



Appeal Decision

Inquiry held on 10, 11, 12, 13, 17 & 18
July 2007

Site visits made on 17 & 18 July 2007

by **J O Head** BSc(Econ) DipTP MRTPI

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an Inspector appointed by the Secretary of State
for Communities and Local Government

Decision date:
10 September 2007

Appeal Ref: APP/D3640/A/05/1172759

122, 124 & 126 Guildford Road, Lightwater, Surrey GU18 5RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Laing Homes Thames Valley (a subsidiary of George Wimpey UK Ltd (now Taylor Wimpey UK Ltd)) against the decision of Surrey Heath Borough Council.
- The application Ref 2004/0498, dated 7 May 2004, was refused by notice dated 6 January 2005.
- The development proposed is the demolition of 122, 124 & 126 Guildford Road and the construction of 20 x 2-bedroom apartments with associated parking and amenity space.

Summary of Decision: The appeal is dismissed.

Main issues

1. The appeal site is located on the north side of Guildford Road, within the settlement of Lightwater. The defined settlement boundary runs along the rear (northern) boundary of the site. Adjacent to the boundary is the dual carriageway A322 Lightwater Bypass, separated by vegetation designated as a Green Corridor. The site is about 1 km travel distance away from the nearest part of the Colony Bog and Bagshot Heath Site of Special Scientific Interest (SSSI), which is also part of the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC). The SSSI is part of the Thames Basin Heaths Special Protection Area (SPA) classified on 9 March 2005 under the EC Birds Directive. The site is also about 3.5 km travel distance away from the Chobham Common SSSI and National Nature Reserve, which is also part of the SPA.
 2. The main issues are:
 - The impact of the proposal on the street scene in Guildford Road and the character and appearance of the locality, including the impact of car parking;
 - Whether adequate living conditions could be created for the occupiers of the proposed development, with particular reference to the level of useable external amenity space and to the presence of traffic noise from the A322; and
 - The impact of the proposed development on nature conservation interests in the Thames Basin Heaths Special Protection Area (SPA), including whether any harmful impacts identified could be adequately offset by the mitigation measures proposed.
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3. The Council's second reason for refusal of planning permission was withdrawn in December 2005. Nevertheless, I have considered the concerns raised by nearby residents about privacy and the visual impact of the proposed development.

Reasons

Character and appearance

4. Guildford Road extends north-westwards from the centre of Lightwater. It has a strong linear form and is fronted by properties of various dates and styles, predominantly in residential use. In the vicinity of the appeal site there is a strong contrast between the Victorian houses and shops on the south side of Guildford Road, close to the road and with small front gardens, and the properties on the north side of the road, including the appeal site, which are dwellings that are much later in date and are set well back from the road behind a hedgerow and a line of mature trees. Those trees are an important and prominent feature of the street scene at this point and distinguish this part of Guildford Road from the existing development to the east and west, which is more noticeable because it is less well screened from view.
5. There are no special character designations in the Local Plan that affect the site and it is outside the 2 specific character areas that are identified in the Draft Lightwater Village Design Statement. Assessments of the character of the locality have been made by Mr Self, for the appellant and Mr White, for the Council. I do not disagree with the generality of either of these, or with the illustrations in the Draft Design Statement. The plan prepared by Mr White (Appendix P) identifies contrasts between groups of properties in the vicinity of the site. Whilst the details on the plan are factually accurate, it is not useful, in my view, to confine assessment of the impact of the appeal proposal to a small sub-area within the street scene. Although regard must be had to the relationship of the proposal with its immediate neighbours, the number of separate areas identified at Appendix P confirms the impression that I gained from my site visits that the overall character of this part of Guildford Road is one of variety of forms of development, of a predominantly domestic scale, including 3-storey blocks of flats. I consider that to be the appropriate background against which to consider the appeal scheme. In that context, the form of development proposed would not be out of keeping with, or harmful to, the established character of the locality.
6. Turning to the immediate setting of the appeal site, the existing houses are served from a joint access onto Guildford Road. They are well set back into the site and are largely screened from the road by the frontage vegetation. However, to either side of the site, at Lovells Close and Guildford Road Close, more recent development has taken place in depth, consisting of 2 tiers of 2-storey houses. There is development in a similar form along much of this section of Guildford Road, both to the east and west of the appeal site.
7. This established form of development would be reflected in the layout of the appeal scheme, with the 2 frontage blocks aligning generally with No 1 Lovells Close and No 134 Guildford Road and the rear block aligning with Nos 2 and 128. The blocks would be significantly larger and deeper in plan than the neighbouring houses and would contain accommodation at second floor level.

