closing date of 18 July 2016, and included a survey of every household in Effingham Parish. It is anticipated that the Neighbourhood Plan will be submitted to Guildford Borough Council in November 2016, and may proceed to Referendum by the summer of 2017.

3.6 This Statement of Case will make reference to the policies of the Emerging Neighbourhood Plan as set out in the Regulation 14 draft for consultation, hereafter referred to as 'NP'. These policies may be subject to revision as the Neighbourhood Plan moves through the formal process.

3.7 The NP policies most relevant to the proposals in this appeal are:

G1 A Spatial Plan for Effingham, G2 Landscape, Heritage, Character and Design,

H1 New Homes for Effingham, H2 Mix of Housing,

EN1 Local Green Spaces, EN2 Wildlife Corridors and Stepping Stones,

C1 Sites of Community Importance, C6 Schools,

R1 Car Parking, SA3 Previously Developed Land at Effingham Lodge Farm

4. THE CASE FOR REFUSAL

- 4.1 Evidence will be provided to support the reasons for refusal from GBC, together with reference to the Emerging Neighbourhood Plan, on the issues set out in a) to i) below, which are grouped according to category. In summary, evidence will be presented to demonstrate that the proposals represent substantial and irreversible harm to the Green Belt, to nature conservation, to heritage assets and to the character of the village, and that the proposals cannot be justified either on the basis of educational need for additional school places in this area, or on the deficiency of school buildings or playing field space.
- 4.2 Evidence will highlight that the proposals represent substantial urbanisation and overdevelopment, promoting a density and character incongruous with existing nearby settlements and overwhelming the historic setting of the Conservation Areas of both Effingham and Little Bookham.
- 4.3 The proposals will seriously undermine the efforts of EPC with the support and engagement of the local community to develop a Neighbourhood Plan that promotes sustainable development whilst protecting essential wildlife corridors and habitats and conserving the essential character of the village.

a) Green Belt issues (Reason for Refusal 1)

- 4.4 The proposed development on all three sites constitutes inappropriate development in the Green Belt under the 2003 Local Plan.
- 4.5 Under the Emerging Local Plan, Site 3 (Effingham Lodge Farm) remains Green Belt and clearly serves the purposes of Green Belt set out in paragraph 86 of the NPPF. The 'Green Belt and Countryside Study', Appendix 1, 'Green Belt Purposes Schedule', of the Volume II Addendum, April 2014, classifies the land parcel D10 containing Effingham Lodge Farm as 'High Sensitivity' Green Belt, stating that it:
 - Checks the sprawl from Effingham;
 - Prevents the settlements of Effingham and Little Bookham from merging;
 - Minimal existing development therefore safeguards the countryside from encroachment;
 - Preserves the setting of the Effingham historic village and conservation area
- 4.6 The proposals are contrary to Emerging Neighbourhood Plan policy G1 'A Spatial Plan for Effingham' which steers development to be within the Settlement Area as defined by the 2003 Local Plan or within the Inset Boundary of the Emerging Local Plan, together with the sites allocated for residential development. The proposals for Site 3 are contrary to policy SA3, which allocates a small area fronting Lower Road for residential development compliant with NPPF paragraph 89 conditional on the remainder of Effingham Lodge Farm being cleared of permanent buildings, hard-standing and redundant temporary structures and the land retained in agricultural use or as natural grassland.

b) Case for Very Special Circumstances for Development in the Green Belt

4.7 The appellant's Statement of Case states (paragraph 1.4):

"The principal purpose of the application was to enable the provision of a new, expanded home for the Howard of Effingham School. The school has been judged outstanding by Ofsted, but is currently housed in buildings which are generally of poor quality, do not meet national space standards, and do not have sufficient capacity to meet the growing demand for school places identified by the County Council."

EPC's evidence will show that the buildings are not of generally poor quality, there is no urgent need for a replacement school, and the Howard of Effingham School already has sufficient capacity to meet the local demand for secondary school places and to provide parental choice. The case for very special circumstances for development in the Green Belt has therefore not been demonstrated.

