



GUILDFORD
B O R O U G H

James Whiteman
Managing Director

www.guildford.gov.uk

Dear Councillor

PLANNING COMMITTEE - WEDNESDAY 8 SEPTEMBER 2021

Please find attached the following:

Agenda No Item

8. **Late Sheets - Updates/Amendments/Corrections and Late Representations**
(Pages 1 - 8)

Yours sincerely

Sophie Butcher, Democratic Services Officer

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Planning Committee

8 September 2021

Update/Amendment/Correction/List

18/P/02456 and 20/P/02042 (Pages 27 and 111) – Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH

It is recommended that condition 29 be amended to read as follows (addition highlighted by underlining):

No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- precautionary working methods for reptiles, including GCN;
- details of how the ecological value of the pond (including its re-modelling) will be protected during construction (as far as is reasonably possible) and improved and protected once construction has been completed;
- risk assessment of potentially damaging construction activities;
- practical measures to avoid and reduce impacts during construction;
- location and timing of works to avoid harm to biodiversity features;
- responsible persons and line of communication; and
- use of protected fences, exclusion barriers and warning signs.

Reason: To ensure that satisfactory measures are put in place for addressing potential contamination and ecological issues before and during development to protect important local ecological features. 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.

20/P/01359 – (Page 99) - Land North of Hambledon Cottage and East of Ripley Lane

- The red line plan within the committee agenda has been corrected to reflect the proposed site plan submitted. An amended version has been added to the committee presentation.
- Officers are aware that there are ongoing issues relating to unauthorised development on the site which fall outside the scope of the current planning application which is only for the material change of use of the land. All other matters relating to unauthorised development is being investigated by the Council's Planning Enforcement Team.

21/P/00404 – (Page 177) – Goodhart-Rendel Community Hall, Cranmore Lane, West Horsley, Leatherhead, KT24 6BT

A revised Sustainability and Energy Statement has been received. Demonstrating the following:

Energy hierarchy

The houses now achieve a carbon reduction through fabric of just over 10% each. This is policy compliant.

Carbon reduction

Calculations are provided showing that each of the buildings will achieve a carbon reduction in excess of 20% through fabric and solar PV. The hall now has solar to deliver a final 35.7% carbon reduction. This is policy compliant.

Waste

No new information is provided – this could be conditioned.

Condition 9 be amended to read:

“The development hereby approved shall not be first occupied unless and until space has been laid out within the site for covered bicycles to be parked in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. Thereafter the parking areas for bicycles shall be retained and maintained for their designated purposes”

Planning Committee

8 September 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

18/P/02456 and 20/P/01461 9Pages 27 and 111) – Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH

It should be noted that the Local Planning Authority (LPA) has received two late submissions from Ash Green Residents Association (AGRA) – a hydrological impact assessment and a heritage statement.

These reports, as well as the consultation responses received by the Council from consultees and the applicant have all been added to the Council's website for viewing.

Hydrological impact assessment:

A document prepared by Water Environment, on behalf of AGRA, was submitted to the LPA on 25 August 2021. This document is entitled 'Hydrological impact assessment of development on existing listed buildings associated with Ash Manor' and sets out concerns regarding the proposed drainage scheme for the development and the impact it will have on flooding in the surrounding area.

The document has been made available to view on the Council's website and its conclusion is copied below for Member's information.

'12.1 Some of the commentary presented in this report is necessarily based on information provided by local residents, some of whom have lived in the area for over 45 years. It is fair to say that comments received from all local residents are coherent and consistent, and after review of the technical information we consider the various accounts to be honest and credible.

12.2 From a review of various reports it is clear that there are several important features which have not been properly understood or reported on by most of the relevant professionals in the development team, let alone the LLFA or the LPA. Most notably, the changes to the pond and reengineered form as an attenuation basin have been grossly mis-represented and/or completely misunderstood.

12.3 It appears that there has been very little effort to understand hydrology and hydro-geology of key features on the site and surrounding sites in order to ensure that they are adequately accounted for and protected to preserve the setting of this important hamlet of listed buildings. Based on observations of water levels in the pond and the moat by local residents, historic maps and surrounding topography, there is good reason to believe that the existing pond may be at least partly groundwater fed, and that there might be a link between the water levels in the pond and the water levels in the moat, either as a physical pipe or as a geological feature. This needs to be investigated and understood in order to inform the strategic drainage design and any associated impacts it might have.

