



GUILDFORD
BOROUGH

James Whiteman
Managing Director

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Dear Councillor

PLANNING COMMITTEE – WEDNESDAY 3 FEBRUARY 2021

Please find attached the following:

Agenda No Item

9. **Late Sheets - Amendments/Corrections/Updates and Late Representations**
(Pages 1 - 12)

Yours sincerely

Sophie Butcher, Democratic Services Officer

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Planning Committee

3 February 2021

Amendment/Correction/Update List

19/P/01174 – (Page 25) – Land at, Church Street, Effingham, KT24

Please find attached to the late sheets Effingham Neighbourhood Plan Policy ENP-SA1 for your information.

Recommendation (page 28)

Subject to a Section 106 Agreement securing:

- 7 affordable housing units;
- a contribution of towards early years, primary and secondary education;
- burial ground extension transfer to Effingham Parish Council

If the terms of the S106 or wording of the planning conditions are significantly amended as part of ongoing S106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Director of Service Delivery. The preliminary view is that the application should be granted subject to conditions.

Conditions (page 28-36)

4. No development related works shall take place on site until an Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction (and including details of a site meeting process with the retained consulting arboriculturalist and the LPA Tree Officer), has been submitted to and approved in writing by the Local Planning Authority. The approved AMS must be adhered to in full and may only be modified subject to written agreement from the LPA. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and approved Tree Protection Plan TMC-16008-L Rev C have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site

Reason: In order to ensure the height of the development is appropriate to the character of the area. It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

5. No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels,

and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

b) Details of drainage management responsibilities and maintenance regimes for the drainage system.

c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

14. Prior to first occupation, details of fast charge sockets (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply), to provide one fast charge socket for each house and 20% fast charge socket for the apartments (one socket) with sufficient power supply for a further 20% fast charge sockets (one socket), shall be submitted to and approved in writing by the Local Planning Authority. These shall thereafter be retained and maintained

Reason: To encourage the use of electric cars in order to reduce carbon emissions and improve air quality.

Proposal. (page 38)

Breakdown: Market: 59% Affordable: 41% (70% (5) are to be *social* rent and 30% (2) are to be shared ownership)

The impact on residential amenity (page 55)

The Lodge

The site is adjoined to the east by the formal grounds of The Lodge, the building has been subdivided into *two dwellings*.

20/P/00793 and 20/P/00794 – (Pages 63 and 75) – West Lodge, Blacksmith Lane, Chilworth, Guildford, GU4 8NQ

Both of the above officer reports state that the site is located within an Area of High Archaeological Potential; this is incorrect. The site itself is not located within an Area of High Archaeological Potential, which is in fact located on the other side of Blacksmith Lane to the south-west.

20/P/01174 – (Page 83) – Land at the entrance to Effingham Place, Effingham Place, Effingham, Guildford, KT24 5JT

'Other' section should read:

Whilst the points made within paragraphs 6.1 and 6.5 of the submitted heritage statement are appreciated, although has been granted reserved matters approval for 159 homes and a new school, the development of the land to the north and east of the application site is yet to commence.

20/P/01463 – (Page 93) – Field adjacent to Hook Wood, Old Lane, Cobham, KT11 1NQ

The applicant has withdrawn this application and it will therefore no longer be considered by the Planning Committee.

20/P/01663 – (Page 105) – Land adjacent to 28 Almsgate, Compton, GU3 1JG

Background / previous appeal decision

The appeal decision for 14/P/00856 is attached to the late sheets. This relates to a previous application for a new dwelling on the same site.