4.8 The need for additional school places is not proven, since the school has met the aspiration of every parent stating a first choice preference for the school within its catchment area (and sometimes beyond) in every year of admissions from 2010 to the current academic year. Extra secondary places will be provided locally by the new 'Free' school at Cobham and by expansion of St Andrews in Leatherhead, resulting in 8 additional forms of entry from 2016. The recently announced consultation on a Multi-Academy Trust linking Therfield School in Leatherhead, Ashcombe School in Dorking and Warwick School in Redhill is likely to provide alternative attractive Academy places in the near future. Therefore the proposed increase in places at the Howard of Effingham School is not necessary to provide parental choice.

4.9 The 'Guildford Draft Local Plan: Education Review' produced by School Commissioning, Surrey County Council in May 2016 considers the need for additional school places over the period of the Emerging Local Plan. With respect to the east of the borough, the Review comments that:

"locating new provision with the strategic sites at Wisley former Airfield and Gosden Hill to the east... is likely to provide the most sensible geographic locations being close to where the majority of pupils are likely to reside. ...In the east 8FE [forms of entry] could be split between Wisley former Airfield and Gosden Hill, with 4FE co-located with each site."

There is therefore no need for additional places at the Howard of Effingham to serve the developments proposed in the Emerging Local Plan.

4.10 The provision of a specialist autism unit at the Howard School could be accommodated upon the existing Howard School site, supported by NP policy C6.

4.11 A Property Data Survey (see Appendix 2), commissioned by the Education Funding Agency to report on the state of the Howard of Effingham School buildings and issued in July 2013, showed that over 66% of the building elements at the Howard School were in 'good' condition and a further 23% were 'satisfactory'. 72% of buildings post date 1945, and 32% post date 1976, including the sports hall and IT facilities. The Department of Education's Priority School Building Programme addresses the needs of the schools most in need of urgent repair. Through the programme, it was announced in 2012 that 261 schools will be rebuilt or have their condition needs met by the Education Funding Agency. In February 2015 a further 277 schools were added in Phase 2. The Howard of Effingham School is not included within the Programme.

4.12 The school already meets government standards for provision of playing fields when the licensed use of the King George V Playing Fields (KGV Fields) is taken into account, and as such deficiency in this area cannot be claimed to support a case for very special circumstances. The KGV Fields

adjoining the school are run by a long-established Charity, now Effingham Village Recreation Trust, and provide safe convenient access to well-maintained sports facilities, including four rugby pitches, two football pitches, a cricket ground and athletics tracks.

- 4.13 Scope for alternative schemes for improvements to the Howard School on the existing site as supported by NP policy C6 has not been adequately explored. There are examples of schools in the local area where refurbishments and extensions have been carried out without the need for such a drastic strategy of rebuilding.
- 4.14 There is no justification for a special circumstances argument for the proposal based on housing land supply. The Emerging Local Plan makes adequate provision for a five-year land supply for housing in the Borough. It assumes the provision of housing on three sites in Effingham identified in the 'Land Availability Assessment': land at Church Street (site reference 99), 'Orchard Walls, Beech Avenue' (site reference 1038) and 'The Barn, The Street' (site reference 1040), all of which would be within the proposed inset boundary. These three sites would accommodate 43 new dwellings. The Emerging Neighbourhood Plan supports the provision of residential development on these three sites (NP policies SA1, SA2 and SA4) and also shows how the local target of 62 homes (NP policy H1) can be met.

c) Nature Conservation and Biodiversity issues (Reasons for refusal 2, 3, 4)

- 4.15 The SPA strategy would require a car park to serve the Effingham Common SANG to serve a development of this scale. This is part of a registered common where four properties have 'commoners' rights'. Provision of a car park on the Council-owned part of the Common is precluded because of nature conservation concerns, and provision on nearby properties is unlikely to be achieved since many are on the registered common and nearly all are sited on private roads where public access is unlikely to be permitted.
- 4.16 Effingham Lodge Farm (site 3) and the eastern part of the existing Howard School (site 1) are key sites along the Wildlife Corridor between Ranmore Common and Bookham Common via the Thornet Wood 'stepping stone', as defined in the Neighbourhood Plan policy EN2. Building on Sites 1 and 3 will seriously undermine this policy, and wildlife will be placed at risk through the development of the proposed sites.
- 4.17 Several small ponds are located in the southern part of Thornet Wood, close to the northern border of Site 3 (Effingham Lodge Farm). There are concerns that these may be habitats for Great Crested Newts.

