

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 17 February 2010

BY: PLANNING MANAGER

DISTRICT(S) WAVERLEY BOROUGH
COUNCIL

ELECTORAL DIVISION(S):
Godalming North
Mr Cosser

PURPOSE: FOR DECISION

GRID REF: 497454 143930

TITLE: SURREY COUNTY COUNCIL PROPOSAL WA09/1755

SUMMARY REPORT

The Wharf Nursery School, Woolsack Way, Godalming

This is an application for the construction of a replacement nursery school and children's centre buildings (following the demolition of the existing buildings) and modifications to the existing outdoor play space and parking area.

The application site is located within Godalming Town Centre and is designated as part of a Key Site within the Waverley Borough Local Plan 2002. The Wharf Nursery School is positioned on the corner of a prominent junction with Woolsack Way and Wharf Street, occupying 0.09ha. The site is bound to the east and south by residential properties and to the west by a car park.

The existing buildings on the site comprise former Civil Defence Buildings, which were sold to Surrey County Council in 1985. There is a single storey timber and brick building to the front of the site and a two storey building to the rear of the site. Both of these buildings are currently in a poor and run-down condition.

The current proposal is to demolish the existing buildings on the site and replace them with a part two storey part single storey building to the front of the site to occupy both the nursery school and the children's centre and, a detached single storey building to the rear of the site to accommodate the soft play area and storage.

The main issues in determining this application are whether the proposal complies with national, regional and development plan policy, paying particular regard to the impact on the design and visual amenity of the site and surrounding area, the impact on the wider key site development, the impact on neighbouring amenity and the affect on the Godalming Conservation Area. The proposal will also be assessed in terms of any highways implications and tree considerations.

Officers consider that the proposal would not give rise to unacceptable impacts in terms of residential amenity, design and visual amenity, highways concerns or impact on trees. Officers also consider that the proposal would integrate with the wider Key Site development and would not adversely impact upon the Godalming Conservation Area. As such, Officers consider that planning permission should be granted subject to relevant planning conditions.

The recommendation is to PERMIT subject to conditions.

APPLICATION DETAILS***Applicant***

Estates Planning and Management

Date application valid

3 December 2009

Period for Determination

28 January 2010

Amending Documents

None

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Design and visual amenity	Yes	24 - 29
Impact on the Godalming Key Site development	Yes	30 - 33
Contaminated Land	Yes	34 - 35
Alternative sites	Yes	36 - 37
Impact on residential amenity	Yes	38 - 42
Impact on the setting of the Godalming Conservation Area	Yes	43 - 44
Highways considerations	Yes	45 - 48
Trees	Yes	49 - 50

ILLUSTRATIVE MATERIAL**Site Plan**

Location Plan: The Wharf Nursery School, Godalming

Aerial Photographs

Aerial 1: The Wharf Nursery School, Godalming

Aerial 2: The Wharf Nursery School, Godalming

Site Photographs

Figure 1: View of the front of the site facing south

Figure 2: View of the application site facing south west with the adjoining carpark in view

Figure 3: View of The Atrium flats adjacent to the application site facing south east

Figure 4: View of the side boundary of the site facing south east with the carpark and Victoria Road in view

Figure 5: View of the side / rear of the application site with the atrium in the background facing north east

BACKGROUND

Site Description

1. The application site is located within Godalming Town Centre and is designated as part of a Key Site within the Waverley Borough Local Plan 2002. The Key Site includes the nursery, car park, vacant commercial / industrial premises and police station. The Wharf Nursery School is positioned on the corner of a prominent junction with Woolsack Way, Wharf Street and Flambard Way, occupying 0.09ha. The site is bound to the east and south by residential properties and to the west by a car park.
2. The existing buildings on the site comprise former Civil Defence Buildings which were sold to Surrey County Council in 1985. The site is long and narrow and comprises 3 buildings: the main nursery building which houses the teaching accommodation; a demountable building which houses the children's centre group room; a soft play building housing soft play equipment, toy library and two children's centre meeting rooms. The main nursery building and demountable building are single storey timber and brick buildings to the front of the site measuring a maximum width of 14.3m and a maximum depth of 22m, covering 208sqm. The soft play building is a two storey building to the rear of the site which is constructed with breeze block walls and corrugated iron roof, measuring a maximum width of 13.7m and a maximum depth of 12.6m, covering 301sqm. All of these buildings are currently in a poor and run-down condition and in need of replacing. The buildings are also not fit for purpose and are significantly smaller than the standards defined by the Department of Children, Schools and Families (DCSF).