However their elevations and roof form would be well articulated and design details would be in keeping with both the overall character of the locality and the immediately adjoining properties. There would also be sufficient space about the proposed buildings to provide an appropriate setting for them and to prevent a cramped appearance.

8. The existing boundary vegetation, enhanced in accordance with a landscaping scheme, would screen and soften views of the proposed buildings from the footpath and from Lovells Close and when approaching the site from the east along Guildford Road. Screening would be maintained along the road frontage of the site, although the buildings would be more visible than the existing houses because of their greater bulk and proximity to the road. I do not regard the limited loss of frontage vegetation and the opening up of a view into the site as being of any particular significance, as that view would be experienced only from directly opposite the access, and existing development at depth is already an established part of the character of the road. The view eastwards from Guildford Road Close would be noticeably altered, with a vista terminated by buildings rather than garden vegetation. I understand the concerns raised about that change. However, such a change is not, in itself, necessarily detrimental. Block A1, which would be the most prominent from the Close, would have a well designed west elevation that would provide an attractive terminal feature and would not appear out of place in the context of the surrounding houses. There would be habitable room windows in the west elevation of the block that would face Nos 132a and 134, but they would be a significant distance away and would not allow any mutual overlooking to an extent that could be considered harmful to living conditions.
9. A unifying feature of the properties on the north side of Guildford Road is the vegetation along their rear boundary with the A322. This is designated as a Green Corridor under Local Plan Policy G23 and development is required to preserve its landscape character. In the vicinity of the appeal site the Corridor consists of a screen of trees that appear mostly to be of deciduous species. With the exception of a gap by the public footpath on the east side of the appeal site that allows the houses in Lovells Close to be seen, the screen largely prevents the buildings in Guildford Road from being visible from the north. Screening may not be as effective in the winter months, but views of the buildings would, in my estimation, remain well filtered and they would not be prominent. Block B would not be significantly closer to the Green Corridor than Nos 128-130a Guildford Road or the easternmost houses in Lovells Close. It would be taller and bulkier than the houses and, although the existing houses are well concealed, it is likely that glimpses of the proposed building might at times be evident through the tree screen. However that would not, in my estimation, be sufficient to affect the landscape character of the Green Corridor and the proposed development would have no significant impact when viewed from the north.
10. To summarise, the layout of the proposed scheme would reflect the 2-tier development in depth that is already a characteristic of this part of Guildford Road both adjacent to the appeal site and further afield such as the flat development at Florence and Tuscany Villas. The proposed blocks would be larger than the adjoining houses but would be of a design and scale that would be appropriate to their setting. There would be little impact on the Green

Corridor or the leafy frontage to Guildford Road and, although the buildings would be more visible than the existing houses at the site, the overall character and quality of the street scene would be maintained.