12.4 From the technical reports reviewed, there appears to be no attempt to understand the likely impacts on structures adjacent to the pond, which may occur as a result of a change in soil moisture due to the 1.65m draw-down of water levels in the pond immediately adjacent. It is possible that structural damage will be incurred, particularly for the closest buildings which are only a few meters from the northern bank of the existing pond. This risk needs to be properly quantified and addressed with appropriate mitigation if necessary. The pre-developed state of the structures needs to be surveyed and a strategy for monitoring the structures (and if necessary access for preparatory/remedial work) needs to be proposed and agreed with affected land owners.

12.5 The submitted set of reports are incoherent and often misleading, and in many cases do not correctly represent the scheme for which planning application is sought. The documentation uploaded to the planning portal is poorly organised and inadequately labelled, making it almost impossible for any lay-person to make any sense of it, and as such it places affected and interested parties at a significant disadvantage when trying to comment on the proposals.

12.6 It is our opinion, based on many years of experience of planning applications and construction, that there is a significant risk following a review of impacts by all the professional team and consultees after reading this report, reengineering of the pond as an attenuation feature will not be permitted. If this transpires the sustainable drainage strategy will have to be entirely redesigned without using the pond. Given the severe restriction on discharge rates, this will likely have a substantial impact on the site layout, resulting in the need for widespread changes of the proposed scheme.

12.7 Thirteen recommendations are proposed throughout this report, none of which can be effectively addressed or resolved as a planning condition. Consequently it would seem irresponsible to grant planning permission (in the case of the LPA), or proceed with the development (in the case of the developer), until these matters are fully resolved.

12.8 Given the obvious oversights noted, the most sensible approach would seem to be withdrawal or refusal of the application. Any future application should be submitted in an organised fashion with a coherent set of reports all representing the same scheme'.

The AGRA hydrological impact assessment has been forwarded to the applicant and they have been invited to comment on its contents. The applicant was also made aware of the Lead Local Flood Authority's (LLFA) comments received on 31 August 2021 (which will be set out below). The applicant has responded on 1 September 2021. Their central response was follows:

'Having read the report...I do not consider it necessary to respond with any technical response as there appears to be no additional evidence to question the Flood risk assessment submitted. In answer to the points of conjecture regarding possible connections between the pond and the Moat, Mr Smith the landowner since the late 1970's would like to address the committee to explain the ditch and pipe connections that have been installed by him over the years. Mr Smith will report that there is no connection directly established from the Pond to the Moat, and as demonstrated in figure 2 of the report the natural catchment for the Moat remains separate to that of the pond. Mr Smith can also correct the 'hearsay evidence' that the levels in the pond have remained consistent which has been taken at face value in the report.

We also note the requirement of condition 14 for approval of the design of a surface water drainage scheme prior to commencement of the development'.

As noted above, the LLFA have also reviewed the Water Environment's Hydrological impact assessment.

In their first response of 31 August 2021 the LLFA began by reiterating that *'based on the information presented to us as part of the planning applications our response as LLFA remains unchanged and as previously provided'*.

Also responding to some of the specific points raised in the Water Environment's Hydrological impact assessment, the LLFA stated as follows

'In relation to the surface water drainage design and the use of FEH vs FSR rainfall data, these are both proven industry standard methods of generating rainfall data. Even though we recommend applicants use FEH there is no UK-wide legislation stipulating which one should be used. The applicant has used this method correctly to assess required storage volumes in relation to rainfall events.'

We recommend that the Applicant provides as response to each of the points raised in Water and Environment's document 'Hydrological impact assessment of development on existing listed buildings associated with Ash Manor dated 24th August 2021 (revision C01)' particularly regarding the link between the moat and pond as this has not previously been discussed. [NB Members will note that the applicant has responded to this issue, as referred to above].

The design of the pond including the liner and any hydro-static head would be subject to review at the detailed design stage as part of a discharge of conditions application. Our review of the surface water drainage strategy was to assess whether suitable infrastructure could be installed to take flows from the site in accordance with current guidance and to include climate change to ensure surface water flood risk is not increased on or off site. The applicant has done this in accordance with the NPPF and Non-Statutory Technical Standards'.

