



www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Democratic Services Officer
sophie.butcher@guildford.gov.uk

12 May 2021

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **THURSDAY, 20 MAY 2021 at 7.00 pm.**

Whilst Committee members and key officers will be in attendance in person for the meeting, registered speakers as well as ward councillors registered to speak, may also join the meeting via MSTEams. Ward Councillors, please use the link in the Outlook Calendar invitation. Registered speakers will be sent the link upon registration. If you lose your wi-fi connectivity, please re-join using the telephone number +44 020 3855 4748. You will be prompted to input a conference ID: 439 530 177#.

Members of the public may watch the live webcast here: <https://guildford-public-i.tv/core/portal/home>

If you wish to attend the meeting in person, please consider the following:

You may wish to have a Covid-19 test prior to attending the meeting. The test centre at Millmead is open from 8am – 7:30pm and there are also various other centres offering the test facility within the town and some villages. Follow the link below:

[Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://test-and-trace.nhs.uk)

You may also obtain a test through the post, but the lead time is longer for the result.

If you should receive a positive result you will not be permitted to attend the meeting and you should isolate as required under public health guidance.

If you have Covid symptoms you should not attend the meeting.

[When to self-isolate and what to do - Coronavirus \(COVID-19\) - NHS \(www.nhs.uk\)](https://www.nhs.uk)

If your test is negative please arrive at the Council Offices, Council Chamber, Millmead by at least 6:45pm so that you can be seated. Seating will be socially distanced and those sharing a household will be sat together.

Please note that a limited number of socially distanced seats will be available. Please contact the Democratic Services Officer to confirm. If registered speakers wish to attend in person, the seating will be allocated to them first.

Face masks will be required to enter the Council building and Council Chamber. You may wish to wear a facemask for the duration of the meeting, however, as long as a 2 metre social distance is maintained, the wearing of a facemask is not required.

Hand sanitisers will be available on arrival and departure, please use them regularly.

Yours faithfully
James Whiteman
Managing Director



MEMBERS OF THE COMMITTEE

The membership of the Planning Committee will be confirmed at the Selection and Annual Meeting of Council scheduled on Wednesday 19 May 2021.

QUORUM 5

THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

AGENDA

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 13 - 16)

To confirm the minutes of the meeting of the Committee held on 28 April 2021 as attached at Item 3. A copy of the minutes will be placed on the dais prior to the meeting.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 PLANNING AND RELATED APPLICATIONS (Pages 17 - 18)

All current applications between numbers 18/P/02456 and 21/P/00293 which are not included on the above-mentioned List, will be considered at a future meeting of the Committee or determined under delegated powers. Members are requested to consider and determine the Applications set out in the Index of Applications.

5.1 **18/P/02456 - Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH (Pages 19 - 76)**

5.2 **20/P/00737 - Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG (Pages 77 - 98)**

5.3 **20/P/01291 - Ashley House, Christmas Hill, Shalford, Guildford, GU4 8HN (Pages 99 - 124)**

5.4 **20/P/01708 - Land at Wisley Airfield, Hatch Lane, Ockham, GU23 6NU (Pages 125 - 162)**

5.5 **21/P/00293 - Lot 4, Westwood Lane, Wanborough, Guildford, GU3 2JR (Pages 163 - 170)**

6 PLANNING APPEAL DECISIONS (Pages 171 - 174)

Committee members are asked to note the details of Appeal Decisions as attached at Item 6.

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

NOTES:

(i) Procedure for determining planning and related applications:

1. A Planning Officer will present the Officer's report virtually by sharing the presentation on Microsoft Office Teams as part of the live meeting which all committee members will be able to see online. For members of the public, able to dial into the meeting, copies of the presentation will be loaded onto the website to view and will be published on the Tuesday of the same week prior to the meeting. Planning officers will make it clear during the course of their presentation which slides they are referring to at all times.
2. Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking (a maximum of two objectors followed by a maximum of two supporters). Public speakers will be sent an invite by the Democratic Services Officer (DSO) via Microsoft Office Teams to attend online or via a telephone number and conference ID code as appropriate to the public speakers needs. Prior to the consideration of each application which qualifies for public speaking, the DSO will ensure all public speakers are online. If public speakers cannot access the appropriate equipment to participate, or owing to unexpected IT issues experienced they cannot participate in the meeting, they are advised to submit their three-minute speech to the Democratic Services Officer by no later than midday the day before the meeting. In such circumstances, the DSO will read out their speech. Alternatively, public speakers may wish to attend the meeting in person in the Council Chamber. Public speakers must observe social distancing rules.
3. The Chairman gives planning officer's the right to reply in response to comments that have been made during the public speaking session.
4. Any councillor(s) who are not member(s) of the Planning Committee, but who wish to speak on an application, either in or outside of their ward, will be then allowed for no longer than three minutes each. It will be at the Chairman's discretion to permit councillor(s) to speak for longer than three minutes and will have joined the meeting remotely via MSTeams. [Councillors should notify the Committee Officer, in writing, by no later than midday the day before the meeting of their intention to speak and send the DSO a copy of their speech so it can be read out on their behalf should they lose their wi-fi connection.] If the application is deferred, any councillor(s) who are not member(s) of the Planning Committee will not be permitted to speak when the application is next considered by the Committee.
5. The Chairman will then open up the application for debate. The Chairman will ask which councillors wish to speak on the application and determine the order of speaking accordingly. At the end of the debate, the Chairman will check that all members had had an opportunity to speak should they wish to do so.
 - (a) No speech shall be longer than three minutes for all Committee members. As soon as a councillor starts speaking, the DSO will activate the timer. The DSO will advise when there are 30 seconds remaining and when the three minutes has concluded;
 - (b) No councillor to speak more than once during the debate on the application;

- (c) Members shall avoid repetition of points made earlier in the debate.
- (d) The Chairman gives planning officer's the right to reply in response to comments that have been made during the debate, and prior to the vote being taken.
- (e) Once the debate has concluded, the Chairman will automatically move the officer's recommendation following the debate on that item. If it is seconded, the motion is put to the vote. The Chairman will confirm verbally which councillor has seconded a motion. A simple majority vote is required for the motion to be carried. If it is not seconded or the motion is not carried then the Chairman will ask for a second alternative motion to be put to the vote. The vote will be taken by roll call or by affirmation if there is no dissent.

In any case where the motion is contrary to officer recommendation that is:

- Approval to refusal, or;
- Refusal to approval;
- Or where the motion proposes additional reasons for refusal, or additional conditions to be included in any planning permission. The following procedure shall be followed:
 - Where the alternative motion is to propose a refusal, the proposer of the motion shall be expected to state the harm (where applicable) and the relevant policy(ies) to justify the motion. In advance of the vote, provided that any such proposal has been properly moved and seconded, the Chairman shall discuss with relevant officers and the mover and seconder of the motion, the reason(s), conditions (where applicable) and policy(ies) put forward to ensure that they are sufficiently precise, state the harm (where applicable) and support the correct policies to justify the motion. All participants and members of the public will be able to hear the discussion between the Chairman and the relevant officers and the mover and seconder of the motion. Following the discussion the Chairman will put to the Committee the motion and the reason(s) for the decision before moving to the vote. The vote will be taken by roll call or by affirmation, if there is no dissent.
- (f) A motion can also be proposed and seconded at any time to defer or adjourn consideration of an application (for example for further information/advice backed by supporting reasons).
- (g) Technical difficulties during the meeting. If the Chairman or the DSO identifies a failure of the remote participation facility and a connection to a Committee Member is lost during the meeting, the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, provided that it remains quorate. If the Member who was disconnected is subsequently re-connected and they have missed any part of the debate on the matter under discussion, they will not be able to vote on that matter as they would not have heard all the facts.

6. Unless otherwise decided by a majority of councillors present and voting by roll call at the meeting, all Planning Committee meetings shall finish by no later than 10:30pm.

Any outstanding items not completed by the end of the meeting shall be adjourned to the reconvened or next ordinary meeting of the Committee.

7. In order for a planning application to be referred to the full Council for determination in its capacity as the Local Planning Authority, a councillor must first with a seconder, write/email the Democratic Services Manager detailing the rationale for the request (the proposer and seconder does not have to be a planning committee member).

The Democratic Services Manager shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request. The matter would then be placed as an agenda item for consideration at the next Planning Committee meeting. The proposer and seconder would each be given three minutes to state their case. The decision to refer a planning application to the full Council will be decided by a majority vote of the Planning Committee.

GUIDANCE NOTE For Planning Committee Members

Probity in Planning – Role of Councillors

Councillors on the Planning Committee sit as a non-judicial body, but act in a semi-judicial capacity, representative of the whole community in making decisions on planning applications. They must, therefore:

1. act fairly, openly and apolitically;
2. approach each planning application with an open mind, avoid pre-conceived opinions;
3. carefully weigh up all relevant issues;
4. determine each application on its individual planning merits;
5. avoid undue contact with interested parties; and
6. ensure that the reasons for their decisions are clearly stated.

The above role applies to councillors who are nominated substitutes on the Planning Committee. Where a councillor, who is neither a member of, nor a substitute on the Planning Committee, attends a meeting of the Committee, he or she is also under a duty to act fairly and openly and avoid any actions which might give rise to an impression of bias or undue influence.

Equally, the conduct of members of any working party or committee considering planning policy must be similar to that outlined above relating to the Planning Committee.

Reason for Refusal

How a reason for refusal is constructed

A reason for refusal should carefully describe the harm of the development as well as detailing any conflicts with policies or proposals in the development plan which are relevant to the decision.

When formulating reasons for refusal Members will need to:

- (1) Describe those elements of the proposal that are harmful, e.g. bulk, massing, lack of something, loss of something.
- (2) State what the harm is e.g. character, openness of the green belt, retail function and;
- (3) The reason will need to make reference to policy to justify the refusal.

Example

The proposed change of use would result in the loss of A1 retail frontage at Guildford Town Centre, which would be detrimental to the retail function of the town and contrary to policy SS9 in the Guildford Local Plan.

Reason for Approval

How a reason for approval is constructed.

A reason for approval should carefully detail a summary of the reasons for the grant of planning permission and a summary of the policies and proposals in the development plan, which are relevant to the decision.

Example:

The proposal has been found to comply with Green Belt policy as it relates to a replacement dwelling and would not result in any unacceptable harm to the openness or visual amenities of the Green Belt. As such the proposal is found to comply with saved policies RE2 and H6 of the Council's saved Local Plan and national Green Belt policy in the NPPF.

Reason for Deferral

Applications should only be deferred if the Committee feels that it requires further information or to enable further discussions with the applicant or in exceptional circumstances to enable a collective site visit to be undertaken.

Clear reasons for a deferral must be provided with a summary of the policies in the development plan which are relevant to the deferral.

APPLICATIONS FOR PLANNING PERMISSION & RELATED APPLICATIONS FOR CONSIDERATION BY THE PLANNING COMMITTEE

NOTES:

Officers Report

Officers have prepared a report for each planning or related application on the Planning Committee Index which details:-

- Site location plan;
- Site Description;
- Proposal;
- Planning History;
- Consultations; and
- Planning Policies and Considerations.

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in each report.

Written Representations

Copies of representations received in respect of the applications listed are available for inspection by Councillors at the plans viewing session held prior to the meeting and will also be available at the meeting. Late representations will be summarised in a report which will be circulated at the meeting.

Planning applications and any representations received in relation to applications are available for inspection at the Planning Services reception by prior arrangement with the Head of Planning Services.

Background Papers

In preparing the reports relating to applications referred to on the Planning Committee Index, the Officers refer to the following background documents:-

- The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, the Localism Act and other current Acts, Statutory Instruments and Circulars as published by the Department for Communities and Local Government (CLG).
- Guildford Borough Local Plan: Strategy and Sites 2015-2034.
- The South East Plan, Regional Spatial Strategy for the South East (May 2009).
- The National Planning Policy Framework (NPPF) (March 2012)
- The Town and Country Planning (General Permitted Development) Order 1995, as amended (2010).
- Consultation responses and other correspondence as contained in the application file, together with such other files and documents which may constitute the history of the application site or other sites in the locality.

Human Rights Act 1998

The Human Rights Act 1998 (the 1998 Act) came into effect in October 2000 when the provisions of the European Convention on Human Rights (the ECHR) were incorporated into UK Law.

The determination of the applications which are the subject of reports are considered to involve the following human rights issues:

- 1 Article 6(1): right to a fair and public hearing

In the determination of a person's civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the hearing in certain circumstances (e.g. in the interest of morals, strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.)