Planning History

3. Planning permission for the nursery school was originally granted in 1969 under reference GOD.4448 for a temporary period of five years which expired 31 January 1974. In 1985 permanent permission was granted for the nursery under application WA85/1562.
4. In 2003 planning permission was granted for phase I of a new residential development on part of the Key Site, to the immediate east of the application site. This comprised 50 residential units (ref: WA/2002/2359). This permission was built out and is known as the Atrium. In 2007 phase II of the Key Site development was submitted for a mixed use development comprising of 226 residential units, commercial floorspace, replacement police station and provision of car parking (WA/2007/1390). The Key Site was refused permission by Waverley Borough Council and on appeal was dismissed by the Secretary of State.
5. At this time, it was also proposed to re-locate the nursery school to another site is Godalming (Langham Park) and sell the existing site to developers so that the nursery school site could be incorporated into the phase II development at the Key Site. Whilst the Langham Park development was granted planning permission in 2006 (ref: WA/2006/1809), the phase II development at the Key Site was refused (as detailed above). As a result, the Langham Park scheme did not proceed as it was financially reliant on the Key Site development.
6. Funding for the re-development of the Wharf Nursery School expires in March 2011, as such, Surrey County Council decided to withdraw the nursery school site from the Key Site proposal and pursue planning permission to replace the nursery school buildings independently.

A number of alternative sites have been considered for the nursery school however none were suitable and as such it is proposed to re-develop the existing site. Pre-application discussions have been held between Surrey County Council and Waverley Borough Council in order to develop the scheme.

THE PROPOSAL

7. The current proposal is to demolish the existing buildings on the site and replace them with a part two storey part single storey building and a detached single storey building. The proposed buildings would accommodate the nursery school and children's centre. The nursery school has a particular role in supporting families with children with higher levels of need and so has to be accessible to all. The Wharf nursery school serves the catchment area of Godalming. It has good transport links and is in a central location close to the shops, library, social services and doctors surgery and is within walking distance of its catchment area. There would be no increase in the pupil count of the school which would remain at 96. The development will provide a new building to house the nursery school and children's centre accommodation, plus associated outdoor hard and soft play areas and a separate building housing a soft play area.
8. The two storey building would be located at the front of the site and would be constructed with a variety of different materials including brickwork, cladding and render to the walls, with slate and clay tiles to the roof of the two storey element and a 'sedum' green roof to the single storey element. This building would be occupied by both the nursery school and the children's centre comprising of two classrooms, a group room, three offices, consultation room, kitchen and w/c's on the ground floor and an office/work room, parents room, staff room, w/c and laundry at first floor. The building would measure a maximum width of 14.1m and maximum depth of 34m covering 426.7sqm on the ground floor and 65sqm at first floor, with a maximum ridge height of 9.8m.
9. The detached single storey flat roof building would be located to the rear of the site and would be constructed of rendered walls and a green roof with roof domes. This building would accommodate the soft play area and storage. The building would measure a width of 6.5m and a depth of 10m covering 65sqm with a maximum height of 3.6m.
10. It is also proposed to alter the parking arrangements on the site. At present there is space to park approximately 4 cars to the front of the site. It is proposed to reduce this to one disabled parking space. As staff parking is currently limited on the site, The Wharf Nursery School currently has an arrangement with local businesses (primarily Sainsbury's) to park in their car park and this is due to continue. Those parents who drive to the site are encouraged to park in Homebase opposite the site although given the location of the nursery school within Godalming town centre, many families are encouraged to walk to the site.