11. As to the visual impact of car parking generated by the development, one of the Government's objectives is to reduce reliance on car use and the proposed provision of 1.25 on-site spaces per dwelling satisfies the requirements of the Highway Authority and is in line with the advice in Planning Policy Guidance Note (PPG) 13 *Transport*, which says that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances. I accept that the site is not in a highly sustainable location with respect to public transport accessibility. Nonetheless, in my view, the number of spaces to be provided would be an appropriate response to the characteristics of the development, which would comprise flats rather than family dwellings, and to the location of the site with respect to the public transport and facilities that are available within walking or cycling distance of the site. Notwithstanding the existing car ownership statistics for Lightwater, it is by no means inevitable that all of the flat occupiers will own cars, and the obvious difficulty in finding on-street parking space would tend to deter occupiers from owning more than one vehicle, thereby assisting in meeting the Government's objective.
12. I saw during my visits to Guildford Road that available on-street parking space in the vicinity of the appeal site is limited and well used. Parked vehicles are not an attractive feature of the street scene, but the situation is not unusual for an urban area. However, because of the extent of existing parking in the vicinity, it seems to me that there is little opportunity for the current situation to be worsened even if there were to be overspill parking demand from the appeal site. If the Council were concerned about this possibility, it could be addressed by the use of traffic management schemes and parking controls. PPG 13 specifically advises the use of controls to avoid on-street parking in areas adjacent to developments with limited on-site parking, and such controls could also address the possibility of any excessive parking demand leading to parking in an unsafe or unlawful manner.
13. Accordingly, I find no conflict with Structure Plan Policy SE4; Local Plan Policies G2, G4 & H18 or the Council's Supplementary Planning Guidance on residential development and design. The Design Principles in the Draft Lightwater Village Design Statement carry little weight because of the early stage of preparation of the document, but would not be infringed by the proposal. I conclude that the proposed development would result in some change to the street scene in Guildford Road, but would cause no material harm to the street scene or to the character or appearance of the locality.

Living conditions, amenity space and noise

14. Moving to the second issue, the A322 carries fast moving traffic, the noise from which is clearly audible in the rear gardens of the existing houses at the appeal site. Noise from Guildford Road affects the southern part of the site. Local Plan Policy G20 says that the Council will not permit noise-sensitive development adjacent to noisy locations and the supporting text follows closely the advice in PPG 24 *Planning and Noise*. Notwithstanding the reasons for refusal, it was agreed at the inquiry that, measured in accordance with the

advice in PPG 24 (on an open site 1.2–1.5 metres above the ground), no part of the site falls within Noise Exposure Category (NEC) D.

External environment

15. Advice from the World Health Organisation (WHO) is that general daytime outdoor noise levels of less than 55dB_LA_{eq} are desirable to prevent any significant community annoyance. The existing noise level in the proposed amenity space between Block B and the northern boundary of the site has been measured by the appellant at 63dB_LA_{eq}(_{16 hour}) and modelled by the Council at between 63 and 69dB. These figures fall within NEC C and are considerably higher than the WHO recommendation to prevent "significant" annoyance. They confirm the subjective judgment that I made when I visited the site that this area, at the ends of the gardens of the existing houses, would not be a pleasant one to use for sitting out or conversation.
16. A smaller area of amenity space is proposed between Blocks A1 and B. That area would be further from the A322 and well removed from Guildford Road and would be shielded to some extent by the proposed buildings. The evidence submitted indicates that it is likely to be exposed to noise in the order of 55-56 dB_LA_{eq}. The noise readings are affected by the presence of an acoustic barrier on the northern boundary of the site, which was erected in connection with the construction of the A322. The road is at a lower level than the appeal site and the barrier, in the form of a concrete panel fence with timber cladding, is about 1.8 metres high relative to the ground level of the site.
17. The appellant has suggested that noise levels in the amenity areas could be reduced to a more acceptable level by attention to the acoustic barrier, including raising its height and continuing the barrier part way along the side boundaries of the site. This would be likely to require a new barrier erected inside the existing fence. The enhanced acoustic barrier would be likely to have relatively little impact on the central amenity area because of shielding from Block B. Nevertheless, noise exposure here is already on the boundary of NECs B & C and, with some further reduction from alterations to the barrier, this area (amounting to 222 square metres, of which the Council considers 150 square metres to be "useable") could, in my opinion, be utilised as amenity space by occupiers of the flats without significant annoyance from traffic noise.
18. As to the amenity area to the north and west of Block B (amounting to 402 square metres), the appellant relies on an increase in height of the barrier to 3 metres in order to achieve a 5dB reduction. However, even on the appellant's calculations, this would still result in a figure above 55dB_LA_{eq} in this area of the site. Of the further measures suggested, the resurfacing of the A322 is a matter outside the appellant's control and cannot be relied upon to achieve a noise reduction. It might possibly have the opposite effect, depending on the material used. An acoustic barrier of a greater height than 3 metres would, in my view, be undesirable on grounds of visual amenity and impact on trees; and the suggested use of a transparent material for the upper section of the barrier, as I saw has been installed on sections of the M25 motorway, would appear incongruous in the domestic surroundings of the appeal site and would also create a requirement for ongoing maintenance to preserve its appearance.