- 2 Article 8: right to respect for private and family life (including where the article 8 rights are those of children s.11 of the Children Act 2004)

Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

s.11 of the Childrens Act 2004 requires the Council to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Furthermore, any services provided by another person pursuant to arrangements made by the Council in the discharge of their functions must likewise be provided having regard to the need to safeguard and promote the welfare of children.

- 3 Article 14: prohibition from discrimination

The enjoyment of the rights and freedoms set out in the ECHR shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- 4 Article 1 Protocol 1: protection of property;

Every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. However, the state retains the right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

- 5 Article 2 Protocol 1: right to education.

No person shall be denied the right to education.

Councillors should take account of the provisions of the 1998 Act as they relate to the applications on this agenda when balancing the competing interests of the applicants, any third party opposing the application and the community as a whole in reaching their decision. Any interference with an individual's human rights under the 1998 Act/ECHR must be just and proportionate to the objective in question and must not be arbitrary,

unfair or oppressive. Having had regard to those matters in the light of the convention rights referred to above your officers consider that the recommendations are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

Costs

In planning appeals the parties involved normally meet their own costs. Most appeals do not result in a costs application. A costs award where justified is an order which states that one party shall pay to another party the costs, in full or part, which has been incurred during the process by which the Secretary of State or Inspector's decision is reached. Any award made will not necessarily follow the outcome of the appeal. An unsuccessful appellant is not expected to reimburse the planning authority for the costs incurred in defending the appeal. Equally the costs of a successful appellant are not borne by the planning authority as a matter of course.

However, where:

- A party has made a timely application for costs
- The party against whom the award is sought has behaved unreasonably; and
- The unreasonable behaviour has directly caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process a full or partial award is likely.

The word "unreasonable" is used in its ordinary meaning as established in the courts in *Manchester City Council v SSE & Mercury Communications Limited 1988 JPL 774*. Behaviour which is regarded as unreasonable may be procedural or substantive in nature. Procedural relates to the process. Substantive relates to the issues arising on the appeal. The authority is at risk of an award of costs against it if it prevents or delays development, which should clearly be permitted having regard to the development plan. The authority must produce evidence to show clearly why the development cannot be permitted. The authority's decision notice must be carefully framed and should set out the full reasons for refusal. Reasons should be complete, precise, specific and relevant to the application. The Planning authority must produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. If the authority cannot do so it is at risk of a costs award being made against it for unreasonable behaviour. The key test is whether evidence is produced on appeal which provides a respectable basis for the authority's stance in the light of *R v SSE ex parte North Norfolk DC 1994 2 PLR 78*. If one reason is not properly supported but substantial evidence has been produced in support of the others a partial award may be made against the authority. Further advice can be found in the *Department of Communities and Local Government Circular 03/2009* and now *Planning Practice Guidance: Appeals paragraphs 027-064 inclusive*.

PLANNING COMMITTEE

- * Councillor Fiona White (Chairman)
- * Councillor Colin Cross (Vice-Chairman)

- | | |
|----------------------------------|-----------------------------|
| * Councillor Jon Askew | * Councillor Liz Hogger |
| * Councillor Christopher Barrass | * Councillor Marsha Moseley |
| * Councillor David Bilbé | * Councillor Susan Parker |
| * Councillor Chris Blow | * Councillor Maddy Redpath |
| * Councillor Ruth Brothwell | * Councillor Paul Spooner |
| * Councillor Angela Gunning | * Councillor James Steel |
| * Councillor Jan Harwood | |

*Present

PL106 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

No apologies for absence were received.

PL107 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

Councillor Fiona White declared a non-pecuniary interest in application 20/P/01271 – 3,4, 5 and 9 Midleton Industrial Estate owing to the fact that it was located in part of the County Division which she represented as a Surrey County Councillor. She confirmed that she had come to the meeting with an open mind and would consider the application accordingly.

PL108 MINUTES

The minutes of the Planning Committee held on 31 March 2021 were approved and signed by the Chairman as a true record.

PL109 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL110 20/P/01271 - 3, 4, 5 AND 9 MIDLETON INDUSTRIAL ESTATE ROAD, GUILDFORD, GU2 5XW

The Committee considered the above-mentioned full application for erection of 20 industrial units with two entrances off the Midleton Industrial Estate Road with car and bicycle parking facilities and landscaping around the perimeter following the demolition of 2 existing industrial buildings and associated drainage and accesses, and the levelling off of the site into two main areas.

The Committee was informed by the planning officer that the estate was owned by Guildford Borough Council and was designated in the Local Plan as one of the borough's strategic employment sites. Plots 5 and 9 were currently in a poor state of repair and in need of replacement. The rest of the site was made up of hardstanding. The front of the building was vacant with unused land on plots 3 and 4 with building number 9 proposed to be demolished.

In place of the existing building and vacant land, it was proposed to build 20 new industrial units, split into two separate buildings made up of 10 units each. Parking would be provided along the northern boundary. The buildings would have a shallow pitched roof and finished in a grey metal cladding.

It was the planning officer's view that the development of the site was deemed to be acceptable. The proposal to provide a total of 20 modern purpose-built industrial units represented a significant improvement upon the existing situation. The economic benefits of the proposal also weighed heavily in favour of the development. No objections had been received from any of the statutory consultees including the County Highway Authority. A financial contribution had also been secured to provide a crossing at the junction of Middleton, subject to a Statement of Intent, which would help protect pedestrian safety.

The Committee discussed the application and raised a query as to whether there would be any natural light in the units and was that something that should be conditioned? Also, to confirm if the blocks shown on the aerial plan of the roof were solar panels? The planning officer confirmed that the blocks were roof lights which would be included on all of the blocks to be built. With regard to solar panels, the Committee was referred to condition 14 which required a 20% reduction in carbon emissions which could potentially be achieved through the use of solar panels or other green technologies. The Committee agreed that the proposed development was well designed and would have no harmful impact on the character of the area, neighbouring amenity, surface water flood risk, highways and parking or trees and vegetation.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Christopher Barrass	X		
2.	Angela Gunning	X		
3.	Jon Askew	X		
4.	Chris Blow	X		
5.	Colin Cross	X		
6.	Liz Hogger	X		
7.	Maddy Redpath	X		
8.	James Steel	X		
9.	David Bilbe	X		
10.	Paul Spooner	X		
11.	Susan Parker	X		
12.	Fiona White	X		
13.	Jan Harwood	X		
14.	Marsha Moseley	X		
15.	Ruth Brothwell	X		
	TOTAL	15	0	0

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to approve application 20/P/01271 subject:

- (i) That a Statement of Intent be entered into which secures a contribution towards the provision of a new toucan crossing.

If the terms of the Statement of Intent or wording of the planning conditions are significantly amended as part of ongoing Statement of Intent 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.

PL111 PLANNING APPEAL DECISIONS

The Committee noted the planning appeal decisions.

The meeting finished at 7.25 pm

Signed
Chairman

Date

This page is intentionally left blank

Agenda item number: 5

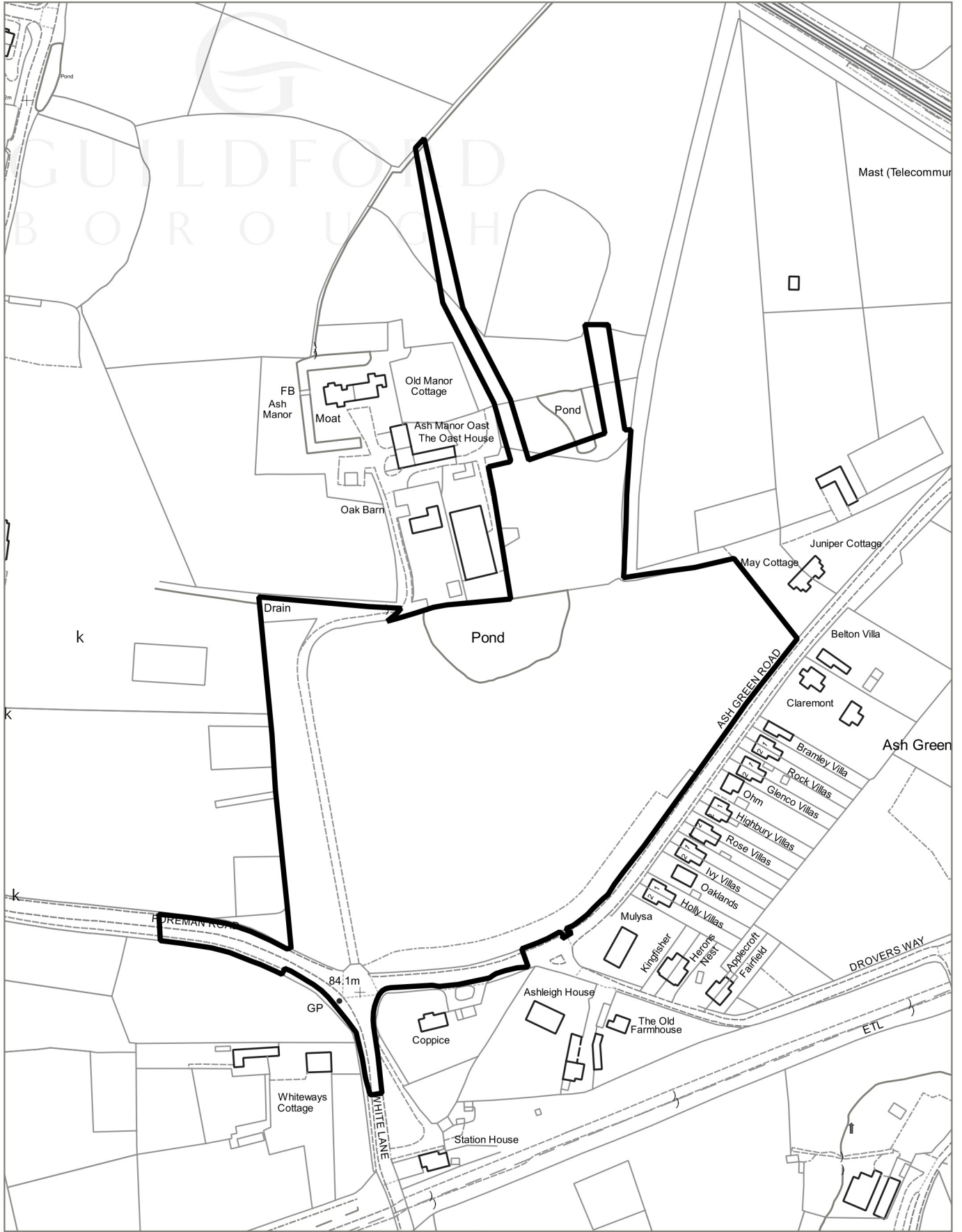
GUILDFORD BOROUGH COUNCIL
PLANNING COMMITTEE INDEX
20/05/2021

Item No.	Parish	Applicant	Location	App.No.	Rec.	Page
5.1	Ash South and Tongham	Bewley Homes Ltd, c/o Agent	Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH	18/P/02456	S106	19.
5.2	Effingham	Mr Grimshaw, Claremont Finesse Ltd	Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG	20/P/00737	APPC	77.
5.3	Shalford	Perseus Land & Developments Ltd & Barchester Healthcare Ltd c/o Agent	Ashley House, Christmas Hill, Shalford, Guildford, GU4 8HN	20/P/01291	APPC	99.
5.4	Lovelace	Taylor Wimpey UK Limited	Land at Wisley Airfield, Hatch Lane, Ockham, GU23 6NU	20/P/01708	APPC	125.
5.5	The Pilgrims	Mrs Javaherizadeh, C/O Pike Smith and Kemp Rural	Lot 4, Westwood Lane, Wanborough, Guildford, GU3 2JR	21/P/00293	APPC	163.

Total Applications for Committee 5

This page is intentionally left blank

18/P/02456 - Land At Ash Manor, Ash Green Road, Ash Green, Guildford



© Crown Copyright 2021. Guildford Borough Council.
Licence No. 100019625.

This map is for identification purposes only and should
not be relied upon for accuracy.