CONSULTATIONS AND PUBLICITY

District Council

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| 11. Waverley Borough Council: | No objection subject to conditions in regard to contamination, securing a green travel plan, external materials to be submitted and approved, tree replacement, parking space retention, details of fencing, obscure |
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glazing in first floor side windows and no additional windows to be inserted

Consultees (Statutory and Non-Statutory)

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| 12. County Highways Authority – TDC | No objection subject to a condition in regard to the provision of two sheltered and secure bicycle storage |
| 13. Thames Water | No objection |
| 14. Environmental Health Officer at Waverley Borough Council | No objection subject to recommended conditions |
| 15. County Arboriculturalist | No comments received |
| 16. Historic Buildings Officer | No objection |
| 17. The Environment Agency | No objection subject to the imposition of two conditions in regard to the submission of a verification report and details of foundation design |

Parish/Town Council and Amenity Groups

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| 18. Godalming Town Council | No objection and would like to emphasise support for the scheme. Would like to see crossing at Woolsack Way and Flambard Way to be a proper pedestrian crossing. |
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Summary of publicity undertaken and key issues raised by public

19. The application was publicised by the posting of 2 site notices. A total of 173 of owner/occupiers of neighbouring properties were directly notified by letter. A total of 37 letters of representation have been received, 36 in favour and 1 against. A petition in support of the proposal has also been received. The positive comments include the following:
- The plans have made every effort to reflect and complement the appearance, scale, architecture and colour of the surrounding buildings
 - It is vital to rebuild on the existing site
 - The Wharf is the heart of the community
 - An opportunity to develop and extend the Wharf should not be missed
 - If permission not granted Godalming will be left with an outdated and unattractive wooden hut
 - Design of new building is attractive and welcoming to families and children
 - Money wasted on existing building which could be used on the new building
 - Existing building is not fit for purpose, unsightly, outdated and unattractive
 - Funds run out in March 2010 therefore would not be able to build out proposed development
 - Designed to look like a house which is welcoming for children and also helps to blend in
 - The Wharf provides exceptionally high-quality child-care and an invaluable and exceptional service
 - If application fails, the council will attempt to close the facility
 - Would be an asset to Godalming

- Sound design and conforms to the existing local plan
 - Concerned that Waverley Borough Council might object due to the wider key site development
 - The dimensions and façade will greatly enhance this area of Godalming
20. One letter of objection raised the following issues:
- Feel that the design is lacking in elevation inspiration
 - Inadequate provision for off street parking

PLANNING CONSIDERATIONS

21. The site is positioned within a prominent location in Godalming town centre as such the impact of the development in terms of its design and visual amenity will be assessed. The development also forms part of a Key Site within Godalming town centre as such the impact that the proposal may have on the wider Key Site will need to be assessed. The Key Site is know to be contaminated therefore the implications of this will also need to be considered.
22. The impact on residential amenity will be assessed and also whether the proposal would impact upon the Conservation Area. There is a large tree to the rear of the site which will be removed therefore the effects of this will be discussed. Any highways implications as a result of the proposed development will also be looked in to.
23. The development will be assessed against relevant policy within the South East Plan 2009 and the Waverley Borough Local Plan 2002 (saved policies).

DESIGN AND VISUAL AMENITY

The South East Plan May 2009

Policy BE1 – Management for an Urban Renaissance

Policy CC4 – Sustainable Design and Construction

The Waverley Borough Local Plan 2002

Policy D4 – Design and Layout

Policy CF2 – Provision of New Community Facilities

Policy TC6 - Godalming Key Site: Land between Flambard Way, Catteshall Lane and Woolsack Way

24. Policy D4 of the saved Waverley Borough Local Plan 2002 states that development should be appropriate to the site in terms of its scale, height, form and appearance, make a positive contribution to the area, pay regard to the existing site features e.g trees and hedges and to protect and enhance the appearance of the street scene. Policy CF2 states that new community facilities should be of a scale appropriate to the needs of the community and would not introduce levels of activity and disturbance which would detract from the character and amenities of the area. The policy also states that any building should be of high quality design and create a landmark for the community which it serves. Policy TC6 also states that development should be of high quality design nad complement the scale and character of the town. Policy BE1 of the South East Plan May 2009 states that new development should promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place.