19. Nevertheless, I have had regard to the fact that the appeal site is already in residential use and is within a locality in which dwellings to the east and west are affected by a similar noise climate. With suitable conditions, it seems to me that the proposed external amenity areas would be no less useable than many of the adjoining gardens that back onto the A322. Local Plan Policy H23 requires amenity space to be able to accommodate passive recreational activities such as sitting out. In the existing gardens this would be likely to take place in the areas close to the houses that are least affected by noise. The quieter area in the appeal scheme between Blocks A1 and B would, on the Council's figures, provide only 7.5 square metres of useable sitting-out space per flat. However, the Council's supplementary planning guidance does not set out any quantitative standards for gardens and, in my experience, many occupiers of flats will have no wish to make use of external amenity space. Some reasonably quiet space would be available and, provided that there is a sufficient open space on the site to provide a proper landscaped setting for the development, I consider that the amount of "useable" amenity space to be provided is, to a large extent, a matter for the marketing judgment of the developer and the personal choice of potential occupiers.

Internal environment

20. Turning to the noise environment within the proposed flats, the Council's acoustic modelling, taking account of the existing barrier, shows that the facades facing Guildford Road would be within NEC C. The north-facing windows of Block B would be within NEC C at ground floor level but would be increasingly exposed to road noise at higher levels. The model indicates that, at 1.2 metres above ground level, the ground floor would be exposed to noise at the bottom end of NEC C, at first floor level (4.3m) in the upper half of NEC C and at second floor level (7.3m) within NEC D. A higher acoustic barrier may result in some reduction in exposure. Nonetheless, there is agreement that noise levels within the flats could be reduced by the use of specialised acoustic glazing and mechanical ventilation so that the 'reasonable' or 'good' standard in BS8233:1999 can be achieved. Although not shown on the plans, the appellant confirmed at the inquiry that the incorporation of a "whole house" ventilation system would not cause any practical difficulty in the construction of the blocks or require modification to their design.
21. PPG 24 says that planning permission should not normally be granted for residential development within NEC C but that, where there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. Permission should normally be refused in NEC D. Although the suggested conditions would enable the necessary protection against noise to be achieved, windows would have to be kept closed and mechanical ventilation relied upon in order to ensure adequate living conditions within the rooms facing the noise sources.
22. The submitted plans show that a number of the proposed flats would effectively have a single aspect towards the source of road noise, including one flat at each level in Block B. Unlike the situation at the existing houses nearby, there would be no escape from the effects of road noise in the main habitable areas of these flats during the daytime or at night unless windows were kept closed and mechanical ventilation used at all times. A further 3 flats in Block B would have the windows of both of their bedrooms facing towards the A322 and

would experience a similar difficulty at night. Although I have no reason to suppose that it would not be effective in mitigating the impact of traffic noise, the use of glazing that has to be kept closed to achieve acceptable noise levels is not, to my mind, a desirable solution. It is my experience that occupiers of dwellings would normally wish and expect to be able to open windows to gain direct ventilation, especially in hot weather. I do not consider it reasonable to have to choose between keeping windows closed or suffering unacceptable noise disturbance at such times.