Print Date: 05/05/2021



Page 19 Not to Scale



GUILDFORD
BOROUGH

18/P/02456 – Land at Ash Manor, Ash Green Road, Ash Green, Guildford



App No: 18/P/02456 **8 Wk Deadline:** 28/05/2021
Appn Type: Full Application
Case Officer: John Busher
Parish: Ash **Ward:** Ash South & Tongham
Agent : Mr D Neame **Applicant:** Mr Morris
Neame Sutton Ltd Bewley Homes Ltd
West Suite, Coles Yard Barn c/o Agent
North Lane
Clanfield
PO8 0RN

Location: Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH

Proposal: Erection of 73 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

Key information

The application site is a 3.87 (approx) hectare parcel of land that is located to the north of the junction of Foreman Road, White Lane and Ash Green Road in Ash. The site is currently laid to grass and is currently partly used as a paddock for grazing horses. There is a pond on the northern boundary of the site and a line of trees and vegetation along the southern and eastern boundaries which front onto Ash Green Road. The site is within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. The site contains a number of trees which are protected by way of Tree Preservation Orders (TPO).

The immediately surrounding area contains a line of residential ribbon development on the opposite side of Ash Green Road to the south-east of the site. Adjoining the site to the north is a small complex of buildings which is known as Ash Manor which contains a number of dwellings and farm structures. The largest building within the complex is Grade II* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. These buildings include a moat to their western and northern sides. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing. The Oast House and stables are Grade II listed (one listing). To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

The proposal is for the construction of a total of 73 dwellings on the site, of which 29 would be affordable. A large area of open space is being created for future residents of the scheme.

Summary of considerations and constraints

This is an allocated site which is now designated as being part of the urban area of Ash and Tongham. Whilst there would be an inevitable change in the character and appearance of the land, the principle of development here has already been found to be acceptable.

While it is acknowledged that the proposal results in some harm to the setting of the listed buildings on the Ash Manor complex, the harm has been reduced through the retention of the rural track to the complex and the provision of a landscaped buffer around the site. The Local Planning Authority has also considered the cumulative harm resulting from this and other recently approved developments in the local area. Taking the cumulative harm into account, the overall level of harm has been identified as being at the lower to middle end of less than substantial.

The proposal would not result in any material harm to the character of the area. A landscaped buffer is to be retained and supplemented along Ash Green Road and this would help to prevent the coalescence of Ash and Ash Green, as required by the Local Plan allocation. The application would provide a net gain of 73 residential units, which would be in accordance with housing delivery commitments in the adopted Local Plan 2019. This includes the provision of 29 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. The mix of proposed market housing has also been improved during the course of the application.

The proposed dwellings are considered to provide a good level of internal and external amenity for future residents, fully compliant with the Nationally Described Space Standards (NDSS). There would be no unacceptable harm to neighbouring residents. Subject to conditions the scheme would also be acceptable in terms of highway safety, flooding, trees, ecology, archaeology and sustainable construction.

Members will be aware that the Planning Committee have previously resolved to approve this planning application at their meeting on 04 December 2019. Planning permission was originally issued on 14 January 2020. In early 2020, the Council received notice that a local resident was planning to pursue a Judicial Review of the decision. Permission to apply for a Judicial Review was granted by the High Court on 13 May 2020. The Hearing took place on 17 and 18 November 2020 and Mrs Justice Lang handed down her Judgement on 08 December 2020.

The Council was successful in defending Grounds 2 and 3. However, the Claimant was successful on Ground 1. Mrs Justice Lang held that the Officer's Report materially misled the Planning Committee in relation to the proper approach to decision-making in relation to designated heritage assets. In particular, the Judge held that the report failed to explain that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 193 and 194 both require the Council to give considerable importance and weight to any harm identified to a designated heritage asset. The Judge concluded that as the report did not specifically bring this requirement to the attention of the Planning Committee Members were therefore misled. As a result of this error the previous decision to approve planning permission was quashed.

Following the quashing, the Local Planning Authority now has a duty to redetermine the application. The report below is an amended version of the original report which was before Committee in 2019 which corrects the errors identified by Mrs Justice Lang. The new report also takes into account other material considerations which have arisen since the original determination, including views expressed by consultees and members of the public which were received as part of the full re-consultation which was carried out in March/April 2021 and the additional information submitted by the applicant with regard to air quality, flooding and landscaping.

The report should be read afresh and as a whole and it is this report which Members should base their decision on.

RECOMMENDATION:

(i) That a s.106 agreement be entered into to secure:

- the delivery of 29 affordable housing units (a minimum of 70% to be affordable rent with mix as agreed);
- provision of SAMM contributions;
- contribution towards Police infrastructure;
- contribution towards early years, primary and secondary education projects;
- contribution towards health care infrastructure;
- contribution towards children's playspace infrastructure in the area;
- contribution towards amendment of TRO on Foreman Road;
- contribution towards highway safety improvements and pedestrian and cyclist infrastructure improvements in the area;
- contribution towards Ash road bridge;
- provision that the applicant gives free and unfettered access to the spine road;
- contribution towards footbridge and
- contribution towards provision of public art in the area.

If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 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 Planning Development Manager

Approve - subject to the following condition(s) and reason(s) :-

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

GAR.01.pe B
GAR.02.pe A
GAR.03.pe A
GAR.04.pe B
P1-2.e A
P1-2.p A
P23-25.e A
P23-25.p A

P19-20.e A
P19-20.p A
SS.01.pe A
ITB13403-SK-006 D
ITB13403-SK-016 A
ITB13403-SK-019
SL.01 E
AHL.01 B
RP.01 C
LP.01 A
HT.AVI.e B
HT.AVI.p B
HT.CHI.e C
HT.CHI.p C
HT.CRA.e B
HT.CRA.p B
HT.EVE-SEM.e B
HT.EVE-SEM.p B
HT.GOD.e D
HT.GOD.p D
HT.LON.e C
HT.LON.p C
HT.MAL.e D
HT.MAL.p D
HT.MAR.e B
HT.MAR.p B
HT.RIP.e C
HT.RIP.p C
HT.SHA.e B
HT.SHA.p B
HT.WIT.e B
HT.WIT.p B
FB-A.pe E
FB-B.e D
FB-B.p C
P15-16_45-46.e B
P15-16_45-46.p B
P21-22_35-36_57-58.e C
P21-22_35-36_57-58.p C
P32-33.e B
P32-33.p B
P37-38.e B
P37-38.p B

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

3. No development shall take place until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANG) to mitigate the impact of the development has been secured and no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANG standard have been completed.

Reason: This is required as a pre-commencement condition as the development is only acceptable if the impact on the Thames Basin Heaths Special Protection Area can be mitigated. This is reliant on the provision of SANG. Avoidance works associated with development need to be carried out prior to the occupation of the development so that measures can cater for increased number of residents to avoid adverse impact on the Thames Basin Heaths Special Protection Area.

4. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and samples.

Reason: To ensure that the appearance of the development is satisfactory.

5. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until written details and/or samples of:

- a) fenestration details; and
- b) fascias, soffits and gutters

to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external materials.

Reason: To ensure that the appearance of the development is satisfactory.

6. Before the occupation of the 73rd dwelling of the development a certificate demonstrating that Secured by Design (physical security) has been successfully achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is acceptable in terms of crime and safety.

7. No development shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance (including long term design objectives, management responsibilities and maintenance schedules for all landscape areas) for a minimum period of 10 years, have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
- a) details of hedge and tree provision along Ash Green Road (including details of new hedge and tree planting which will take place if the existing hedge has been removed, and additional planting which will take place in any event);
 - b) new hedge and tree planting to the north of plot 27;
 - c) a timetable for the implementation of the landscaping scheme.

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained in perpetuity.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and Ash Green Road and to ensure that a buffer between Ash and Ash Green is maintained.

8. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of ten years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

9. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of all boundary treatments within the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed timetable. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of the locality and to ensure a high quality design.

10. No development shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, or as amended, (and including details of a site meeting process with the retained consulting arboriculturalist and the LPA Tree Officer), are submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be adhered to in full, and may only be modified by 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 TPP, 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: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the adequate protection of trees prior to works commencing on site goes to the heart of the planning permission

11. No development shall take place until a Written Scheme of Investigation, which shall include a programme of archaeological work, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development.

12. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until an energy statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed on the site in accordance with the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on-site low and zero carbon energy and improvements to the energy performance of each approved unit shall be achieved. Prior to the occupation of each unit, a summary showing the emissions rate, as set out in the final SAP assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

Reason: To reduce carbon emissions and incorporate sustainable energy.

13. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.

Reason: To improve water efficiency in accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.

14. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local 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) evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s.

b) 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.).

c) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

d) details of drainage management responsibilities and maintenance regimes for the drainage system.

e) 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.

15. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the scheme agreed through condition 14 (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

16. Prior to first occupation the following package of measures shall be implemented at the applicant's expense through a S278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

- i) a 2 metre footway shall be provided on the southern side of Foreman Road from the site access towards The Croft
- ii) high friction surfacing shall be implemented on Foreman Road on the approach to the site access and on the southbound of the carriageway up to the start of the proposed anti-skid for the northbound direction near the existing bus stop
- iii) the speed limit shall be reduced from 40mph to 30mph with associated speed reduction measures, subject to TRO approval.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

17. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Foreman Road has been constructed and provided with visibility zones, and the build out on the spine road is implemented, all in accordance with approved drawing number ITB12403-SK-006D, and thereafter the visibility zones shown on the plan shall be kept permanently clear of any obstruction over 0.6 metres high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

18. The development hereby approved shall not be first occupied unless and until the proposed junction improvement, including the re-alignment of Ash Green Road and pedestrian connections, has been implemented in accordance with the approved drawing number ITB12403-SK-006D OR a similar junction improvement has been implemented in accordance with a plan which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

19. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved drawing number SL.01,E, for vehicles / cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

20. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, for Electrical Charging Points to be provided at each house (where practicable), 20% of parking spaces for flats (including maisonettes) and passive infrastructure be provided for a further 20% of car parking spaces for the flats. This shall all comprise a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). Once implemented these shall be retained and maintained for their designated purposes.

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

21. No development shall commence until a Construction Transport Management Plan (CTMP), to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall take place in accordance with the approved CTMP.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

22. The development hereby approved shall not be first occupied unless and until the following information has been provided in accordance with the approved Travel Plan Statement, ITB13403-004A R:

- the information which is to be provided to residents regarding the availability of and whereabouts of local public transport / walking / cycling

The development shall only be carried out in accordance with the approved details and the agreed information shall be provided to the occupants of each of the dwellings upon first occupation.

Reason: To encourage travel by means other than private motor vehicles.

23. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until detailed plans showing the continuation of the internal spine road up to the north-eastern boundary of the site (between the sub-station and plot 45) has been submitted to and approved in writing by the Local Planning Authority. The road shall be constructed in accordance with the agreed details and shall be provided up to the boundary of the site (as defined by the red line on drawing BEWL180405 SL01 E) prior to the occupation of the 20th dwelling on the site.

Reason: In order that the development delivers an acceptable road link to the area to the north-east which is also part of the site allocation A31.

24. Before the development hereby approved is first occupied, the measures set out on the Refuse Strategy Plan (drawing BEWL180405 RP.01 C) shall be implemented in full and made available for use. The scheme shall be retained in perpetuity.

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development.

25. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in Ecological Assessment (dated December 2018, prepared by Aspect Ecology Ltd, reference 4765 Eco Statement vf4/LB/DM), the Technical Briefing Note (dated September 2019, prepared by Aspect Ecology Ltd) and the Ecological Statement (Updated) (dated March 2021, prepared by Aspect Ecology Ltd, reference 4765 Eco Statement dv3/FM/MRD).

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

26. No development or site clearance shall take place until further eDNA Great Crested Newt surveys and a Precautionary Working Method Statement carried out by a qualified ecologist have been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate how development will proceed in a way that will avoid the killing, injuring or disturbance of any Great Crested Newts, reptiles or amphibians that may be identified during development. Any agreed impact avoidance, mitigation, compensation and / or enhancement measures (as may be relevant to the particular species), including proposed translocation measures shall be carried out in accordance with the approved details.

Reason: In order to protect the nature conservation and biodiversity value of the site. It is considered necessary for this to be a pre-commencement condition because these details need to be undertaken and agreed before construction activity takes place on the site, which may then impact on the ecology and in particular, Great Crested Newts.

27. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a Sensitive Lighting Management Plan (to comply with 'Bats and Lighting in the UK - Bats and Built Environment Series) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the works. The development shall then be carried out in accordance with the approved details.

Reason: To prevent adverse impacts on protected species, in particular bats, resulting from the proposed development works.

28. 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;
- 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.

29. No development shall commence (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a scheme including plans, has been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details and be made available for use on the first occupation of each building.

Reason: To ensure that the new development is provided with high quality broadband services and digital connectivity.