25. The proposal would involve demolishing the existing run-down buildings on the site and replacing them with a two-storey building. The current buildings are not fit for purpose and given the condition of the buildings are in need of replacing. Given the development that has been built out around the site and the future development that may be carried out, it was important to secure a replacement building that would be in keeping with the scale and character of the surrounding buildings but would create its own visual impact in the street scene.
26. The proposed building would measure a maximum width of 14.1m, a maximum depth of 33m and a ridge height of 9.8m. The building would almost fill the width of the plot with a minimum gap of 1.2m to the boundary with the Atrium. The building would be constructed of facing brick, timber cladding and render to the walls and slate and clay roof tiles to the main two storey building and a green roof to the single storey elements. These materials have been specifically chosen in order to integrate with the existing buildings within the locality for example the Atrium, Homebase and the properties on Victoria Road.
27. The proposed building would be a significant improvement to the current situation and would replace run-down structures which are currently at odds with the surrounding buildings. The proposal would create an interesting building within the street scene and one that would have its own identity without being engulfed by the existing surrounding buildings as per the existing situation. The height, scale and design of the building would complement the surrounding buildings. The varying roof forms create interesting features for example the use of pitched roofs with barn hips, gables and also the use of flat roofs. The variety of materials from brick, render and cladding also break up the built form and create appealing contrasts.
28. Officers consider that the significant improvement in terms of the appearance, design and scale of the proposed nursery school would enhance the site. The proposal would create a more dominant feature in the street scene integrating well with the surrounding area. The carefully considered design features would also positively contribute to the site and the locality. The building would not detract from the design and visual amenity of the site or the surrounding area. As such officers consider that the proposal would accord with policy D4 and CF2 of the Waverley Borough Local Plan 2002 (saved policy) and policy BE1 and CC4 of the South East Plan 2009.

Sustainability

29. Policy CC4 of the South East Plan May 2009 states that the design and construction of all new development will be expected to adopt and incorporate sustainable construction standards and techniques. The criteria for the application of this policy to County Council developments has yet to be worked up and implemented by the County Council. As a general rule most sustainability tests do not trigger the requirement for sustainable measures or renewable energy unless the development is over 1000sqm. The normally applied policy is known as 'The Merton Rule' which requires proposals to reduce carbon emissions by a certain percentage through the use of on-site renewables. In this case the proposal measures approximately 600sqm and therefore is not required to include sustainability measures as part of the development. Notwithstanding this, the flat roof of the building has been designed with a green 'sedum' roof. These roof systems provide the following benefits: reduced environmental footprint; wildlife habitat creation; attenuation of storm water; 40% of water retained on the roof reducing sewage and flood problems and, the option of cleaning and recycling grey water systems.

IMPACT ON THE GODALMING KEY SITE DEVELOPMENT**The Waverley Borough Local Plan 2002 (saved policies)**

Policy TC6 – Godalming Key Site: Land between Flambard Way, Catteshall Lane and Woolsack Way

30. Policy TC6 of the Waverley Borough Local Plan 2002 states that developments must improve the townscape, being of high quality design and complementing the scale and character of the town. The proposed development has been the subject of extensive pre-application discussions with Surrey County Council Planning Officers, Estates Planning and Management at Surrey County Council and Waverley Borough Council. The scheme has been worked up taking into consideration points raised within the pre-application meetings. The development framework does not preclude the phased development of the Key Site or indeed the development of individual sites that together form the key site. It is important that individual developments should complement rather than prejudice appropriate future development of other parts of the Key Site.
31. There is an application currently being determined by Waverley Borough Council for the redevelopment of the remainder of the Godalming Key Site. As part of the assessment of this proposal, it is important to consider how the development at the Wharf nursery school fits into the wider key site. It should be noted that this application has not yet been determined by Waverley Borough Council. However, a development of some scale will eventually be built out on this site and therefore it is important to assess how this proposal would fit in. Phase 1 of the key site has already been carried out in the form of residential units in particular a large 3 storey block of flats named the Atrium to the immediate north east of the application site. To the immediate south west is a car park which does not currently form part of the application for the key site however this is due to be developed at some stage in the future. Next to the car park is where the current key site proposal begins and it is proposed to erect 182 residential units, 1,375sqm of commercial floorspace within use classes A1, A2, A3, B1, D1 or D2 and accommodation for the Surrey Police Authority.
32. The proposed development at The Wharf nursery school has been designed so that it would not be subsumed by the surrounding development. The building, whilst two storey has been designed with a tall roof in order to give the impression of a large building and to try and make it more prominent in the street scene and from the surrounding area. The current key site proposal seeks a block of flats to the south west of the application site predominantly 5 storeys in height and increasing to a maximum of 6 storeys. The site also slopes up towards Catteshall Lane from the application site to the remainder of the key site therefore becomes taller and more imposing. The wharf nursery school and atrium development are both on flat land. The proposal has been designed in order to avoid a gap between the taller buildings both existing and proposed on either site of the site. Officers consider that the design achieves this within the constraints of the built form imposed by the long, narrow nature of the site.
33. The proposed building is of a somewhat domestic scale although the materials, fenestration and finishes would make it clearly identifiable in terms of its use as a nursery and children's centre. Officers consider that the building, in its scale and form would not materially prejudice the potential for redevelopment of the remainder of the Key Site in a coherent form and would integrate well with the Atrium development. The supporting information highlights that the design of the building has drawn upon local precedents evident in surrounding buildings and the use of a pitched roof aesthetic was promoted during pre-application discussions. As such, officers consider that the proposed development would not detract from the wider key site development