20/P/01936 – (Page 119) – 186 New Road, Chilworth, Guildford, GU4 8LX

Condition 2 should be amended as follows to address a discrepancy on drawing 3198_110 received 06/01/21:

The development hereby permitted shall be carried out in accordance with the following approved plans: 3198_100 received 13/11/20 and 3198_101 revision A received 06/01/21 and 3198_110 revision A received 03/02/21.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

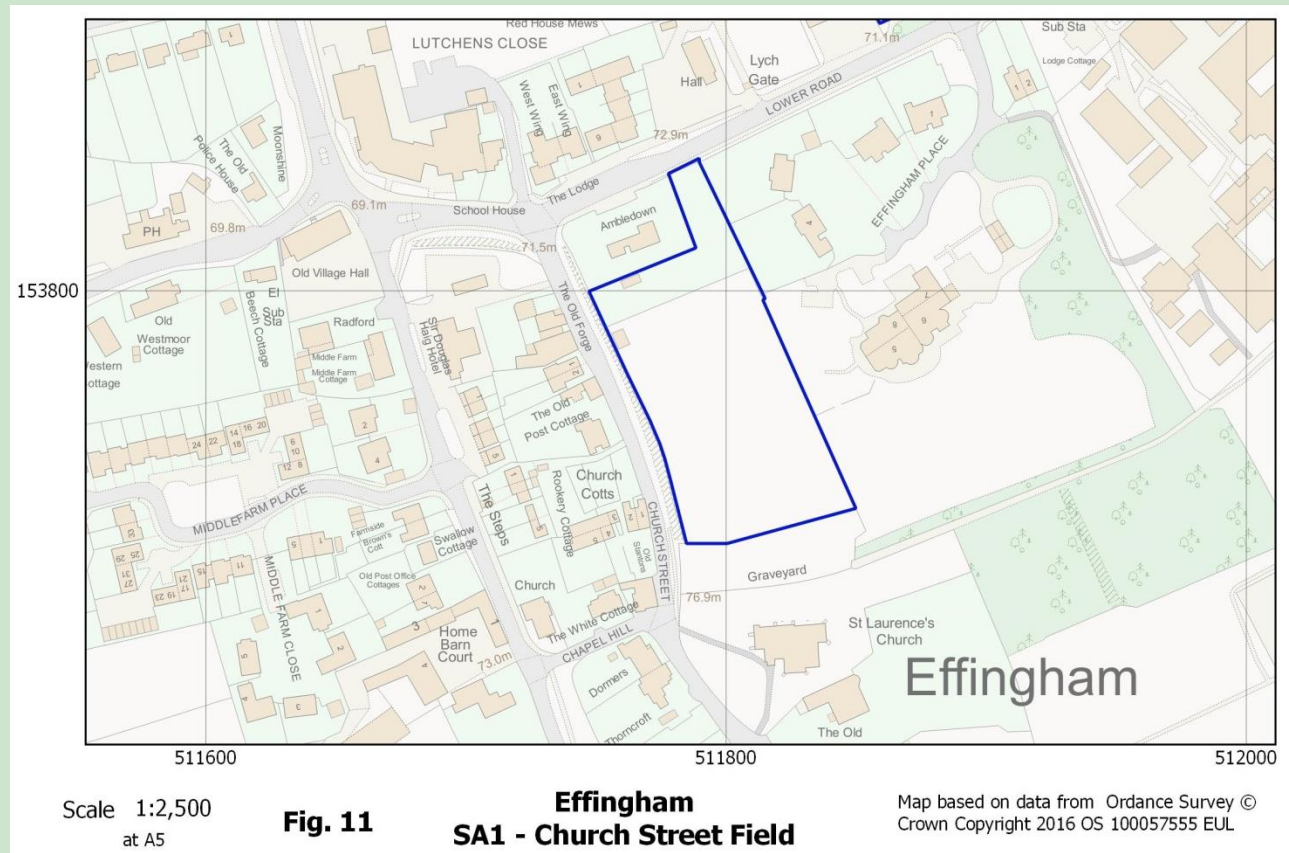
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ENP-SA1: Land at Church Street known as the 'Church Street Field'

Location: Immediately east of Church Street

Allocation: Residential for up to 9 homes, and Parish Council Burial Ground Extension

Site Map:



The Neighbourhood Plan supports the development of up to 9 homes on this site, subject to:

1. Compliance with policies ENP-G2, ENP-H2 and ENP-R1 of this Neighbourhood Plan.
2. Parish Council Burial Ground Extension to be at the southern end of the site (adjoining the existing Parish Council Burial Ground), occupying no more than 0.1 hectares.
3. Residential development proposals for this site should:
 - Be small-scale, in keeping with the cottages on the western side of Church Street
 - Demonstrate that the character and appearance of Effingham Conservation Area is preserved or enhanced by the development
 - Demonstrate that the proposal does not adversely affect the settings of The Lodge and St Lawrence Church (Grade II and Grade II* Listed Buildings) by virtue of design or impact on significant views
 - Demonstrate that the proposal avoids or minimises harm through impact on non-designated archaeological remains within the Area of High Archaeological Potential (2003 Local Plan), in accordance with ENP-G3

4. **The landscaping and layout of any proposal should provide open green space within the development and should, as far as possible, conserve the belt of trees and hedging along the boundary with the pedestrian footway along Church Street, to preserve the character of the Conservation Area.**
5. **The main vehicular access to the site should be from Lower Road to the north, also with pedestrian access onto Church Street.**

Ownership:	Private
Area (approx):	0.7 hectares
Existing uses:	Vacant former school playing field, some temporary commercial storage
How identified:	Included within the 2014 SHLAA and 2016 LAA (site reference 99)
Considerations:	<p>Adjoining Settlement Area in 2003 GBC Local Plan</p> <p>Within the Inset Boundary in 2016 Emerging Local Plan</p> <p>Within Effingham Conservation Area and the setting of a listed building</p> <p>Surrounded by development on all four sides and hence potentially compliant with NPPF para 89 ‘limited infilling in village’</p> <p>Within the 5 km to 7 km zone of the Ockham and Wisley Common Special Protection Area</p> <p>There will be no significant impact on other designated sites including Sites of Special Scientific Interest</p> <p>Within the Area of High Archaeological Potential (2003 Local Plan)</p>
Policy Support:	<p>NPPF paragraph 89 - ‘limited infilling in villages’</p> <p>2003 GBC Local Plan, policy RE3 - ‘infilling on land substantially surrounded by existing development’ and ‘small scale housing developments appropriate to the scale of the locality.’</p> <p>2016 Emerging Local Plan – within the Inset Boundary</p>

The site comprises a former school playing field and is surrounded by built-development on all four sides: cottages along Church Street to the west, The Lodge and Effingham Place to the east, ‘Ambledown’ and Lower Road to the north and St. Lawrence Church to the south. Access is available from Church Street and from Lower Road.

The site sits in the central part of the village, within Effingham Conservation Area, with development to four sides, adjoining the settlement area in the 2003 GBC Local Plan. As such it represents limited infilling within the village as it appears on the ground, and development of up to 9 new homes is considered to be a small scale housing development appropriate to the scale of the locality. It is also within the Inset Boundary of the 2016 Emerging Local Plan.

Whilst the site will require careful and sensitive development, consultation with residents highlighted support for Effingham Conservation Area to share some part in the development of the village, providing the approach is consistent with the historic setting of the village and does not impact detrimentally on heritage assets. The Lodge and St. Lawrence Church are the listed buildings most likely to be affected by development here.

Appeal Decision

Site visit made on 25 February 2015

by Phillip J G Ware BSc(Hons) DipTP MRTPI

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

Decision date: 16 March 2015

Appeal Ref: APP/Y3615/W/14/3000504
28 Almsgate, Compton, Guildford GU3 1JG

- 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 Mr A Bailes against the decision of Guildford Borough Council.
 - The application Ref 14/P/00856, dated 9 May 2014, was refused by notice dated 29 October 2014.
 - The proposed development is an attached two bedroom dwelling.
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Procedural matter

1. The Council suggested that I needed to enter the site in order to assess the impact of the trees on the light entering the proposed rooms and amenity space. However I undertook the site visit unaccompanied and did not go onto the site itself. I am satisfied that I saw all that was necessary in order to make my decision.