30. Before the development hereby approved is commenced, a plan showing the location of the seven Building Regulations 'accessible and adaptable dwellings M4(2) and the four Building Regulations M4(3)(2) wheelchair accessible dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In order to provide a flexible housing stock to meet a wide range of accommodation needs.

31. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of the boundary treatment along the western side of the northern open space area have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development.

Reason: To help screen the open space area from the neighbouring residents.

32. Before the felling of the Oak (T67 / TPO 4 of 1974), the applicant shall submit a scheme detailing how it will be re-used on the site following its felling. The scheme shall include a method statement for the careful felling of the tree and its storage and details of how and where the tree will be re-used within the site. The agreed scheme shall be implemented before the occupation of the 50th dwelling.

Reason: To improve the ecological biodiversity of the site and to retain the tree within Ash Manor.

Informatives:

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk.
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was sought and provided which addressed initial issues, the application has been submitted in accordance with that advice, however, further issues were identified during the consultation stage of the application. Officers have worked with the applicant to overcome these issues and the proposal is now deemed to be acceptable.

3. Thames Water Informative:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

4. Lead Local Flood Authority Informatives:

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

As part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufactures recommendations, this should include evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions.

5. County Highway Authority Informatives:

The permission hereby granted shall not be construed as authority to carry out any works on the highway.

The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see

www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see

www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see

www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. For guidance and further information on charging modes and connector types please refer to:

www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html

6. Ecology Informative:

Should Great Crested Newts be identified as present within ponds P1, P2 or P3, the applicant should contact Natural England to establish if a Protected Species licence is required in order to allow the development to proceed lawfully.

Officer's Report

Introduction

Members will be aware that the Planning Committee resolved to approve this planning application at their meeting on 04 December 2019. Planning permission was originally issued on 14 January 2020. In early 2020, the Council received notice that a local resident was planning to pursue a Judicial Review of the decision. Permission to apply for a Judicial Review was granted by the High Court on 13 May 2020. The initial case against the Council consisted of four grounds which were:

- failure to apply section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and failure to take account of paragraphs 193 and 194 of the NPPF;
- failure to have regard to a relevant consideration: a 'veteran tree' on site and acting irrationally in departing from this advice without reasons;
- failure to have regard to a material consideration, namely the risk of flooding from groundwater at the site and/or acting irrationally by ignoring expert evidence on this matter and failing to instruct an independent expert to consider it; and
- breach of procedural legitimate expectation leading to procedural unfairness by failing to consult on amendments to the application.

Before the Judicial Review Hearing took place, Ground 4 was withdrawn by the Claimant.

The Hearing took place on 17 and 18 November 2020. The Council defended the lawfulness of the decision, as did the applicant. Mrs Justice Lang handed down her Judgement on 08 December 2020.

In giving her Judgment, Mrs Justice Lang held that the Council was entitled to:

- prefer the advice of the applicant and its own arboriculturalist over that of Surrey Wildlife Trusts in relation to whether T67 constituted a 'veteran tree'; and
- accept the view of the Local Lead Flood Authority that the applicant's technical evidence demonstrated that there was no increased risk of flooding and to conclude that the concerns raised by the local resident concerning groundwater were unjustified.

The Council was therefore successful in defending Grounds 2 and 3.

However, the Claimant was successful on Ground 1. Mrs Justice Lang held that the Officer's Report materially misled the Planning Committee in relation to the proper approach to decision-making in relation to designated heritage assets. In particular, the Judge held that the report failed to explain that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 193 and 194 both require the Council to give considerable importance and weight to any harm identified to a designated heritage asset. The Judge concluded that as the report did not specifically bring this requirement to the attention of the Planning Committee Members were therefore misled. As a result of this error the previous decision to approve planning permission was quashed.

Following the quashing, the Local Planning Authority now has a duty to redetermine the application. The report below is an amended version of the original report which was before Committee in 2019 which corrects the errors identified by Mrs Justice Lang.

The new report also takes into account other material considerations which have arisen since the original determination, including views expressed by consultees and members of the public which were received as part of the full re-consultation which was carried out in March/April 2021 and the additional information submitted by the applicant with regard to air quality, flooding and landscaping. The report should be read afresh and as a whole and it is this report which Members should base their decision on.

Site description

The application site is a 3.87 (approx) hectare parcel of land that is located to the north of the junction of Foreman Road and Ash Green Road in Ash. The site is currently laid to grass and is currently partly used as a paddock for grazing horses. There is a pond on the northern boundary of the site and a line of trees and vegetation along the southern and eastern boundaries which front onto Ash Green Road. The site is within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. The site contains a number of trees which are protected by way of Tree Preservation Orders (TPO).

The immediately surrounding area is currently predominantly semi-rural in character. However, there is a line of residential ribbon development on the opposite side of Ash Green Road to the south-east of the site. These properties are a mix of detached and semi-detached dwellings, in a mix of sizes and designs. Adjoining the site to the north is a small complex of buildings which is known as Manor Farm that contains a number of dwellings and farm structures. The largest building within the complex is Grade II* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. These buildings include a moat to their western and northern sides, which Historic England comment is a non-designated heritage asset. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing. The Oast House and stables are Grade II listed (one listing). To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

Proposal

Erection of 73 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and servicing.

The application site would be accessed via a 'T' junction from Foreman Road. This leads to a single spine road which would run through the site, with dwellings positioned on either side. The spine road would eventually link into other sites which are within the A31 allocation. Off the spine road there would be two shared-surface cul-de-sacs which would serve a number of dwellings. The proposal includes a number of alterations to the highway network in the vicinity of the site. This includes the re-alignment of Ash Green Road and a range of traffic calming measures to include a speed limit reduction to 30mph, gateway features etc. The existing access into Ash Manor would be retained as part of this proposal.

The proposal includes a range of house types including two storey detached, semi-detached and terraced dwellings. Two blocks of apartments are also proposed which would provide a total of 14 units. The apartment blocks would be mainly two storeys in height, with Block A having a small element of second floor space within the gable roof. A total of 158 on-site parking spaces are proposed which equates to approximately two spaces per dwelling. The applicant has agreed to provide a total of 29 affordable dwellings which will be spread across the site.

The northern portion of the application site includes the existing pond which would be enlarged and integrated into the proposal, forming an important part of the open space network. A large area of open space is proposed to the south and east of the pond, which would also act as a buffer to the listed buildings.

Prior to the original decision in December 2019, the scheme had been amended on a number of occasions following comments from Officers, Members and local residents. The scheme which is currently presented to Members is materially the same as that which was approved by the Planning Committee in December 2019. The only change from the proposal previously considered is that a new indicative planting plan has been submitted by the applicant which outlines in greater detail the planting that is proposed on the site. For the reasons explained below, these proposals are particularly relevant to the consideration of the impact on the character of the area. The precise details of the planting will be secured by condition.

In addition, it is noted that the applicant has submitted further information concerning the proposal, including with regards to the potential flooding issues and regarding the impacts on air quality.

Proposed Mix					
	1-bed	2-bed	3-bed	4+-bed	Total
Total dwellings	11	22	26	14	73
Of which...					
Houses	0	19	26	14	59
Apartments	11	3	0	0	14
Affordable	11	10	7	1	29

Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
20/P/01461	Erection of 73 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing.	Non Determination Appeal submitted.	TBC
17/P/00513	Full detailed planning application for the erection of 95 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on-site open space, landscape and ecology management and, servicing.	Non Determination 09/10/2017	Withdrawn 05/02/2018
15/P/01031	Residential development comprising a total of 44 dwellings (6no. four-bed, 25no. three-bed and 13no. 2-bed) including 15no. affordable housing units, together with an associated recreational open space, approximately 4.2 hectares of Suitable Alternative Natural Green Space (SANGS) with visitor car park, Village Hall and the provision of a new roundabout access at the junction of Foreman Road and White Lane.	Refuse 16/10/2015	N/A

Consultations

It is noted that since the quashing of the original permission, the Local Planning Authority has undertaken a full (21-day) re-consultation of residents, Parish Councils and resident's associations. The consultation invited these groups to provide their views on the new and additional information that has been received, as well as any other issues that they wished to raise. In addition, all consultees (statutory and non-statutory) have been invited to provide fresh comments on the proposal and to raise any matters which may have changed since their original comments on the proposal were made in 2019. The summary of the consultation responses below includes any new or amended comments.

In addition, comments from residents, Parish Councils and residents associations made on the duplicate planning application 20/P/01461, and which are material to the current application will also be included in the summary below.

Members are reminded that the consultation responses are available to view in full on the Council's website.

Statutory consultees

County Highway Authority, Surrey County Council: No objections raised. This is subject to conditions requiring the implementation of a package of highway improvement measures (including a two metre wide footway and high friction surfacing along Foreman Road and a reduction in the speed limit from 40mph to 30mph) as well as a contribution of £94,500 towards other highway safety improvements and improvements to pedestrian and cyclist connections within the vicinity of the site. [Officer Note: The County Highway Authority have confirmed that their original comments are still relevant for this proposal. The only change is that the s.106 contributions have increased from £91,500 to £94,500].

Natural England: No objections raised, subject to the development complying with the adopted Thames Basin Heaths SPA SPD. [Officer Note: Natural England have confirmed that their original comments are still relevant for this proposal].

Lead Local Flood Authority (LLFA), Surrey County Council: No objections raised, subject to standard conditions. [Officer Note: Since the quashing of the permission, the LLFA have re-assessed the proposal taking into account further concerns raised by residents on the duplicate application (20/P/01461). They remain of the view that the proposal is acceptable, however, they have recommended that an additional informative be added to the permission, should it be approved. The comments provided by the LLFA and the concerns raised by residents will be discussed in more detail below. The comments and responses can be read in full on the Council's website].

County Archaeologist, Surrey County Council: No objections raised subject to condition. It is noted that the site has a good potential for archaeological remains associated with the adjacent manorial complex as well as evidence of medieval and post medieval pottery production. Further archaeological investigations may be required in order to clarify the nature, extent and significance of any archaeology that may be present. The County Archaeologist has noted that the 'parch marks' raised by local residents will be investigated as part of the next stage of the archaeological investigations. These further investigations will be secured by condition. [Officer Note: The County Archaeologist has confirmed that the original comments are still relevant for this proposal].

Historic England: Historic England (HE) have reviewed three iterations of the proposed development. In their final comments provided prior to the quashing of the permission and based on the final layout, HE explained that they 'consider that harm is caused to the grade II* Manor and its associated buildings through development in their setting, but we acknowledge that efforts have been made to limit that harm as advised in our previous correspondence'. HE confirmed that in their view the proposal results in less than substantial harm to the Ash Manor complex. As noted above, HE have been asked to provide further comments on the proposal, and it was specifically drawn to their attention that since the application was originally considered, the Council has approved schemes at May and Juniper Cottages and at Ash Railway Station which are also within the setting of the Ash Manor complex. HE have provided further comments where they note the following: 'in our previous advice on application 18/P/02456, we considered that the proposed scheme would cause harm (less than substantial) to the Ash Manor complex by eroding part of its rural setting. Since providing this advice, approval has now been granted for development at May and Juniper Cottages and for the new the road bridge. We identified that both these developments will also cause less than substantial harm to Ash Manor, and the proposal for the road bridge would be at the upper end of this category. Therefore, we advise that the harm of the proposed development is likely to be higher if the cumulative effects of the other recently consented 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 it is likely to be less than substantial...We strongly recommend the value of keeping a clear buffer of undeveloped land around the north, west and east of the Ash Manor complex of listed buildings, to preserve its immediate rural setting.' The heritage harm resulting from the proposal, including the cumulative impacts will be considered in detail in the report.

Internal consultees

Head of Environmental Health and Licensing: While no objections were raised originally to this proposal, the comments made by the Environmental Health Officer as part of the duplicate application have been taken into account. These note that due to the scale of the proposal, the development may trigger the need for an air quality assessment. The applicant has submitted additional air quality information to the Council and it has been placed on the file for both this application and the duplicate. Having assessed the information, the Council's Environmental Health Officer is content with the proposal and has noted that the provision of electric vehicle charging points should be secured by condition

Operational Services, Recycling and Waste: No objections raised. It has been confirmed that the layout will allow for the manoeuvring of refuse vehicles around the site. It is also noted that the presentation points for refuse are acceptable. [Officer Note: The Council's Operational Services team has not responded to the additional consultation which was carried out. However, as the layout has not changed in any material way the proposal will still be acceptable from a vehicle manoeuvring perspective and in terms of the refuse presentation points].