CONTAMINATED LAND**The Waverley Borough Local Plan 2002 (saved policies)**

Policy TC6 – Godalming Key Site: Land between Flambard Way, Catteshall Lane and Woolsack Way

34. The land throughout the key site is know to be contaminated. It is a requirement of policy TC6 that full assessment of contamination needs to be carried out to ascertain the implications of this and ways to mitigate any potential problems. The policy states that a detailed investigation must be undertaken to establish the nature and extent of soil and groundwater contamination. Card Geotechnics Ltd (Card) has prepared on behalf of The Wharf nursery School a number of reports including a desk study, additional ground investigations, risk assessment and remediation implementation plan to augment the existing data available and determine the current nature of ground contamination beneath the site of the nursery school and the scope of any remediation required.
35. A review of these documents have been undertaken by Parson Brinkerhoff Ltd (in relation to soil and ground conditions only) under instruction by Waverley Borough Council. The response concludes that no objection is raised to the planned soil and groundwater remediation as set out in the Remediation Implementation Plan (RIP). If any unforeseen ground contamination is encountered during site remediation or construction works, Environmental Health will be notified and a strategy will be agreed to ameliorate the situation. All remediation works will be documented as part of the verification reporting which will be submitted to the Planning Authority. Subject to these conditions being met, no objection is raised in regard to contaminated land.

ALTERNATIVE SITES**Waverley Borough Local Plan 2002**

Policy CF2 – Provision of New Community Facilities

36. Policy CF2 states that the location of development should be readily accessible to the population served. A number of alternative sites were considered in order to ensure the best site for the Wharf. Godalming Library was considered however this was discounted due to insufficient surplus space on this site to house the nursery school and children's centre in addition to the library. Moss Lane Infant School was an option but again this was discounted due to the lack of space. Godalming Fire Station was discounted due to the lack of space and also the practicality of having a nursery school next to a fire station, furthermore the site is located within the flood plain.
37. The Wharf was considered to be the most suitable site for the development given that its operational use is as a nursery school and children's centre and there is sufficient space on the site to house the new building. Although the land is know to be contaminated, it has been tested and the contamination can be remediated, subject to conditions. As such the conclusion was made that the existing nursery site was the most appropriate to be re-developed.

IMPACT ON RESIDENTIAL AMENITY**The Waverley Borough Local Plan 2002**

Policy D4 – Design and Layout

Policy TC6 - Godalming Key Site: Land between Flambard Way, Catteshall Lane and Woolsack Way