The LLFA comments noted above were provided before the applicant had issued their response to the AGRA hydrological impact assessment. Furthermore, it is noted that AGRA had contacted the LLFA via email directly on 02 September 2021 (copying in the LPA) with further concerns and queries which were prompted by the LLFA response.

Given this and taking a very precautionary approach, the LLFA were asked to provide final comments on the Water Environment's Hydrological impact assessment, the applicant's response, as well as the AGRA email from 02 September. On 07 September The LLFA provided the following, final response on the proposal:

'Further to the submission from AGRA of the report from Water Environment and the subsequent response from the applicant, I can confirm that our response remains unchanged and as previously provided.'

Although the report raises uncertainties, it does not present any new factual information or evidence that would significantly alter the drainage strategy approach for the site and affect the viability of the proposed scheme to deal with surface water; based on the information supplied as part of the planning application and available to us to make our assessment. Many of the issues raised can be addressed by the detailed design of the proposed solution, which has been conditioned and will be given full scrutiny. Other recommendations are based on conjecture from the limited information available and it is noted some of the conclusions in the report are disputed by the applicant.

At this stage of the planning process it is not a requirement to have a fully detailed drainage design, but rather a drainage strategy which is shown to be viable based on the available information and meets the requirements of Non-Statutory Technical Standards for SuDS. All

the submitted evidence within the flood risk assessment and associated documents supports the viability of the applicants proposed design. We have already suggested, as part of the assessment and consultation process, that the pond is made impermeable to groundwater either through an artificial or clay liner to prevent loss of attenuation volume and this modification was made by the applicant'.

In light of the above, the assessment of the drainage scheme remains as set out in the Committee Report (see pages 79-82 of the Committee Report).

Water Environment's Hydrological impact assessment also raises additional concerns which include ecology and trees. These are matters which appear to fall outside of the author's area of specialism and the assessment expressly recognises that *'insofar as any possible secondary impacts are discussed relating to trees, ecology and heritage assets, these will require further investigation from other specialists in those respective disciplines'*.

In terms of ecology, the assessment has been forwarded to the Council's ecology consultant, Surrey Wildlife Trust (SWT). With a minor tweak to the wording of condition 29, no further concerns have been raised. The amended version of condition 29 will be set out elsewhere on the late sheets.

The Council's Tree Officer has also been asked to review the AGRA hydrological impact assessment and again, no further issues arise.

In conclusion, having carefully considered the submitted hydrological impact assessment and the responses from the various professional consultees, the document does not alter the position which is set out within the Committee Report. Members are also reminded that condition 14 requires the submission of full details of the drainage scheme before the commencement of the development. These details will again be reviewed and verified by the LPA, with specialist assistance from the LLFA, once an application for the discharge of the condition has been received.

Heritage statement:

A document prepared by Asset Heritage Consulting, on behalf of AGRA, was submitted to the LPA on 02 September 2021. Although the MS WORD file is named 'Proof of Evidence' the document itself is labelled as being a heritage statement. Its scope is set out in paragraph 1.1 which states *'this report, which should be read in conjunction with the other documentation submitted on the application proposals by Ash Green Residents' Association (AGRA), examines the question of whether the application proposals are acceptable in heritage terms given the site's proximity to the Grade II* listed building of Ash Manor and the other nearby Grade II listed buildings'*.

Officers would firstly like to address a number of factual errors within the AGRA heritage statement. At paragraph 1.12 the document states that *'both sets of application proposals continue to attract strong objections from Historic England...'*. This statement is misleading. Historic England (HE) do not "object" to the proposals. Their responses provide advice in relation to the impacts of the proposals on the Ash Manor heritage assets. Having concluded that the proposals would result in less than substantial harm to the heritage assets (within the meaning of the NPPF) HE then direct the LPA to the relevant tests within the NPPF where the heritage harm should be balanced against the public benefits of the scheme. As this balance falls to be considered by the LPA, HE have not gone on to consider the public benefits or where the final balance falls. This exercise is carried out by the LPA and is set out in detail in the Committee Report. As Members will be aware Officers have reached the considered view that in this instance the public benefits do outweigh the harm to the designated heritage assets (notwithstanding the considerable weight and importance attached to that harm). Members

should carefully read the report to understand how this test is carried out (see pages 67-76 of the Committee Report).