23. PPG 24 advises that measures to mitigate the impact of noise should be "proportionate" and "reasonable". Where planning permission is granted, exceptionally, for development within NEC C and the development relates to the re-use of existing buildings or there are particular constraints on siting and design, there may be little alternative to the use of engineering methods to achieve satisfactory internal noise levels. The resulting living conditions for the occupiers of the dwellings would not be ideal if windows had to be kept closed, but might be acceptable on balance in the light of those constraints or if there were other advantages accruing from the development. However, the appeal proposal relates to the erection of new dwellings, for which some flexibility should be possible with regard to window positions and internal layouts. In those circumstances, a design and layout that results in single aspect flats and requires all windows to be kept closed to provide an adequate level of protection against noise would not, in my view, meet the requirements of PPG 24.
24. Moreover, it is appropriate to look at the wider planning context. Planning Policy Statement (PPS) 3 *Housing* seeks the delivery by the planning system of high quality housing that is well-designed and built to a high standard. The Code for Sustainable Homes recognises climate change as a serious and urgent issue and that it is vital to ensure that homes are built in a way that minimises the use of energy and reduces harmful carbon dioxide emissions. The Consultation Draft PPS on Planning and Climate Change, referring to the climate that development is likely to experience over its expected lifetime, advises that development should be designed for environmental performance and expects applicants to use layout and building orientation to minimise energy consumption and to '*maximise natural ventilation taking into account the likely local noise environment and ambient air quality*' (paragraph 35). The need to rely on mechanical ventilation systems rather than addressing the noise environment by attention to the design and layout of the flats runs contrary to the intentions of the Code and that advice.
25. Having regard to all of the above, and taking into account the circumstances that apply to the site, I consider that extent of reliance on sealed windows and mechanical ventilation in order to create an acceptable environment in many of the proposed flats indicates that the proposed development would fail to address the impact of noise in a proportionate or reasonable way. Accordingly, Local Plan Policy G20 and its supporting text indicate that planning permission should be refused. I have decided that the amount of useable amenity space provided is largely a matter for the developer, and there would be no conflict with Policy H23. Nonetheless, the noise environment to which the majority of the space would be exposed adds weight to my concerns. On balance, I

conclude that the proposed scheme would not allow adequate living conditions to be created for the occupiers of the flats.

The Thames Basin Heaths Special Protection Area

26. Turning to the last issue, English Nature (now known as Natural England) objects to the proposed development because, in its view, the increased number of dwellings involved in the proposal (17) would be likely to have a significant effect on the SPA, in combination with other plans or projects. The mitigation measures offered are considered to be unsuitable and Natural England concludes that it is not possible to ascertain that the proposal would not have an adverse effect on the integrity of the SPA. The Council supports that view.
27. There is agreement on the approach to be taken to the Habitats Regulations (SI 1994 No 2716). Regulation 48 requires me, as competent authority for the purposes of determining this appeal, to make an appropriate assessment of the implications for the SPA, in view of its conservation objectives, before deciding to give permission for a plan or project which (a) "is likely to have a significant effect on" the site (either alone or in combination with other plans and projects) and (b) is not directly associated with or necessary to the management of the site. Figure 1 of Circular 06/2005 sets out a flow chart of the steps that need to be taken in the consideration of proposals.
28. As it is common ground that the proposed development is not directly connected with or necessary to site management for nature conservation, the starting point is consideration of whether it would be likely to have a significant effect on the internationally important interest features of the site, either (i) alone or (ii) in combination with "other plans and projects".
29. The conservation objectives for the internationally important features of the SPA are to maintain in favourable condition the habitats for the populations of 3 bird species of European importance (Nightjar, Woodlark and Dartford Warbler), with particular reference to lowland heathland habitats. Conservation objectives for the SAC are to maintain in favourable condition the Northern Atlantic wet heath with cross-leaved heath; to maintain in favourable condition the depressions on peat substrates and to maintain in favourable condition the dry heath. The objectives of classification are to avoid the deterioration of natural habitats of species as well as disturbance of the species for which the areas have been designated.
30. Natural England's concern is that, in combination with other dwellings proposed near to the SPA, the development would be likely to contribute to a deterioration of the quality of the habitat on which the Nightjar, Woodlark and Dartford Warbler depend, and also increased disturbance to these bird species by reason of increased access to the heath, including access for general recreation and for dog walking. The Council characterises these impacts as (a) erosion of the habitat caused by the larger number of visitors (e.g. walkers), (b) an increase in the number of times that the protected species of birds are disturbed and, (c) an increase in the number of harmful incidents associated with visitors, such as fires and scrambler motorbikes.
31. As to the criteria in paragraph 29 above, it is common ground between the Council, Natural England and the appellant that, taken alone, the appeal

proposal would not have a significant effect on the SPA. The Council's witness on nature conservation describes the effect of the development as 'negligible'.