38. Policy D4 of the Waverley Borough Local Plan 2002 (saved policy) states that development should not significantly harm the amenities of occupiers of neighbouring properties by way of overlooking, loss of daylight or sunlight, overbearing appearance or other adverse environmental impacts. Policy TC6 states that the residential amenities of Victoria Road should be protected.
39. To the north east of the site is a block of flats which are the nearest residential properties to the application site (The Atrium). There are no side windows on the Atrium that face directly onto the application site and there would be a separation distance of 2.6m from the proposed development to these flats at the closest point. Given the scale of the Atrium, the proposal would not result in any loss of light or dominating to these neighbouring residents. The proposal should not result in any further overlooking or loss of privacy than the existing situation however a condition is recommend that all first floor side windows on the Wharf are obscure glazed and that no further side windows can be inserted without the prior agreement of the County Council.
40. To the immediate south west of the site is a carpark and the proposed building would be built up to this boundary. Given the presence of this carpark there would be no adverse impact on residential amenity to the south west of the site. The site fronts a busy main road, with Homebase beyond, therefore there would be no impact here.
41. To the rear of the site is the residential street of Victoria Road comprising of terraced two storey dwellings with dormer windows in the roof. Number 35 Victoria Road abuts the boundary with the Wharf site. There are no windows on the flank elevation of this property therefore there would be no loss of privacy. The proposal would improve the impact on this property given that there is currently a two storey building at the rear of the application site 2.4m from the boundary with this property. It is proposed to demolish this building and replace it with a small single storey shed measuring a maximum height of 3.6m located 7.5m from the boundary with this dwelling therefore reducing the impact on this property.
42. Given the above, Officers consider that the proposal would not result in an adverse impact upon neighbouring amenity, subject to the recommended conditions and as such would accord with Local Plan policy.

IMPACT ON THE SETTING OF THE GODALMING CONSERVATION AREA**The Waverley Borough Local Plan 2002 (saved policies)**

Policy HE8 – Conservation Areas

43. Policy HE8 states that the Council will seek to preserve or enhance the character of conservation areas by requiring a high standard for any new development within or adjoining conservation areas to ensure that the design is in harmony with the characteristic form of the area and surrounding buildings in terms of scale, height, layout, design, building style and materials.

44. The Wharf nursery school is located 51m from the Godalming Conservation Area at its closest point. Whilst not within the conservation area the impact of the development in terms of the views into and out of the conservation area needs to be assessed. The Historic Buildings Officer has assessed the proposal and states that the form of the new building is to a large extent an urban design matter. He considers that the proposal fits particularly well with the two storey residential terraces to the rear. From a Surrey character point of view he advises that the red brick is welcomed however is concerned that slate should not become the dominant material in a Surrey town. Officers consider that the slate would match the surrounding buildings and as such would not detract from the Conservation Area. Given the reasonable distance between the development and the Conservation Area combined with the existing scale and design of the built form in the locality, the proposal would not detract from the character or setting of the Conservation Area.

HIGHWAYS CONSIDERATIONS

The Waverley Borough Local Plan 2002 (saved policies)

- Policy D1 – Environmental Implications of Development
- Policy M1 – Location of Development
- Policy M2 – The Movement Implications of Development
- Policy M4 – Provision for Pedestrians
- Policy M9 – Provision for People with Disabilities

45. Policy D1 of the Waverley Borough Local Plan 2002 (saved policies) states that development will not be permitted whereby levels of traffic are incompatible with the local highway. Policy M1 seeks to ensure that development is located so as to reduce the need to travel, especially by private car. Policy M2 states that development proposals should provide safe access for pedestrians and road users, including cyclists, designed to a standard appropriate for the highway network in the vicinity and the level of traffic likely to be generated by the development. Policy M4 states that developments should improve conditions for pedestrians by providing or securing safe and attractive pedestrian routes and facilities in both urban and rural areas. Policy M9 seeks to ensure that developments improve accessibility for people with disabilities and mobility problems.
46. There are currently four parking spaces to the front of the nursery school site. Given that the parking area to the front of the site is tight and it is not possible for drivers to enter and leave the site in a forward gear, it is proposed to reduce the parking provision on the site and only provide one disabled parking space. Given the limited parking on the site at present, the Wharf currently have arrangements with local businesses to use their car parks and this is anticipated to continue. The site is within Godalming town centre and parents are encouraged to access the nursery school on foot or by public transport. Those who do drive are encouraged to park in the Homebase car park opposite the site. Transportation Development Control (TDC) do not raise objection to the proposal and advise that the loss of three spaces would have a positive impact in terms of highway safety as it would significantly reduce the number of vehicles moving in and out of the access which is close to the junction of Woolsack Way with Flambard Way. They advise that it is unlikely that the loss of three car parking spaces would result in any highway safety problems as most of the streets surrounding the site have car parking restrictions with most resulting in no car parking at anytime.
47. TDC would however like to see a condition imposed to secure sheltered, well lit and accessible bicycle storage for a minimum of two bikes prior to occupation of the building. They also advise that as the proposal would not result in an

increase in the number of children attending the nursery school, there would not be a requirement for a travel plan or any other mitigation measure.