Non-statutory consultees

Surrey Police: Surrey Police have assessed this planning application and determined that a financial contribution for essential policing infrastructure would be required to make this development acceptable in planning terms. Surrey Police have requested a contribution of £14,979.44 as mitigation, which is being secured through the legal agreement. [Officer Note: Surrey Police have confirmed that their original comments are still relevant for this proposal].

Designing Out Crime Officer, Surrey Police: No objections raised. [Officer Note: The Designing Out Crime Officer has confirmed that the original comments are still relevant for this proposal].

North East Hants and Farnham Clinical Commissioning Group (CCG): The CCG note that there is no objection to the proposal subject to securing a s.106 contribution of £50,000 to mitigate the consequential impact on local healthcare provision and infrastructure. [Officer Note: The CCG has not responded to the re-consultation, however, as the number of units remains the same, the original contribution requested will be secured as part of the s.106 agreement].

Thames Water: No objections raised. [Officer Note: Thames Water have not responded to the re-consultation, so it is assumed that given no changes are made to the proposal, their original comments remain valid].

Surrey Wildlife Trust (SWT): The Trust recommend a range of measures be controlled by condition. These include the submission of a Precautionary Working Method Statement for Great Crested Newts, a lighting strategy for the development and compliance with the mitigation set out in the applicant's ecological assessment. It is however noted that the Trust raise concerns about the loss of what they consider to be a veteran tree on the site. This is the dead Oak tree which is located close to the southern boundary of the site. The Trust notes that the tree in question is of biodiversity value. This issue will be discussed in greater detail below. [Officer Note: Comments made by SWT on the duplicate planning application have also been taken into account. The applicant has submitted further ecology information regarding Great Crested Newts, which has addressed the concerns raised. SWT's concerns regarding the loss of the Oak tree and biodiversity gains still remain and will be discussed in greater detail below].

Hampshire County Council: No objections raised. [Officer Note: Hampshire County Council have not responded to the re-consultation].

Parish Councils

Ash Parish Council: The Parish Council objects to the application. The following concerns are noted:

- overdevelopment of the plot;
- the access and layout is not sympathetic to the area [Officer Note: Both the access into the site and the layout of the development have been significantly altered. The main amendments have already been set out above];
- the proposal would detract from the historical integrity of the site;
- the proposed apartments would be out of character with the rural nature of the area;
- lack of infrastructure;
- impact on local wildlife and a loss of grazing land;
- density of the proposal is too high;
- near coalescence of Ash and Ash Green;
- loss of amenity to surrounding residences;
- archaeological survey should be undertaken before any work begins on site [Officer Note: Such a condition has been recommended by the County Archaeologist];
- possible flooding issues;
- cumulative impact of development in the area;
- bus service is inadequate and not sustainable;
- highway safety concerns;
- increased traffic in the area and impact on local roads and weak bridges;
- inadequate on-site parking provision; and
- possible rise in anti-social behaviour resulting from the high level of development in the area [Officer Note: There is no evidence to suggest that this would be the case]. [Officer Note: Ash Parish Council have not responded to the re-consultation].

Tongham Parish Council: The Parish Council objects to the application. The following concerns are noted:

- the combined cumulative effect of all the existing and proposed new development in and around the Tongham area and adjacent areas such as Aldershot, Ash and Farnham will overwhelm the current and planned local amenities;
- highway safety and capacity concerns, particularly relating to the A31 and A331 junction; and
- adverse impact on Ash Manor. [Officer Note: Tongham Parish Council have not responded to the re-consultation].

Amenity groups/Residents associations

Ash Green Residents Association: The Residents Association objects to the application. The following concerns are noted:

- the public benefits of the scheme do not outweigh the harm to the setting of the neighbouring listed buildings;
- proposals for the land to the west of Ash Green Road must prevent the coalescence of Ash, Tongham and Ash Green;
- a number of other applications have been refused on this site and in the immediate area in the past. The concerns raised with those applications are still relevant;
- concerns about the impact on ecology and trees;
- concerns regarding flooding, bearing in mind that the water table in this area is high;
- a number of applications for housing have already been approved in the surrounding area and the existing infrastructure is now at capacity;
- documents have been posted to the GBC website after the consultation notification [Officer Note: This is a historic comment relating to the pre-Judicial Review proposal];
- the existing scheme increases the risk of flooding in and around the listed buildings. The concerns of AGRA have not been responded to. It is noted that the LLFA are still in discussions with GBC regarding the drainage scheme. [Officer Note: The drainage concerns raised by residents have been forwarded to the LLFA and they have confirmed that the scheme proposed by the applicant remains acceptable. No further information is required];
- the proposal fails to deliver a usable public amenity;
- local residents will be enforcing the covenants which apply to the land [Officer Note: Covenants are a civil matter, outside of the scope of the planning process]; and
- the plans include the removal of a tree in the middle of the site which is described as a symbol of the village. The condition of the tree has improved over recent years [Officer Note: This will be discussed below]. [Officer Note: Ash Green Residents Association have not responded to the re-consultation].

Third party comments

59 letters of representation have been received raising a number of objections and concerns. The principal issues are summarised below:

- loss of trees and wildlife habitat;
- pollution and noise from additional vehicles;
- local infrastructure is already at capacity and is insufficient for the additional number of dwellings;
- a large number of houses have already been built in area;
- additional dwellings are not needed;
- brownfield sites should be utilised first;
- flooding concerns due to high water table;
- sewage infrastructure at capacity;
- adverse impact on Ash Manor (Grade II* and II listed building complex);

- views of the proposed development would be visible from Ash Manor and would harm its setting;
- the benefits of the development do not outweigh the harm caused to heritage assets;
- impact of this development must be considered along with other already approved and proposed in the area;
- no meaningful gap, buffer or green space between Ash and Ash Green resulting in coalescence;
- highway safety and capacity concerns including increased pressure on local narrow roads;
- possible damage to roads during construction;
- the design of the dwellings are not in keeping with the rural area;
- proposed density is too high;
- poor pedestrian links to Ash and the train station;
- loss of amenity to neighbouring residents;
- the pond which will be used as part of the SuDS solution is spring fed and additional water being routed into it will result in flooding;
- future creation of a rat run through the site;
- the plans reshape the pond meaning it would be closer to the listed buildings. Therefore, the changes do not overcome the issues with the setting of the listed buildings;
- the roads in the development should be adopted by the Council;
- the proposal along with others will result in an extension to the urban area of Ash;
- there are enough houses on the market already;
- further concerns have been raised with regard to the SuDS scheme being proposed and the accuracy of the applicant's technical documents [Officer Note: This issue has been specifically addressed by the Lead Local Flood Authority and they confirm that the SuDS and drainage scheme being proposed by the applicant is acceptable]; and
- high grip road surfacing should be used on both sides of the road;
- the site is not close to any shops or services;
- the proposed apartment buildings would be located closer to Ash Green Road which gives rise to greater amenity concerns;
- noise from parking areas;
- the removal of the existing hedge is vandalism and should not be allowed [Officer Note: As will be set out below, the removal of the existing hedge is not required by this current application, but by an application which has already been approved at the adjoining site (known as May and Juniper Cottage). Its removal is not yet a certainty and the Council along with Surrey County Council, the developers of the adjoining site and residents are working to ensure that an alternative is agreed which will save the majority of the hedge. If the hedge does have to be removed by the other developer, then the applicant's revised landscaping scheme for this boundary of the site will effectively create a new hedge along the northern side of Ash Green Road. This issue will be discussed in greater detail below];
- concerns regarding construction traffic and general traffic from this proposal and others which have been approved since the original proposal was considered;
- not enough school places for the additional dwellings [Officer Note: Surrey County Council has not raised any objections to the proposal on these grounds and have requested contributions towards improvements to schools in the surrounding area];
- a number of residents have reiterated their concerns about drainage, flooding and the use of the existing pond as part of the applicant's drainage strategy [Officer Note: Drainage is discussed in greater detail later in the report];
- development is too dense and requires more tree planting, green space etc;
- the Oak tree is not dead. It is noted that the tree is alive, and a rare survivor of a Stag Headed Penduculate Oak. Owing to its size and age, this tree qualifies as an Ancient Tree with the protection such a designation gives [Officer Note: This issue will be discussed in greater detail below]; and
- proposal erodes the only green space in the area.

Agenda item number: 5(1)

A letter has also been received from the MP for Surrey Heath who notes that his constituents have raised profound concerns about the impact of this proposal on Ash Manor. He also states that constituents have raised concerns about the other housing developments already under way in the village and that this proposal would add to the over-development of the area. It has been asked that these concerns are brought to the attention of the Planning Committee.

For completeness it is noted that a total of 33 letters of objection have been received for the duplicate application 20/P/01461. The comments made broadly reflect those already set out and summarised above. All of the comments received for both applications can be viewed in full on the Council's website.

Ash Green Residents Association also provided comments objecting to the duplicate application and these are summarised below:

- the Council should request the developer conducts a full geological and hydrological appraisal of the site especially in the light of the recent spring developing unexpectedly in Ash Green Lane; and
- the Council's tree officer should measure the ancient oak tree, in line with the recommended methods, to establish girth, and reviews historical maps to make a determination of the age, rather than just accept the determination of the developers.

It is acknowledged that the resident's association raised other concerns about the accuracy and quality of the documents submitted for the duplicate application 20/P/01461, but these are not directly relevant to this proposal.

Ash Parish Council also objected to the duplicate application and they noted the following matters:

- overdevelopment of the plot;
- access and layout is not sympathetic to the area. Ash Manor/Old Manor Cottage is Grade II listed, Ash Manor Oast/Oast House, the Oak Barn and Ashe Grange are also listed buildings. With exception of Ashe Grange the proposal would have effect of totally detracting from historical integrity of the site;
- proposed development in conflict with the NPPF which requires conservation and enhancement of natural and historic environment;
- proposed flatted part of the development is totally out of character with the rural nature of the area;
- lack of infrastructure (schools, medical facilities);
- potential impact on local wildlife and loss of grazing;
- proposed density of site is too high;
- potential to provide near coalescence of Ash and Ash Green;
- un-neighbourly proximity to neighbouring properties with potential for proposed flats to overlook existing properties along Ash Green Road; and
- request that if the LPA is minded to approve the application that a full archaeological survey be undertaken before commencement of any development. There is potential presence of a Roman road on site.

Summary of comments from public speakers

The following is a summary of comments made by the public speakers at the 9 October 2019 Planning Committee meeting.

Ms. Gill Squibb (Ash Green Residents Association) (objector):

- previous applications have already been refused;
- far too dense and generic design;
- urbanising impact and harm to heritage assets; and
- on-site surveys of the pond have been undertaken by residents and was noted that the capacity of the pond is less than stated by the applicant. It is noted that the pond is also groundwater fed. The use of the pond for SuDS could have a detrimental flooding impact on the surrounding area.

Mr. David Weller (objector):

- the Grade II* listed building is one of the oldest inhabited dwellings in the borough and has been occupied by numerous Kings;
- the listed building sits on flint foundations directly on clay. Stability of the foundations is unclear as a result of this proposal;
- archaeological remains on the site;
- there is a duty to preserve listed buildings and their setting and weight must be given to its protection;
- Local Plan notes a requirement to protect the setting of Ash Manor and prevent coalescence; and
- views from Ash Manor to White Lane and Ash Green Road must be protected.

Mr. Andrew Morris (applicant in support):

- site is allocated in the new Local Plan and has appeared in iterations since 2014;
- site allocation has been tested by Planning Inspectorate;
- part of only 2% of borough which is not constrained by Green Belt or landscape designations;
- application has undergone significant consultation with Officers and Historic England;
- have addressed concerns so that the proposal does not harm the setting or ambiance of the area;
- reduced the harm to the inevitable change to the local environment and impact on the setting of Ash Manor;
- applicant has cooperated with neighbouring developers to ensure a comprehensive masterplan approach has been taken which includes provision of a landscaped buffer along Ash Green Road and re-planning of the spine road to provide a possible access to the neighbouring site;
- contribution being provided towards Ash bridge and 40% affordable housing secured;
- a one-year implementation period has been agreed; and
- the scheme will bring numerous public benefits.

Planning policies

National Planning Policy Framework (NPPF):

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well designed places

Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and Sites 2015-2034:

The policies considered relevant to this proposal are set out below.