d) Proposal for Site 2, Browns Field (Reasons for refusal 5, 6, 9)

- 4.18 The scale of the residential development would introduce large and bulky buildings, together with steep roof forms on numerous plots which, taken together, would be excessive in this rural village location. In design terms there are several convoluted roof forms notably plot 6 and plots 17-19 (which also would present a large bulky building with excessive gable elements), these would appear incongruous within the existing village and within the proposed development setting. The proposed development of Browns Field would erode the rural nature of the existing land which sits at the heart of the village, would fail to respect the existing grain of the historic village and would damage the setting of the Conservation Area. This would be contrary to NP policy G2 (2) and (3).

- 4.19 Browns Field is a community playing field, is designated a Local Green Space and is protected from development in NP policy EN1, due to its recreational value and historic significance. Browns Field is also proposed to be designated as 'Open Space' under Emerging Local Plan policy I4, based on the Guildford Open Space, Sport & Recreation Assessment in the evidence base.
- 4.20 Effingham and Leatherhead Rugby Football Club (ELRFC) use both Browns Field and the neighbouring King George V Fields for mini and junior rugby training and matches throughout the playing season. ELRFC have their club room, medical facilities and changing facilities at the King George V Hall. ELRFC have stated (see Appendix 3) that it would not be possible for the mini teams training on Browns Field to relocate to the Howard School's new playing fields on the proposal site at Effingham Lodge Farm due to safeguarding concerns, the need to accord with RFU rules and practical issues with children's teams playing across a split site.

e) Impact of proposals on character of the village, heritage assets and Conservation Area (Reason for refusal 5 and 7)

- 4.21 In Guildford Borough Council's Landscape Character Assessment report of January 2007, Effingham was described as "A rural settlement which fits within the historic field pattern." There was a clear recommendation to: "Maintain the existing dispersed nature of rural settlement which fits the historic field pattern avoiding expansion of settlement along roads (for instance northwards from Effingham) which would impair the rural, unified nature of the area." The scale and urbanising effect of the proposal would effectively destroy this rural pattern of development.
- 4.22 The impact on the historic Conservation Areas of both Effingham and Little Bookham would be profound. Within 400m of the sites there are 20 listed buildings. Particularly:
- i. The Effingham Lodge Farm site directly adjoins and would damage the setting of the historic Conservation Area in Effingham. Development of this site would affect the setting of the Grade II* listed 'All Saints Church' in Little Bookham, and the Little Bookham Conservation Area. The rural setting of these early buildings displays the historic character, nature and spatial qualities of both settlements, and this would be lost forever, as would the existing character of Effingham village.
 - ii. Views within and out of the Conservation Area would be damaged. Particularly:
 - The Grade II listed Red House and Lodge/Yard, one of the earliest recorded Lutyens buildings, would be seen against the background of the new school building and the high residential buildings indicated in the layout for this site, when viewed from the approach from Effingham on the Lower Road.
 - Our Lady of Sorrows Church and Lych gate, a small locally listed church in the parish style, will be overwhelmed in its setting and roof-scape, positioned in front of a high residential building as in the indicative layout for this site
 - iii. The significance of The Lodge at Effingham Place, a Grade II listed building, within its rural setting will be lost with a high residential building just beyond its curtilage.
 - iv. St Lawrence Church: At the heart of the village and Conservation Area, St Lawrence Church is the pinnacle of the historical hierarchy of the village. Overall the development will move the centre of emphasis and importance away from the historical centre towards the bulk of the new campus building and housing.

4.23 The proposals would be in conflict with NP policy G2, in that:

- i. Key strategic views would be damaged irrevocably, including C3 (Our Lady of Sorrows Catholic Church), E1 (Effingham Lodge Farm), and E2 (Footpath, junction with Water Lane)
- ii. The historic settlement hierarchy, with St Lawrence Church at the focal point, would not be reflected in the scale of proposed development and the heights of some new buildings
- iii. The scale and height of new buildings, particularly on Browns Field, would not be proportionate to their village surroundings

f) Housing provision (Reasons for refusal 8 and general issue)

4.24 The proposal would result in a disproportionate increase of approximately 30% in the number of households within Effingham village, which has a sustainability ranking of 7 within Guildford Borough's 'Settlement Hierarchy and Profiles' and is classified as a large village, unsuitable for substantial growth but capable of accommodating a proportionate extension. Analysis of results from the Housing Requirements Survey carried out by EPC (see 'Housing Target for Effingham') indicates a requirement for 62 smaller homes to meet the needs of local people, and this target is incorporated in NP policy H1, and is consistent with the number of homes expected to be provided in Effingham under the Emerging Local Plan.