48. Given the above, Officers do not consider that the proposal would result in an adverse impact upon the highway and as such would accord with the above saved policies of the Waverley Borough Local Plan 2002.

TREES

The Waverley Borough Local Plan 2002 (saved policies)

Policy D6 – Tree Controls

Policy D7 – Trees, Hedgerows and Development

49. Policy D6 of the Waverley Borough Local Plan 2002 (saved policy) states that significant trees or groups of trees will be protected. Policy D7 states that developments which are located close to important trees should provide for their long-term retention.
50. There is a large silver birch tree to the rear of the site near the boundary with the car park. This tree is in good physical condition however is not protected by a Tree Preservation Order (TPO). The tree needs to be removed in order to accommodate the proposed development and also due to the need to remediate the contaminated land underneath it. However, it is proposed to replace this tree with a semi-mature specimen. Officers consider that the removal of this tree would be acceptable in this instance subject to the planting of a new tree which will be secured by condition.

HUMAN RIGHTS IMPLICATIONS

51. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
52. The Officer's view is that there are no adverse impacts on amenity. This proposal does not engage any of the articles of the Convention and has no Human Rights implications.

CONCLUSION

53. Officers consider that the proposal would be a considerable improvement on the existing situation and would create a building that would be prominent within the street scene and have its own identity. The building would integrate well within the site and surrounding area and would make a positive contribution to the locality. The site would tie in with the key site proposal with both the existing phase 1 development and the proposed phase 2 development. The proposal would also achieve an integrated high quality design solution for the Key Site as a whole. Officers are satisfied that subject to conditions, the contamination of the land can be mitigated and consider that alternative sites have been assessed and that redeveloping the existing wharf site is the best option.
54. Officers are satisfied that the proposal would not result in an adverse impact in terms of residential amenity. The distance of the proposal from the conservation would also ensure that there would be no adverse impact in this respect. The loss of the tree would be acceptable in this instance subject to a condition securing its replacement. Officers are also satisfied that the proposal would not result in a detrimental impact on the highway.

55. Given the above, it is considered that the proposal would be acceptable and would accord with the policies as outlined in The South East Plan 2009 and the Waverley Borough Local Plan 2002 and, as such it is officers view that the proposal should be granted subject to conditions.

RECOMMENDATION

56. That pursuant to Regulation 3 of the Town and County Planning General Regulations 1992, application no. WA/09/1755 be permitted subject to the following conditions.

Conditions:

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

968.P.101 Rev A, 968.P.102 Rev A, 968.P.103 Rev A, 968.P.104 Rev A, 968.P.105 Rev A, 968.P.001 Rev A, 968.P.002 Rev A, 968.P.003 Rev A.

And in accordance with such details as are subsequently approved by the County Planning Authority. No variations and/or omissions shall take place without the prior written approval of the County Planning Authority.
2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
3. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the County Planning Authority and no external materials shall be used other than those approved.
4. The first floor side windows of the proposed building shall not at any time be glazed other than with obscured glass.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the side elevations of the building at first floor level or above except for any which may be shown of the approved drawings.
6. The development shall not be occupied until details of the species and location of a replacement semi-mature tree have been submitted to and approved in writing by the County Planning Authority.
7. The planting of the tree shall be carried out in the first planting season following occupation of the building or the completion of the development, whichever is sooner, and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. The disabled parking space to the front of the site shall be retained for the duration of the development.
9. No new development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority after consultation with the Highway Authority for a

minimum of two bicycles to be stored in a secure, accessible, well lit and sheltered location. The bicycle storage area shall be used and retained exclusively for its designated purpose.