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough - our spatial strategy

Policy H1 Homes for all

Policy H2 Affordable homes

Policy P4 Flooding, flood risk and groundwater protection zones

Policy P5 Thames Basin Heaths Special Protection Area

Policy D1 Place shaping

Policy D2 Sustainable design, construction and energy

Policy D3 Historic Environment

Policy ID3 Sustainable transport for new developments

Policy ID4 Green and blue infrastructure

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

Although the Council has now adopted the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), some policies of the saved Local Plan 2003 continue to be relevant to the assessment of planning applications and carry full weight. The extant policies which are relevant to this proposal are set out below.

Policy G1 General standards of development

Policy G5 Design code

Policy H4 Housing in urban areas

Policy HE4 New development which affects the setting of a listed building

Policy R2 Recreational open space provision in relation to large residential developments

Policy NE4 Species protection

Supplementary planning documents:

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD

Climate Change, Sustainable Design, Construction and Energy SPD 2020

Planning Contributions SPD

Vehicle Parking Standards SPD

Residential Design SPG

Planning considerations

The main planning considerations in this case are:

- the principle of development
- housing need
- impact on the character of the area and design of the proposal
- impact on the setting of listed buildings
- impact on neighbouring amenity
- private amenity of proposed dwellings
- highway/parking considerations
- flooding and drainage considerations
- sustainable energy
- open space provision
- impact on ecology
- impact on trees and vegetation
- impact on air quality
- Thames Basin Heaths SPA
- planning contributions and legal tests
- balancing exercise and public benefit
- conclusion

The principle of development

With the adoption of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), this site is no longer designated as being within the Countryside Beyond Green Belt. The LPSS has allocated this site under policy A31, which is an amalgamation of separate sites around Ash and Tongham. In total the allocation is expected to deliver approximately 1,750 homes. Policy A31 also sets out that development of these sites should incorporate the following requirements (inter alia):

- appropriate financial contributions to enable expansion of Ash Manor Secondary School by additional 1FE (form entry)
- appropriate financial contributions towards expansion of existing GP provision in the area or land and a new building for a new GPs surgery
- development proposals in the vicinity of Ash Green to have recognition of the historic location of Ash Green village. The properties along Ash Green Road form part of Ash Green village. Proposals for the land west of this road must respect the historical context of this area by preventing the coalescence of Ash, Tongham and Ash Green. Any development as a whole will not be of a size and scale that would detract from the character of the rural landscape. This must include the provision of a green buffer that maintains separation between any proposed new development and the properties fronting onto Ash Green Road. This will also help soften the edges of the strategic development location and provide a transition between the built up area and the countryside beyond
- sensitive design at site boundaries that has regard to the transition from urban to rural
- sensitive design at site boundaries with the adjacent complex of listed buildings at Ash Manor. Views to and from this heritage asset, including their approach from White Lane, must be protected
- land and provision of a new road bridge which will form part of the A323 Guildford Road, with an associated footbridge, to enable the closure of the level crossing on the A323 Guildford Road, adjacent to Ash railway station

- proposed road layout or layouts to provide connections between both the individual development sites within this site allocation and between Ash Lodge Drive and Foreman Road, providing a through road connection between Ash Lodge Drive and Foreman Road, in order to maximise accessibility and to help alleviate congestion on the A323 corridor

The principle of 73 dwellings on this site is acceptable, subject to general compliance with the above requirements of policy A31 and relevant local and national policies which will be considered further below.

Housing need

Paragraph 59 of the NPPF states that 'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'. Paragraph 61 goes on to note that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disability, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)'.

The Guildford borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the development plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies). As part of the allocation under Policy A31 the proposal will make important contribution to meeting the housing requirement which is identified in the Local Plan

The Council is able to demonstrate a five-year housing land supply with an appropriate buffer. This supply is assessed as 7.34 years based on most recent evidence as reflected in the updated GBC LAA (2020). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

It is noted that to aid the Council's early delivery of housing, a one-year implementation period has been agreed by the applicant. This will ensure the provision of an additional 73 dwellings early in the plan period, which is a significant benefit of the scheme.

Affordable housing

Policy H2 of the LPSS seeks at least 40 per cent of the homes on application sites to be affordable, with the mix in tenures being the same as set out above. Policy H2 also states that 'the tenure and number of bedrooms of the affordable homes provided on each qualifying site must contribute, to the Council's satisfaction, towards meeting the mix of affordable housing needs identified in the Strategic Housing Market Assessment 2015, or subsequent affordable housing needs evidence'.

The proposal generates a requirement for 29 affordable properties on the site, which are being provided by the applicant. This is in compliance with policy H2 of the LPSS. In terms of the tenures, the applicant proposes 20 affordable rent properties and nine dwellings for shared ownership. This meets with the Council's 70/30 tenure split. The proposed affordable units are integrated within the development and are spread across the site.

The Council's Housing Strategy and Enabling Manager is supportive of the application and notes that the location of the affordable units is acceptable.

As such, the proposal is considered to be compliant with policy H2 of the LPSS in this regard.

Dwelling mix

Policy H1 of the LPSS states that 'new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location'. The proposed dwelling mix for the development, as well as the SHMA requirement, is provided below.

Table 1			
Overall Housing Mix	No.	SHMA % Req	Provided %
1 bed	11	20	15.1
2 bed	22	30	30.1
3 bed	26	35	35.6
4 bed	14	15	19.2
Total	73		

Table 2			
Market Mix	No.	SHMA % Req	Provided %
1 bed	0	10	0
2 bed	12	30	27.3
3 bed	19	40	43.2
4 bed	13	20	29.5
Total	44		

Table 3			
Affordable Mix	No.	SHMA % Req	Provided %
1 bed	11	40	37.9
2 bed	10	30	34.5
3 bed	7	25	24.1
4 bed	1	5	3.5
Total	29		

During the course of the application, the applicant has amended the mix to better reflect the Council's SHMA. When compared to the SHMA mix, it can be seen that overall, the proposed development reflects favourably. While there are still inconsistencies, these are very minor and are not likely to cause any material harm to the Council's ability to deliver a compliant SHMA mix on a wider basis. It is noted that no one bedroom market units are being provided, however, overall, the provision of one bedroom units on the site is broadly similar to the SHMA requirement.

It is further noted that in the Inspector's Final Report (paragraph 48) on the LPSS he stated 'as regards housing mix, the policy is not prescriptive but seeks a mix of tenure, types and sizes of dwelling, which the text indicates will be guided by the strategic housing market assessment. The policy also seeks an appropriate amount of accessible and adaptable dwellings and wheelchair user dwellings'. While it is acknowledged that the proposed mix is slightly different to the SHMA guidance, it is noted that the SHMA mix is to be achieved over the whole of the housing market area and over the lifetime of the plan. It is not feasible or practical to require every site to rigidly meet the SHMA requirement and this is reflected in the Inspector's comments noted above.

The flexibility set out in the policy must be used to achieve an acceptable mix across the borough. Furthermore, it is noted that the Council's Housing Strategy and Enabling Manager is content with the proposed affordable mix of dwellings and is confident that it meets the specific needs of the local area.

Given all of the above, the proposed mix is deemed to be acceptable in this instance

Accessible units

Policy H1 of the LPSS requires that 'on residential development sites of 25 homes or more 10% of new homes will be required to meet Building Regulations M4(2) category 2 standard 'accessible and adaptable dwellings' and 5% of new homes will be required to meet Building Regulations M4(3)(b) category 3 wheelchair user accessible dwellings standard'.

The applicant has confirmed compliance with the above requirements and are providing seven accessible and adaptable dwellings and four wheelchair user accessible dwellings. These will be secured by condition.

Overall, the proposal is considered to meet with the NPPF's objective of boosting the supply of homes, which meet the needs of groups with specific housing needs. The proposal will also result in early delivery in the plan period, which would be controlled through condition. In this regard the proposal is consistent with policy H1 of the SLP, as well as the guidance set out in the NPPF.

Impact on the character of the area and design of the proposal

Paragraph 124 of the NPPF states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF notes that decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy D1 of the LPSS makes clear that new development will be required to achieve a high quality design that responds to the distinctive local character of the area in which it is set. The design criterion set out in policy G5 of the saved Local Plan are also relevant.

Impact on character of the area

As the application site is currently a paddock, it is fully acknowledged that the provision of 73 dwellings will materially alter the character and appearance of the area. However, having said that, it must also be borne in mind that the site is now allocated for housing as part of the new Local Plan so a change in the character of this area is inevitable and expected. However, to manage the impact, the layout and design of the scheme must be of high quality, creating a development which will contribute to the existing built form in a positive manner.

The existing hedge and trees along Ash Green Road would be retained as part of this proposal. However it is noted that there is the possibility that the same hedge and trees could be substantially cut back or even removed to facilitate a new footpath which would serve the approved residential development to the north-east (known as May and Juniper Cottage). While the Council has been working very closely with the developer of the May and Juniper Cottage site (as well as the residents association and County Highway Authority) to secure an alternative route for the footpath which would limit the impact on the hedgerow, this has not yet been agreed. Therefore, the Local Planning Authority must consider the possible worst-case scenario which is the substantial cutting back or removal of the existing hedge around the southern boundary of the application site.

The applicant is aware of the above possibility and has provided a new indicative planting plan for the site, which includes enhanced landscaping plan for the southern boundary of the site. This includes significant additional planting of new hedgerows and trees between the proposed houses and the northern edge of Ash Green Road. All of the proposed planting would be located on the application site and is therefore deliverable. The applicant has confirmed that it is their intention the planting would be carried out in any event, whether the hedge stays or is removed.

A condition would secure the planting and would require the applicant to submit a detailed planting plan for approval by the Council before the commencement of the development.

In the 'best case' scenario the existing hedge will be remain and will be bolstered with the proposed additional planting. It is acknowledged that, if the existing hedgerow were to be cut-back or removed, the proposed dwellings would then become more prominent in views from Ash Green Road. However, as the proposed additional planting of new hedgerows and trees establishes and matures, Officers are confident that it will over time provide a screen which is similar to, or better than, what is present today. Furthermore, it is noted that the elevations of the dwellings would still be set back from the southern boundary by between 13 and 26 metres.

In either scenario, the existing hedge and its reinforcement, or the planting of new hedgerows and trees, would retain a strong buffer along Ash Green Road, with a semi-rural appearance and will help to screen the development from this vantage point. As mentioned above, the planting of the southern boundary will be secured by condition.

The site will be accessed from a new 'T' junction onto Foreman Road which compared to the roundabout proposed as part of the previously withdrawn scheme has a far less urbanising impact on the surroundings and results in the retention of the large TPO Oak tree in this position. The proposed access arrangements will help to preserve, as much as possible, the semi-rural character of the surrounds. The applicant has also agreed to retain the existing track access to Ash Manor which forms an important element in the experience of this heritage asset. The retention of this access, and its integration into the development also provides a link to the existing site context and will help to improve the sense of place for the new proposal.

Coalescence of Ash and Ash Green

It is noted that the Local Plan allocation for A31 states that '*development proposals in the vicinity of Ash Green to have recognition of the historic location of Ash Green village. The properties along Ash Green Road form part of Ash Green village. Proposals for the land west of this road must respect the historical context of this area by preventing the coalescence of Ash, Tongham and Ash Green. Any development as a whole will not be of a size and scale that would detract from the character of the rural landscape. This must include the provision of a green buffer that maintains separation between any proposed new development and the properties fronting onto Ash Green Road. This will also help soften the edges of the strategic development location and provide a transition between the built up area and the countryside beyond*'.

It has been noted above that the proposal as a whole would not be of a size or scale which would materially detract from the character of the rural landscape, taking account, in the 'best case' scenario, the retention of existing trees and hedgerows, and in the 'worst case' scenario, replacement boundary planting which is being offered by the applicant.

As regards the 'green buffer', it is noted that the existing retention of the hedge and trees along the northern side of Ash Green Road (or, in the 'worst case' scenario the replacement planting of trees and hedgerows along this boundary), together with the setback of the dwellings along the southern edge of the application site, would provide a 13 to 26 metre wide 'green' gap between the rear elevations of the dwellings and the highway (Ash Green Road). This would clearly differentiate the proposed site from the dwellings on the southern side of Ash Green Road, avoiding the possibility that the site could be viewed as an extension of existing development along Ash Green Road, and by implication, Ash Green. Retaining the existing vegetation, or planting replacements, would also provide the 'soft edge' required by the policy. Officers consider that the extent and function of the green buffer would not be materially affected even if a footpath is constructed along the northern side of Ash Green Road.