4.25 High house prices in Effingham, partly because of the proximity of the outstanding Howard of Effingham School, mean there is a particular need for 'affordable housing' in the village. This is supported by analysis of the Housing Requirements Survey. Any housing proposal should therefore offer the percentage of affordable housing set out in the current Local Plan, as set out in NP policy H2.

4.26 The proposals for Browns Field (site 2), and the indicative proposals for the other two sites, do not meet the requirement for smaller one and two bedroom market homes set out in NP policy H2. The 2011 census return and analysis of the Housing Requirements Survey demonstrate there is a shortage and a need for smaller one and two bedroom homes in Effingham, to deliver a wide choice of high quality homes, widen opportunities for home ownership and create a sustainable, inclusive and mixed community.

g) Community facilities (reason for refusal 10)

4.27 If approved, the building of an extra 295 homes in Effingham village would put significant pressure on community facilities. These proposals should not be approved without suitable and appropriate Section 106 contributions which should reflect as far as possible the considered views of Effingham Parish Council, set out in the document 'Berkeley Homes / Howard of Effingham School Proposals, Housing Provision, Design Requirements and Section 106 Contributions' (Appendix 1).

4.28 The Effingham Community Sports Centre on the existing Howard Of Effingham School site, including a sports hall and fitness suite, provides facilities for the local community as well as the school. Loss of this Community Sports Centre would be contrary to NP policy C1, unless community access is given to equivalent facilities at the new Howard School, and this should be secured by a Section 106 obligation.

h) Highways and transport (reason for refusal 11)

- 4.29 Roads around the village are already congested, especially at school times, and increased traffic from this proposal will impact on all main access roads into the centre of the village and through the Conservation Area. Public transport is very limited, with no evening bus services and railway stations beyond easy walking distance. With the proposed increase of 400 extra pupils at the new Howard School, and the traffic from 295 extra homes, this proposal will generate a significant number of additional car journeys into and out of the village every weekday, greatly exacerbating the traffic chaos at school times. On narrow roads with inadequate footways, this extra traffic would pose a severe danger to pedestrians and cyclists, including school children walking to St Lawrence Primary School, children walking or cycling to the Howard School and elderly residents attempting to cross The Street to reach the shops.
- 4.30 EPC has significant concerns that the highways works associated with this proposal are insufficient to mitigate against safety concerns along The Street, Lower Road, Church Street, Chapel Hill, Crossways and Browns Lane, and at the traffic light-controlled junction of the A246 with The Street and Beech Avenue. There are also concerns that the works proposed for The Street could have an adverse impact on the viability of the shops by removing customer parking spaces and interfering with deliveries, and could have a detrimental impact on the amenity of elderly residents of the Housing Association-owned flats at Crossways which abut the highway, as the road-build-out will force traffic closer to their external wall.
- 4.31 Public transport in Effingham is very poor. The bus service is inadequate, with no services in the evening, and the nearest railway stations are beyond easy walking distance (Bookham station 1.6 miles and Effingham Junction station 1.7 miles) along roads with no off-road provision for cyclists.
- 4.32 The 2011 census shows that levels of car-ownership are well above average in Effingham, due to inadequate public transport. On-street parking increases safety concerns on busy village roads, and NP policy R1 therefore sets out the expected parking standards for development in Effingham to avoid the need for on-street parking. The proposals for Browns Field (site 2) and the indicative layouts for the other two sites fail to meet these standards. It has not been demonstrated that the car parking proposed for the new school will be sufficient to prevent on-street parking by pupils, staff or visitors, and the proposed Green Transport Plan is unconvincing.

i) Conflict with the Emerging Neighbourhood Plan

4.33 In summary, the proposals would be in direct conflict with the following policies of the Emerging Neighbourhood Plan:

- G1 A Spatial Plan for Effingham:* As set out in a) paragraph 4.6, the proposed development is outside the village area.
- G2 Landscape Character, Heritage and Design:* As set out in d) paragraph 4.18 and e) paragraph 4.23, the proposals fail to comply with the provisions of this policy to conserve the essential landscape, heritage and rural character of the parish.
- H1 New Homes for Effingham:* As set out in f) paragraph 4.24, the proposals represent a disproportionate increase in the number of homes in the village.
- H2 Mix of Housing:* As set out in f) paragraphs 4.25 and 4.26, the proposals fail to provide the mix of sizes and tenures needed to deliver a wide choice of high quality homes, widen opportunities for home ownership and create a sustainable, inclusive and mixed community.
- EN1 Local Green Spaces:* As set out in d) paragraph 4.19, proposals for development on Browns Field are contrary to its designation as a Local Green Space for reasons of recreation and historic significance.
- EN2 Wildlife Corridors and Stepping Stones:* As set out in c) paragraph 4.16, development on Sites 1 and 3 would damage the wildlife corridor between Ranmore Common, Thornet Wood and Bookham Commons.
- C1 Sites of Community Importance:* As set out in g) paragraph 4.28, loss of the Community Sports Centre on the Howard School site (unless community access is given to new sports hall at proposed replacement school).
- C6 Schools:* As set out in b) paragraph 4.13, scope for alternative schemes for improvements to the Howard School on its existing site have not been fully explored.
- R1 Car Parking:* As set out in h) paragraph 4.32, the proposals include insufficient on-site car parking on Browns Field, and have not demonstrated there will be sufficient on-site parking on sites 1 and 3, and at the new Howard School.
- SA3 Previously Developed Land at Effingham Lodge Farm:* As set out in a) paragraph 4.6, the proposed development on Effingham Lodge Farm is mainly outside the site allocated for housing, and would result in total loss of openness of the Green Belt, contrary to SA3.

5. CONCLUSION

- 5.1 The conclusion will draw together all the matters covered in the evidence to demonstrate the over-riding justification for the refusal of the proposals and the dismissal of the appeal.

6. LIST OF DOCUMENTATION AND OTHER INFORMATION

- 6.1 The following documents may be referred to in the preparation of evidence and at the Inquiry:

All documents that form part of the planning application 14/P/02109

Guildford Borough Council Documents:

1. Guildford Borough Local Plan 2003
2. Guildford Borough Submission Local Plan: Strategy and Sites 2016
3. Guildford Green Belt and Countryside Study, 2013 – 2015
4. Guildford Landscape Character Assessment, January 2007
5. Guildford Settlement Hierarchy (2014) and Profiles (2013)
6. Guildford Open Space, Sport & Recreation Assessment, June 2016
7. Guildford Draft Local Plan: Education Review

Effingham Parish Council documents

8. Effingham Parish Council Planning Response to 14/P/02109 Berkeley Homes/ Howard of Effingham School Proposals, with appendices (available from GBC website or <http://www.effinghamparishcouncil.gov.uk/berkeley-homes-howard-of-eff/>)

EPC documents available at www.effinghamparishcouncil.gov.uk/neighbourhood-plan/:

9. Effingham Neighbourhood Plan 2016-2030, Draft for Consultation agreed by Effingham Parish Council on 19 April 2016
10. Housing Target for Effingham, with Analysis of Responses to Housing Requirements Survey
11. Effingham Neighbourhood Plan 2016 – 2030 Strategic Environmental Assessment Screening Report April 2016
12. Environment Agency SEA Screening Opinion, November 2015
13. Wildlife Corridors – Guidance from Natural England

Attached documents:

14. 'Berkeley Homes / Howard of Effingham School Proposals, Housing Provision, Design Requirements and Section 106 Contributions', Effingham Parish Council, 29 April 2014 (Appendix 1).
15. Education Funding Agency Property Data Survey 136833/4036 – Howard of Effingham School (Appendix 2).
16. Letter from Effingham and Leatherhead Rugby Football Club (Appendix 3).
17. Documents relating to planning application 00/P/00022 (Appendix 4).

- 6.2 The Parish Council reserves the right to add to this list of documents, including updated versions of the Neighbourhood Plan as it moves through the formal preparation process.

- 6.3 Witnesses may be called to give evidence on all of the matters raised.