32. In looking at the impact of the proposed development on the SPA, I have considered the site specific circumstances of the proposed development, that is, the availability and proximity of facilities for informal recreation, and also the mitigation measures being proposed and the improvements being offered by the appellant.
33. In terms of the former, the proposed development lies a very short walking distance from the wide and attractive expanse of Windlesham Arboretum. As I saw on my site visit, the Arboretum, which is not within the SPA, is much visited. It contains a number of footpaths which lead northwards through a network of footpaths into the countryside between Bagshot and Windlesham and around Windlesham. These offer the prospect of circular walks of two or more kilometres in length. Whilst the Arboretum and the countryside to the north are of a different character to the wilder expanses of the heathland in the SPA, I am not convinced that occupants of the proposed development would prefer to take walks in the heathland. The close proximity of the proposed development to the Arboretum, which lies on the other side of Guildford Road from the appeal site, a matter of 50 metres or so, and the opportunity for walks into the wider countryside beyond, would, in my view, make it the first preference for occupants of the proposed development.
34. Lightwater Country Park, which is within the SPA being part of the Colony Bog and Bagshot Heath SSSI, lies about 900 metres either by car or on foot from the appeal site. The Country Park contains a network of paths and is served by a car park and a visitor's centre. To the west, there is only access via a bridleway through the adjacent expanse of heathland, which is owned by the Ministry of Defence and used as a vehicle testing centre. Although it undoubtedly attracts a considerable number of visitors, the Country Park contains some interesting habitats and supports a number of protected bird species, including the Dartford Warbler and Nightjars.
35. Given the closeness of the Arboretum to the appeal site, I do not consider that the Country Park is likely to be the first port of call for those occupying the proposed apartments who wish to go for a walk. The closeness of the Arboretum and the opportunity to take longer walks into the countryside beyond seem to me to give the Arboretum the edge over the Country Park for future occupants of the appeal site. The Council make much of the relative attractiveness of the Country Park over the Arboretum for walkers, but both suffer from traffic noise on the M3.
36. Nevertheless, I recognise that it is likely that the proposed development could give rise to some increase in the number of visitors to the Country Park. However, I consider that the increase compared to the numbers already visiting the Country Park would be negligible.
37. Given that the proposed development is within easy walking distance of the Arboretum, I also consider that the redevelopment of the appeal site would be unlikely to result in significant pressures on other and more distant parts of the SPA, within 5 kilometres of the appeal site, such as the Colony Bog and

Bagshot Heath SSSI to the south and the Broadmoor to Bagshot Woods and Heath SSSI to the north-west.

38. Turning to the proposed mitigation measures, the appellant offers mitigation in the form of a dog free covenant to be imposed on all occupants of the proposed development. Although Natural England is sceptical about the effectiveness of such restrictions, I see no reason why they cannot be enforced. In my view, a covenant is more likely to be observed and enforced in developments comprising only apartments than a development of houses. It is much more difficult for someone living in an apartment to conceal the presence of a dog than those living in a house. To some extent, therefore, a development of apartments is likely to be self policing with most residents wanting to see the terms of a covenant adhered to. The existence of such a covenant would mean that one of the main sources of disturbance to protected birds, from dogs, would be avoided. It would also mean that the proposed development would not contribute to the number of dogs being walked within the Country Park.
39. The proposed scheme is also accompanied by a package of measures that are directed at the Country Park. These include improvements to paths to stop erosion, the erection of signs to inform visitors about protected bird species and also the placing of notices to warn dog walkers to avoid certain parts of the Country Park during the nesting season. Taken together, these measures would assist in the management of habitats and the safeguarding of protected species in the Country Park.
40. Taking into account the combination of the close proximity of the appeal site to the Arboretum, the measures to be taken to prevent future occupants of the site owning dogs and the improvements to the management of the Country Park on offer, I consider that on its own the overall impact of the proposed development on the SPA would be neutral.
41. I am aware that planning policy is to introduce a substantial amount of new residential development into the area. Some of the larger schemes may be accompanied by measures to mitigate the impact on the SPA from greater numbers wishing to walk in the countryside. In addition, some local planning authorities have implemented or are bringing forward mini delivery plans which identify suitable accessible natural green space (or SANGS) which could draw people away from the SPA. Through these mini delivery plans, developers could contribute towards the provision of new or the enhancement of existing alternative green spaces. Nonetheless, some authorities are not proposing to bring forward mini delivery plans. There are also likely to be smaller housing schemes which are unlikely to incorporate mitigation measures. These factors mean that a precautionary approach should be adopted to the construction of new homes within reach of the SPA.
42. However, when looking at the question of cumulative impact, I need to have regard to what I have concluded in paragraph 40 above that, on its own, the proposed development would have a neutral impact. Given this, even in combination with other schemes, the proposed development is unlikely to have a significant effect on the SPA.
43. I conclude on this issue that when considered on its own and in combination with other proposals, the proposal would not have a significant effect upon