As the Local Plan has no details of what a 'green buffer' should entail, it is considered that these arrangements strike a reasonable balance between preventing the perceived coalescence of Ash and Ash Green, whilst still allowing the site to be developed to meet the housing allocation requirements of the Local Plan and policy A31.

Design and layout

The proposed layout sees a central spine road running along the southern side of the site, fronted with dwellings to its south and two cul-de-sacs to the north. The dwellings on the southern side of the spine road would be mainly two storeys in height, with two blocks of two storey apartments (with some accommodation in the roof of Block A) at its eastern end. All of the dwellings are set back from the spine road, which allows most of the plots to have front garden areas and a number of new street trees would also be planted along the back of the pavement. The dwellings would have good gaps between them and as such, the proposal would provide a strong and attractive frontage to the spine road. While it is noted that local residents have in the past raised concerns about the 2.5 storey apartment buildings, these were amended by the applicant are now two storey in appearance with a small amount of accommodation within the gable of Block A. As such, the proposed apartments would not lead to any material harm to the character of the area.

The two cul-de-sacs running off the northern side of the spine road would be finished with a different surface material to help integrate this side of the site with the more rural surroundings to the north. The plots fronting onto the cul-de-sacs are also relatively spacious.

As regards the entrance into the site and the relationship to the existing access into Ash Manor this has been carefully considered. The area around the entrance is spacious and areas of open space are provided to ensure that the semi-rural nature of the surroundings are respected. Development has also been set away from the track which serves Ash Manor, with a landscaped buffer provided between the rear gardens of the new dwellings and the existing hedge along the eastern side of the track. The result is that the rear elevations of the dwellings would be between 15 and 21 metres from the track, thereby protecting this aspect of the character of the site.

In terms of the design of the proposed dwellings it is noted that they are relatively traditional in their form with the use of red bricks, tile hanging and clay and tiled roofs. None of the buildings would be overly large or bulky and the roof scape would be broken up through the use of a variety of pitched and hipped roofs throughout the scheme.

The proposal also includes large areas of open space which double as a buffer to the heritage assets associated with Ash Manor. This includes a meadow area to the west of the pond and a larger area to its north-east. This provides a valuable amenity for future residents of the scheme, helps to soften the edges of the development where it meets the currently more rural areas to the north and helps to protect the setting of Ash Manor (which will be discussed in greater detail below).

With conditions to control the landscaping and boundary treatments, the proposal is deemed to be consistent with policy D1 of the LPSS, policy G5 of the saved Local Plan and the relevant provisions of the NPPF.

Impact on the setting of listed buildings

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that *'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Case-law has confirmed that, when concerned with developments that would cause adverse impacts to the significance of designated heritage assets (including through impacts on their setting) then this is a factor which must be given considerable importance and weight in any balancing exercise.

Turning to policy, Chapter 16 of the National Planning Policy Framework sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs. Paragraph 190 sets out that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 193 of the NPPF applies to designated heritage assets. It states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. This policy reflects the statutory duty in section 66(1). Paragraph 194 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

Policy D3 of the LPSS is generally reflective of the NPPF and it states

1. the historic environment will be conserved and enhanced in a manner appropriate to its significance. Development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctiveness will be supported; and
2. the impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the NPPF.

In this case the proposal would affect the setting significance of Ash Manor (Grade II* listed building), and its associated Oast House and stable, as well as Oak Barn (all Grade II).

It should also be noted that the Ash Manor complex sits in close proximity of a number of other developments which have recently gained planning permission and which also form part of the A31 allocation. These include the new Ash road bridge to the north and the housing development at May and Juniper Cottage to the south-east. The cumulative impact of the current proposal and those noted above on Ash Manor and its setting will also need to be considered in the report. While the NPPF does not contain specific guidance on this matter, the Historic England document entitled 'Managing Significance in Decision-Taking in the Historic Environment' states that: *'The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form or an original designed landscape'*. Historic England's Good Practice Advice Note 3 'The Setting of Heritage Assets' also re-iterates this advice and the PPG makes clear that cumulative harm can be an important factor in assessing setting cases, as noted in paragraphs 18a-013-20190723 (Historic Environment), and 4-024-20170728 (Environmental Impact Assessment).

Significance

Ash Manor is a Grade II* listed building and its associated Oast House and stable are Grade II listed, as is the sixteenth century barn on the site. The site of Ash Manor, now split into two properties, Ash Manor and Old Manor Cottage, is believed to have been occupied since the thirteenth century. Part of a medieval moat survives, as does medieval fabric within the house with subsequent later phases possibly from the sixteenth and mid seventeenth centuries. The other listed buildings on the site, an Oast House and barn, have been converted to residential use but their former uses are easily read as is the relationship with the manor house.

In terms of significance, Historic England (HE) state that 'the Grade II* listed Ash Manor and Old Manor Cottage is one of three listed buildings forming a discrete group within the rural landscape to the north of Ash Green. The buildings significance is derived from its historic and architectural interest as a moated manor house thought to have thirteenth century origins with successive phases of development dating to the sixteenth, seventeenth and the mid-twentieth centuries. Ash Manor and Old Manor Cottage has a strong group value in combination with the nearby Grade II listed Oak Barn, Ash Manor Oast and The Oast House. The listed buildings and the non-designated evidence of the historic moat together have integrity and coherence as a manorial site in a rural setting'.

Contribution of setting to significance

The site of Ash Manor is believed to have been occupied since the thirteenth century, originally owned by Chertsey Abbey. It became the property of the Crown following the dissolution of the monasteries, and was granted to Winchester College in the late 1540's. The college owned it for the next 400 years selling it into private ownership in 1925. The house was divided into two in 1945.

The current agricultural and open character of the setting of this group of listed buildings is one that has remained constant throughout the sites long history. It contributes to the significance of the group of buildings by illustrating the functional relationship between agricultural buildings and farmland, and the current openness of the surroundings helps us to read the historic importance of this group of buildings. A high-status medieval building such as Ash Manor would not generally have been surrounded by other dwellings, the moat suggests an element of defence which also indicates some degree of isolation.

In response to a previous application made on this site (17/P/00513 refers) Historic England has said that 'the experience of The Manor and the understanding of its importance individually and as part of a group is enriched and informed by the current setting'. The listed farm buildings still have a strong relationship with the surrounding fields both visual and practical with the horses stabled here using the paddocks. The rural character of the farmstead is very apparent when standing outside the Oast House and stables. Furthermore, the current approach to this group of listed buildings is along a narrow country lane edged with hedgerows and groups of trees and bushes. The rural character is emphasised by the informal appearance of the access road and glimpses of fields and open spaces before you turn sharply to the east and glimpses of the listed buildings are revealed. The low key access track is an important element of the current setting.

Assessment of impact on setting

Historic England have provided three sets of comments on this application, which are based on the various amendments received during the course of the application. The first comments on the originally submitted scheme noted that they were pleased with direction of travel adopted which reduced the level of harm on the setting of the manorial complex. They noted that the changes made to the previously withdrawn scheme helped to retain more of the current rural experience in accessing the manorial complex from White Lane. However, it was still felt that the original scheme caused some harm to the significance of the listed manorial complex. To improve the scheme and overcome this, HE suggested a number of amendments to the application. These included the re-siting of the proposed substation from the 'northern' field into the 'southern', the introduction of an impermeable boundary formed by landscaping the short distance between these two fields and the access road should be rerouted further east to connect with the adjacent parcel of land proposed for development to the northeast. HE concluded that with these changes to the scheme the level of harm could be further reduced.

Following these comments, the scheme was amended by the applicant. The substation was moved into the southern field and the access road was rerouted further to the east to provide a connection into the site to the rear of May and Juniper Cottages. HE were consulted on the amendments and provided a second response where they welcomed the changes. However, HE did correctly note that the amended scheme proposed to 'alter the shape of the pond, claiming some land from it to the south and extending it round to the north east to pull it into the eastern field. The housing to its east has been brought correspondingly further north, and is now closer to the listed complex than in the previous layout. This weakens the sense of the field boundary in comparison to the last iteration of this scheme, rather than strengthening it.

As the field boundary and pond form are historic and perform the useful function of buffering the listed buildings from the new housing, we are not in favour of this change, and recommend the pond remains in its current form and the housing layout is readjusted slightly to the south, to allow the boundary to be strengthened as previously suggested. At present, we consider harm is caused to the Manor and its associated buildings through development in their setting, and that it is still practicable for harm to be limited further, in the context of a development of this scale'.

Following HE's second response, the applicant undertook further amendments to the scheme. A plot (then referred to as plot 27) was deleted from the layout which increases the buffer between the northern and southern fields as suggested by HE. It is noted that the pond remains the shape as previously proposed. HE were again consulted on the additional amended plans and provided a third response which noted the proposal would now keep all development out of the northern field as was previously advised and that this 'does reduce the impact on the listed complex compared to the last iteration of the proposals'. It was noted that the permeability between the northern extent of the built form and Ash Manor should be restricted further and this could be achieved through additional hedge planting. This will be secured by condition. HE conclude by noting that they consider 'that the scheme will cause some harm to designated heritage assets, and advises that paragraph 196 of the NPPF should inform your decision as to whether the public benefits of the proposal might outweigh what we assess to be less-than-substantial harm'.

Following the deferral of the application by Members at its meeting in October 2019, the applicant embarked on a further and final round of amendments. The open space to the north of plot eight was increased in depth by approximately six metres. This results in the buffer between the Grade II* listed building and the new built form increasing from 145 to 151 metres. The buffer between the southern-most Grade II listed building would increase from 80 to 86 metres. While it is acknowledged that the change is relatively minor, any increase in the buffer to the listed buildings can only help to further reduce the harm caused to their setting.

In addition to the above, it is acknowledged that a new dwelling has been inserted to the east of the existing pond (plot 28). However, this would be screened from the listed complex by the existing modern agricultural barn to the south of the Oak Barn and a strong row of planting would separate the dwelling from the open space. However, it is acknowledged that this slightly reduces the size of the buffer in this less-sensitive part of the site. As noted earlier, the design of the apartment buildings were also changed to reduce their height and bulk, with them now appearing as a mainly two storey buildings. This change is considered to result in an improvement to the setting of the listed buildings.

Historic England were consulted on the final revisions and note that the changes have altered the layout of the housing south of the grade II* manor and its associated complex. They have also noted that taking the layout as a whole, they consider that the harmful impact of the scheme on the listed complex would be no greater than in the last iteration of the scheme – i.e. less than substantial harm.

The Council's Conservation Officer has also assessed the proposal. As regards the impact on the Oak Barn it is noted that 'the proposed development would not have an impact upon the barn's most immediate setting, however, it would result in a concerning change to the barn's wider setting. This would manifest, not only by virtue of physical change to the character of this land, including by being perceptible and disruptive in outward views from the heritage asset, as well as inward views, but also, it would facilitate in the erosion of a part of the legible understanding of the site's history, role and use as a manorial farmstead. Equally, the activity and noise generated from the placement of 73 homes and their occupants would certainly have an impact on assets current tranquil character and sense of privacy'.

In relation to the impact on the grade II* listed building the Conservation Officer notes that the proposed development would not have an impact upon the immediate setting of this heritage asset, including its gardens and historic moat. And by virtue of its fortunate northern situation and orientation within the complex it is also afforded a good degree of screening and protection from the proposed development, with views southwards towards the proposed development being screened by the other buildings (Oak Barn, The Oast House and Ash Manor House), as well as the prevailing vegetative screening. Nevertheless, there is a concern that the development would have an impact upon its wider setting, particularly on approach.

Access to the Manor (and all other properties on site) is currently via an informal access track, that runs from the Foreman Road, Ash Green Road, White Lane intersection, which is to the south of the asset, and runs along the western field boundary of the application site. The character of this track is defined, in the main, by the hedgerow and field, with views out over towards the housing along Ash Green Road to the east and a wooded tree belt to the west, and does contribute to the experience that you are moving away from the surrounding settlement towards something that is more rural in character and form. As such, there is a concern with the resultant change to character and experience of traversing this access approach, given that the views eastwards will be altered by the introduction of the properties themselves but also their rear gardens and domesticated boundary treatments. There is also a wider concern that the proposal would facilitate in the erosion of some of the legible understanding of the site's history, role and use as a manorial farmstead, by developing on land that the property once historically served to farmed. However, there is an acknowledgment that the development attempts to retain and capitalise upon the field boundary pattern, thus not totally undermining this legibility.