Secondly, paragraph 3.33 of the heritage statement states that *'the officers responsible for the committee reports appear to have relied instead on their Conservation Officer's opinion that the overall cumulative harmful impact is (for reasons that are not set out anywhere in the committee reports) 'in the low to middle range of the 'less than substantial' scale', revised 'downwards' in the latest version of the reports to 'being at the lower end of the 'less than substantial harm' spectrum''*. This is incorrect. As set out on page 74 of the Committee Report (third paragraph) the Council's Conservation Officer has concluded that when considering the harm arising from the proposal, as well as the cumulative harm from other approved developments, the resulting harm is set as less than substantial, within the low to middle range of that scale. Planning Officers have agreed with that conclusion. As is plainly evident from the Committee Report Officers have not 'revised downwards' the harm in the latest version of the reports, as has been incorrectly alleged in the heritage statement.

The Asset Heritage statement has been made available to view on the Council's website and includes the following conclusion:

'4.1 For all the reasons set out in detail in the body of this report, it is abundantly clear the current application proposals would cause severe and irreparable damage to what is significant about the settings of the nearby listed buildings, including the Grade II listed Ash Manor/Old Manor Cottage.*

4.2 In my considered professional view, the degree of harm caused constitutes harm falling within the upper level of 'less than substantial harm' as that term is used in the NPPF and PPG.

4.3 I therefore strongly urge Members of Planning Committee to overturn their officers' recommendation to approve the applications and instead to refuse them on heritage grounds'.

It is noted that the AGRA heritage statement has been sent to both HE and the Council's Conservation Officer for their review. HE responded on 06 September 2021] stating that:

Thank you for your email and attachment in relation to a Heritage Statement submitted by Asset Heritage Consulting on behalf of Ash Green Residents Association (AGRA).

Historic England maintains its current advice in relation to these applications.

As set out in our most recent advice letters we consider that the proposed scheme would cause harm (less than substantial) to the Ash Manor complex by eroding part of its rural setting. We also advised that the harm of the proposed development is likely to be higher if the cumulative effects of the other recent developments nearby are taken into account. We have not been able to visit to assess cumulative harm because of pandemic restrictions; however, based on the information before us, we consider that this is still likely to be less than substantial.

Paragraphs 195, 200 and 202 of the NPPF should inform your decision as to whether all harm has been avoided or minimised; that there is a clear and convincing justification for the harm that remains; and the public benefits outweigh this harm.

In summary on this point, it is noted that the author of the heritage assessment has concluded that the level of harm resulting from the proposal is less than substantial. This is the same conclusion reached by HE, the Council's Conservation Officer and LPA. However, AGRA's consultant concludes that the harm would be at the 'upper level' of this range, whereas the

Council's Conservation Officer and LPA have concluded that it would be in the low to middle level of the range. These are essentially differing professional judgements and Officers remain content with the heritage assessment set out in the Committee Report.

As noted above, and as required by the NPPF, Officers have gone on to consider the identified less than substantial harm against the public benefits of the scheme. As emphasised above, this balance has not been carried out in the heritage assessment, which only deals with the first limb of the assessment – i.e. the identification and calibration of the harm. As set out in the Committee Report, it is Officer's view that the public benefits of the scheme outweigh the identified harm. This conclusion does not change as a result of the AGRA submission.

Late Representation from Councillor John Redpath

A late representation was submitted by Councillor John Redpath stating the following:

I do feel that it's time to put this one to bed once and for all. There is no need to build in every open field in Ash especially when it has three listed buildings in or near it!

If we could take the Guildhall, Guildford House and Tunsgate Arch and put them in a field they would look odd and out of setting to say the least and, I would think, certainly not gain planning consent.

In the same way to urbanise the setting of these long established buildings would ruin their setting and, in his second letter to the planning officers, the Heritage England report stresses that this is a less than significant concern especially now that May and Juniper Cottage site has been granted permission and so has Ash Road bridge.

So, a few cottages may well retain the important setting but an entire housing estate here? as well?! It's not necessary to urbanise this field, and my thoughts are that this over development should be refused.

20/P/01359 – (Page 99) Land North of Hambledon Cottage and East of Ripley Lane

After the publication of the committee report a further letter of objection has been received.

The comments refer to two containers and portable toilets on the site and concerns that black plastic is used on the fence and noise issues. These issues have been addressed within the committee report.