nature conservation interests in the SPA. As such, I do not consider that the proposal conflicts with Policy RE10 of the Local Plan or Policy SE7 of the Structure Plan.

Overall conclusion

44. Whilst I have concluded in the appellant's favour in respect of the first and third issues, my conclusions on the second issue, that is, whether adequate living conditions would be created for those occupying the proposed development, remains a compelling reason, on its own, for dismissing this appeal.

Formal decision

45. I dismiss the appeal.

John Head

INSPECTOR

APPEARANCES

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Mr A McNaught 136 Guildford Road, Lightwater GU18 5RW
Mr S Clarkson 128 Guildford Road, Lightwater GU18 5RW

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Agreed Statement of Common Ground (*Appellant*)
- 2 Letter of notification of inquiry and lists of persons notified (*Council*)
- 3 Lightwater Village Design Statement (SHBC 1) (*Council*)

- 4 Letter from Mr Stubbs to Mr Tompsett dated 18/6/07 (*Appellant*)
- 5 Email from Mr Stubbs to Mr Tompsett dated 23/12/05 (*Appellant*)
- 6 Extract from Countryside and Rights of Way Act 2000 (APP 4) (*Appellant*)
- 7 'Farnborough' appeal decision (APP/P1750/A/06/2009858) (APP 3) (*Appellant*)
- 8 Schedule of conditions agreed for discussion (*Council*)
- 9 Suggested noise conditions submitted by Mr Garber (*Appellant*)
- 10 Suggested SPA conditions (*Council*)
- 11 Contract to supplement SPA conditions, signed by Appellant (*Appellant*)
- 12 Signed S106 Unilateral Obligation relating to highway works (*Appellant*)
- 13 Dorset Heathlands Powerpoint presentation (APP 6) (*Appellant*)
- 14 EC Communication on the precautionary principle (APP 5) (*Appellant*)
- 15 'Waddensee' judgment (*Council*)
- 16 Local Plan policies to be saved beyond September 2007 (SHBC 7) (*Council*)
- 17 Bundle of letters from interested persons (*Council*)
- 18 Statements made at the inquiry by and on behalf of interested persons

AMENDMENTS & ADDITIONS TO PROOFS OF EVIDENCE SUBMITTED AT THE INQUIRY

- A1 SHBC 2 – SHBC 6 (Mr Phillips's evidence)
- A2 Appendix N to Mr White's evidence
- A3 Rebuttal proof of Mr Leay
- A4 Appendix EDP R6 (i) (Dr Mallord's Research Thesis)
- A5 Appendix EDP R6 (ii) (Dr Mallord's Research Thesis)

PLANS

Application plans:

Drawings numbered:

3097/LNG.TV/01D; 02A; 10B; 11B; 12B; 13B; 14B; 15B; 16; 17B; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; and RSK/40146

Other plans submitted at the inquiry:

- A Noise contour map produced in December 2005 (*Appellant*)
- B Plan of Windlesham Arboretum (SHBC 8) (*Council*)
- C Area of amenity space not affected by noise (*Appellant*)
- D Agreed sites for unaccompanied inspection (*Appellant*)

PHOTOGRAPHS AND ILLUSTRATIONS

Photo 1 Photographs of types of acoustic fencing