10. In the event that, at any time during the carrying out of the development hereby permitted, previously unidentified contamination is encountered, the applicant shall immediately report that contamination to the County Planning Authority. An investigation and risk assessment of the previously unidentified contamination shall take place and, where necessary, the approved remediation strategy altered, and be submitted for the written approval of the County Planning Authority.
11. Before the development hereby permitted is commenced, further details of the proposed remediation of known contamination shall be submitted to and approved in writing by the County Planning Authority.
12. The development hereby permitted shall be carried out in accordance with the remediation measures as set out in Annex 6 of the supporting information submitted with the application, and any further measures approved pursuant to condition 11 above. The County Planning Authority shall be given two weeks written notification of the commencement of any remediation works. Following completion of the agreed remediation works, a verification report to demonstrate the effectiveness of the remediation shall be produced and submitted for the written approval of the County Planning Authority. All works shall be carried out in accordance with the approved details.
13. Prior to occupation, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, shall be submitted to and approved in writing by the County Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the County Planning Authority for approval.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

14. In carrying out of the development hereby permitted, no piling or any other foundation design shall be used unless details have been submitted to and approved in writing by the County Planning Authority.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
3. To ensure that the external appearance of the building is satisfactory. In accordance with policy D4 and TC6 of the Waverley Borough Local Plan 2002.
4. To safeguard the residential amenities of neighbouring properties in accordance with policy D4 and TC6 of the Waverley Borough Local Plan 2002.
5. To safeguard the residential amenities of neighbouring properties in accordance with policy D4 and TC6 of the Waverley Borough Local Plan 2002.

6. In the interests of visual amenity in accordance with policy D4 and CF2 of the Waverley Borough Local Plan 2002.
7. In the interests of visual amenity in accordance with policy D4 and CF2 of the Waverley Borough Local Plan 2002.
8. In order to improve accessibility and movement for people with disabilities and mobility problems in accordance with policy M9 of the Waverley Borough Local Plan 2002.
9. In order to reduce the reliance on the private car in accordance with Planning Policy Guidance Note 13 Transport.
10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D1 of the Waverley Borough Local Plan 2002.
11. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D1 of the Waverley Borough Local Plan 2002.
12. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D1 of the Waverley Borough Local Plan 2002.
13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D1 of the Waverley Borough Local Plan 2002.
14. Piling through contaminated soils can promote vertical pathways for contaminants to enter deeper groundwater. This can lead to unacceptable risks to controlled waters.

Informatives:

1. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
2. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Design Note 18 'Access for Disabled People to Educational Buildings' published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.
3. The further remediation details and contents of the Verification Report required by condition 11 are set out in the report of Waverley Borough Council's Consultant and the consultation response from the Environment Agency attached to this decision.

**THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
(ENGLAND) (AMENDMENT) ORDER 2003**

**Reasons for the grant of planning permission and development plan
policies/proposals relevant to the decision.**

The development

- 1 will provide the following benefits; a new nursery school and children's centre which is fit for purpose serving the families of Godalming
- 2 is in accordance with the development plan policies so far as they are relevant to the application and there are no material considerations which indicate otherwise; and
- 3 any harm can be adequately mitigated by the measures proposed in the application and the conditions subject to which planning permission is granted.

The proposal has been considered against the following development plan policies/
provisions:

The South East Plan 2009

Policy BE1 – Management for an Urban Renaissance

Policy CC4 – Sustainable Design and Construction

Waverley Borough Local Plan 2002:

Policy D4 – Design and Layout

Policy D6 – Tree controls

Policy D7 – Trees, Hedgerows and Development

Policy CF2 – Provision of New Community Facilities

Policy TC6 – Godalming Key Site: Land between Flambard Way, Catteshall Lane and
Woolsack Way

Policy HE8 – Conservation Areas

Policy D1 – Environmental Implications of Development

Policy M1 – Location of Development

Policy M2 – The Movement Implications of Development

Policy M4 – Provision for Pedestrians

Policy M9 – Provision of People with Disabilities

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BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

The Development Plan

The South East Plan 2009

The Waverley Borough Local Plan 2002