Decision

2. The appeal is dismissed.

Main issue

3. The appeal site is within the Green Belt, which washes over the settlement. It is within the defined settlement boundary and saved Local Plan (LP)¹ policies RE1 and RE2 allow for small scale development in settlements. On that basis the Council has not raised any objection in Green Belt policy terms. This approach accords with the National Planning Policy Framework which allows for limited infilling in villages, and I have no reason to disagree with the Council's position.
4. Similarly the appeal site and the settlement are within an Area of Outstanding Natural Beauty (AONB). The Council does not raise any objection on that basis, as the site is within the built up part of the village and would have no impact on the AONB. I do not disagree with that approach.
5. On that basis, there is one main issue in this case. That is the effect of the proposal on the protected trees on and adjacent to the site.

¹ Guildford Borough Local Plan (2003)

Reasons

6. The proposed development would be in the side garden of a semi-detached bungalow at the end of a cul-de-sac. Adjacent to the side garden is a slope down to Polsted Lane, which is a narrow and verdant lane leading out of the settlement into the countryside beyond. There are three trees protected by a Tree Preservation Order² – an oak and a field maple on the embankment, and another oak in the garden of the appeal premises. The first two are noted by the appellant as being of medium landscape value, with the second oak being of high value.
7. The policy context is provided by saved policy NE5 of the Guildford Local Plan (2003), which provides that development will not be permitted if it would damage or destroy trees protected by a TPO, except in certain circumstances. These circumstances are not argued by any party in this case.
8. The proposed attached dwelling would continue the line of the host property across the side garden. The appellant's arboricultural plan shows the proposed building being directly adjacent to the canopy of all the protected trees, although the submitted block plan shows the oak in the garden as being further away.
9. The trees which are covered by the TPO are clearly visible to the public, especially along Polsted Lane, although they are also of amenity value when viewed from the grassed area on the opposite side of Almsgate. They are prominent features in the street scene, with considerable amenity value, and I consider their retention is highly desirable. The appellant notes that the two trees on the embankment have some structural issues but exhibit normal vigour – there is no suggestion that they need to be felled for structural reasons.
10. A previous application was apparently refused by the Council on the basis that the proposal would encroach into the Root Protection Area (RPA) of the protected trees. The Council did not, at that time, raise other consequences for the trees – the authority has explained that that this was because it did not consider the trees could be retained. In any event, although the current proposal involves some intrusion into the RPA, the Council considers that the current scheme would cause only minimal damage to the roots. I have no evidence to the contrary.
11. The three protected trees are to the south of the proposed dwelling and, as noted above, would be very close to the new house. The appellant accepts that pruning would be required to accommodate the new house – although little information has been provided as to the extent of such pruning or its consequences for the future of the trees.
12. I am particularly concerned with the effect of the proposal on the longer term survival of the trees covered by the TPO. Regardless of any pruning, the spread of the trees would be very close to the side and rear of the proposed building. The extent of the overshadowing of the garden would be considerable.
13. Overall, I consider that there could be significant pressure from future occupiers of the dwelling to lop or fell some of the protected trees, which the

² TPO (No.4) of 2014, dated 6 February 2014

Council would find it very difficult to resist, despite the existence of the TPO. In my opinion, any consequent removal of trees protected by the TPO would have a serious impact on the character of the area.

14. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector

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Planning Committee

3 February 2021

Late Representations

Since the last date for the submission of views on applications/matters before the Committee this evening, representations in respect of the under mentioned applications/ matters have been received. The letters, copies of which will be available for inspection by councillors at the meeting, are summarised below.

Item 5 – Planning Applications

20/P/01174 – (Page 25) – Land at, Church Street, Effingham, KT24 **Consultations.** (page 41)

Parish Council:

Additional letters dated 01.02.2021 and 03.02.2021 have been received in relation to the status and requirements of policy ENP-SA1 including legal advice from Counsel.

Effingham Residents' Association:

Additional letter dated 03.03.2021 have been received in relation to the status and requirements of policy ENP-SA1.

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