As regards Ash Manor Oast and the Oast House the Conservation Officer notes that to a large degree, many of the concerns that have raised and discussed for Ash Manor and Old Manor Cottage and Oak Barn are applicable in the case of the Oast House, given that the asset forms part of the same small complex. Much like Ash Manor, the proposed development would not have an impact upon the immediate setting of this particular heritage asset given its orientation and positioning within the site, relative to that of the proposed development. Equally views between the asset and the proposed scheme are curtailed by the fortunate placement and scale of Oak Barn and the large modern agricultural barn/workshop, both of which sit to the south of the heritage asset. But in terms of its wider setting, points which have already been raised concerning the resultant change to character and experience of traversing the trackway approach to the property, as well as the erosion to the legible understanding of the site's history, role and use as a manorial farmstead are equally as valid in this respect.

Notwithstanding the above, taking into account Historic England's original comments and their suggestions on how to improve the scheme, it is now considered that the applicant has made every reasonable attempt to improve the layout and design of the scheme, whilst still achieving a development which will contribute to the Council's housing delivery in line with the site allocation. The proposal retains the existing track which provides access to the Ash Manor complex. This has landscaping on either side and a 15 to 21 metre wide buffer to the elevations of the closest proposed dwellings. As noted above this helps to retain the current rural experience in accessing the complex from Foreman Road. Compared to the previously withdrawn scheme a buffer which is free from development has been included around the south and east of the complex. The land associated with this buffer is approximately 0.08 hectares in area and is approximately 40 metres deep. This means that the dwellings proposed through this application are a minimum of 86 metres away from the Grade II listed buildings and 151 metres away from the Grade II* listed building, with the gap being landscaped and provided with hedge screening to limit views between the two (secured by condition). While the concerns of HE relating to the extension of the pond are acknowledged, it is noted that the enlarged part of the pond would be 40 metres away from the complex and 105 metres away from the Grade II* listed building and it would be screened from direct views by the existing modern agricultural barn.

In addition, the setting of the complex already includes a pond and its limited extension would not, in Officer's opinion, result in any material harm to the setting of the listed buildings. The above means that Ash Manor would retain a relationship with the surrounding fields and its rural character as a farmstead would still be appreciated. Importantly, this is achieved in a manner which still allows for 73 dwellings to be constructed, in accordance with the allocation of the site in LPSS. It is considered that the applicant has achieved an acceptable balance between protecting the significance of the heritage assets and providing the dwellings that are needed.

Although the applicant has minimised the harm caused to the setting of the Ash Manor complex, there would inevitably be some harm caused. The applicant's Heritage Assessment notes that the proposal would result in 'less than substantial' harm to the heritage assets, a view which is supported by Historic England. The Council's Conservation Officer takes a similar view and notes that considering all three assets on an individual basis it is concluded that for each one there is resultant harm to significance and setting. However, it is also acknowledged that during the course of the application amendments have been made to the scheme to aid in the mitigating of arising harm. When assessing 'harm', current good practice is to consider the resultant harm against a spectrum, ranging from low to high. With that in mind, it is concluded that the degree of harm caused to these assets, even when taking into account the mitigating measures, can be described as being at the lower end of the 'less than substantial harm' spectrum.

The Local Planning Authority concurs with these views and therefore, in NPPF terms the harm to the identified assets arising from the proposal itself is considered to be less than substantial and at the lower end of that scale.

Cumulative impact

As noted above, since the original approval of this application two other large-scale developments have been approved in relatively close proximity. These are the new road bridge which bypasses the level crossing in Ash and the housing scheme at May and Juniper Cottage.

The new road bridge is located to the north of the Ash Manor complex and the main infrastructure is separated from the listed building by a distance of approximately 195 metres. While the development itself would be partially visible from Ash Manor, this would reduce in time due to the large amount of screening and planting which has been secured. However, this would not remove the increase in noise, light and general disturbance from the bridge which will detract from the current more tranquil, rural setting of the buildings.

In terms of the May and Juniper Cottage application it is noted that this was an outline consent for 100 dwellings. Although consent was granted, the subsequent reserved matters application will need to detail how the exact design of the scheme would preserve the setting and significance of Ash Manor.

All of the above means that the amount of development which will surround the Ash Manor complex has increased and together the proposed scheme, this will result in an increased erosion to its context and its rural setting.

As noted earlier in the report, following the quashing of the original grant of permission, Historic England have been invited to comment again on the proposal and, in particular, on the issue of cumulative impacts following the approval of the new road bridge and the housing development at May and Juniper Cottage. Historic England's most recent response notes the following regarding the possible cumulative impact on the Ash Manor complex:

'In our previous advice on application 18/P/02456, we considered that the proposed scheme would cause harm (less than substantial) to the Ash Manor complex by eroding part of its rural setting. Since providing this advice, approval has now been granted for development at May and Juniper Cottages and for the new the road bridge. We identified that both these developments will also cause less than substantial harm to Ash Manor, and the proposal for the road bridge would be at the upper end of this category. Therefore, we advise that the harm of the proposed development is likely to be higher if the cumulative effects of the other recently consented 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 it is likely to be less than substantial'.

The Council's Conservation Officer has also considered the issue of cumulative harm. Her view is that the harm to the complex as a whole, taking into account the cumulative impact of the proposal together with the consented road bridge and May and Juniper, would still be 'less than substantial' within the meaning of the NPPF. However, the cumulative harm caused would be greater than the harm that would be caused to the assets when the proposal was considered in isolation. In her view the cumulative harm to the assets would be in the low to middle range of the 'less than substantial' scale.

Both HE and the Council's Conservation Officer therefore conclude that, even when the cumulative harm is taken into account, it would still amount to 'less than substantial'. The Council's Conservation Officer has concluded that, on the less than substantial scale, the cumulative harm would befall in the low to middle range.

Having reached the view that the proposal results in harm to surrounding heritage assets, it is re-emphasised that paragraph 193 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This accords with the duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. It is noted that the harm identified includes a Grade II* listed building and the therefore the weight to be given to this harm should be calibrated accordingly.

In a situation where less than substantial harm is identified, the NPPF at paragraph 196 states that 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The public benefits of the proposal will be set out below. Whether these claimed public benefits outweigh the heritage harm, taking account of the great weight and considerable importance that must be afforded to that harm, will also be assessed.

Impact on neighbouring amenity

The proposal has the potential to impact on the amenity of a number of existing residents.

Ash Green Road

The properties to the south east of the site, on the opposite side of Ash Green Road are a mix of detached and semi-detached dwellings, most of which are two storeys in height. The proposed development has been designed with a buffer along its southern boundary to Ash Green Road, which means that the new dwellings would be separated from those opposite by a distance of approximately 32-35 metres.

This means that there would be no material loss of amenity to the existing residents on the eastern side of Ash Green Road.

It is acknowledged that a number of residents raise concerns about the potential overlooking and overshadowing from the proposed apartment buildings to the Ash Green Road dwellings. While these concerns are noted, the distance of separation is such that there would be no material loss of amenity to the occupants of these properties. This is even more so as a result of the changes to the apartments and their reduction in height.

May and Juniper Cottage

This is a pair of semi-detached dwellings situated off the north-eastern corner of the site. Plot 46 would back onto May Cottage, with its rear garden forming the boundary between the sites. A gap of approximately 20 metres would be retained between the elevations of the dwelling on plot 46 and May Cottage. On this basis, there would be no harm caused to the amenity of the residents of May and Juniper Cottage.

Ash Manor

As discussed above, Ash Manor contains four individual residential dwellings and is located to the north of the application site. The proposed dwellings would be located well away from these properties, with the existing pond and an area of open space acting as a buffer between the two. As such, the proposal would not result in any harm to the amenity of these existing residences.

It is also noted that an indicative landscape strategy has been submitted by the applicant which illustrates how the open space within the development could be laid out and designed. It is noted that concerns have been raised that the landscape strategy for the paddock to the east of the Ash Manor complex includes footpaths around the open space and that increased activity in this area may lead to disruption and noise for neighbouring residents. Although officers feel that there would be no harm caused to the amenity of the residents of The Oak Barn or The Oast House from dog walking etc, nevertheless, an additional condition is suggested to ensure that the boundary between the site and these residences is adequate to act as a buffer.

Approved development at May and Juniper Cottage

It is noted that plots 44 and 45 would be the closest properties to the May and Juniper Cottage development site. While it is acknowledged that May and Juniper Cottage only has the benefit of outline planning consent, the closest proposed plots to its boundary (plots 44 and 45) would be sited a significant distance away. As such, there would be no harm caused to the potential dwellings on May and Juniper, wherever the units are situated.

Given the above, the application is deemed to be acceptable in this regard.

Private amenity of the proposed dwellings

Policy H1 of the LPSS states that 'all new residential development must conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG)'.

As can be seen from the table below, all of the house types proposed as part of the development comply with the relevant space standards in terms of their overall size. The bedroom size and storage provision is also compliant. The proposal is therefore deemed to be acceptable in this regard.

NDSS Compliance Table				
House Type	Occupancy	GIA NDSS Min. (Sq.m.)	Proposed GIA (Sq.m.)	Comply ?
Burghclere	2B4P	79	85.02	Yes
Eversley	2B3P	70	72.38	Yes
Marlow	3B4P	84	116.94	Yes
Ripley	3B5P	93	101.4	Yes
Witney	4B7P	115	123.98	Yes
Avington	4B7P	115	126.02	Yes
Shalford	4B8P	124	147.46	Yes
Marlborough	4B7P	115	142.1	Yes
Chilworth	3B4P	84	111.6	Yes
Epsom	3B4P	84	88.58	Yes
Longstock	4B6P	106	126.58	Yes
Godstone	4B6P	106	118.34	Yes
Cranleigh	3B4P	84	93.52	Yes
3B / 3BA	3B5P	93	95.94	Yes
2B	2B3P	70	71.3	Yes
4B	4B6P	106	108.64	Yes
1B2P	1B2P	50	50.42 min	Yes
2B4P	2B4P	70	72.26 min	Yes
2B3P	2B3P	61	66.04	Yes

All of the proposed houses would have adequate areas of private amenity space, with most properties also including front garden areas. While the apartments have relatively small areas of communal open space within their plots, the site does include large areas of open space to the south of Ash Manor which could be used by all residents.

As such, the amenity of the proposed units is deemed to be acceptable.

Highway/parking considerations

Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is supported by a Transport Assessment (TA) which has been assessed by the County Highway Authority (CHA). Amended and additional information was also submitted, following initial concerns which were raised by the CHA.

Capacity of highway network

The TA notes that the traffic generation of the site has been calculated at approximately 34 two-way trips in the weekday morning and evening peak hours. It is however noted that this figure was based on a proposed 77 dwellings, so the number of trips would now be a little lower due to the reduction in the number of units to 73.

The TA shows that the existing junctions tested, currently operate within capacity with minimal queuing and will continue to do so in the future years, even with committed development, the proposed development and additional 'live' (but not committed) planning applications taken into account. The applicant's modelling has been reviewed by Surrey County Council and no objections have been raised regarding the impact of this proposal on the capacity of the network subject to some improvements being made at junctions within the vicinity of the site. A s.106 contribution has been secured to go towards these improvements.

Access and highway safety

It is noted that the previously withdrawn application included a roundabout at the junction of Foreman Road, Ash Green Road and White Lane which provided access into the site. This was considered to be an overly urban intervention into this semi-rural area and following discussions between the applicant, Local Planning Authority and County Highway Authority, it was agreed that a 'T' junction would be an acceptable alternative. A footway will be provided connecting the site to the existing footway on Foreman Road which will link the development to the existing network on Grange Road. Future occupiers of the site will have a continuous footway link to Ash railway station and the bus stops on Ash Church Road through the development on Grange Road, once implemented, or via Church Lane. A footpath is also to be provided towards White Lane and to the bus stop.

As noted above, the access arrangement has been demonstrated to work in terms of capacity. There is sufficient visibility for vehicles leaving the access and for vehicles on Foreman Road. A build out is to be provided on the spine road to deter vehicles from using the track which provides access to Ash Manor. To help improve safety further and to help mitigate the impacts of the development, a s.106 contribution has been secured to go towards the cost of amending the TRO on Foreman Road to reduce the speed limit from 40mph to 30mph. The developer will also implement traffic calming measures on Foreman Road.

Given these measures, no highway safety objections have been raised by the County Highway Authority.

Parking

A total of 158 car parking spaces are provided on site. These are in the form of garages, driveway parking spaces, parking courtyards and on-street parking. This equates to just over two parking spaces per unit. It is noted that the scheme provides an adequate number of on-site parking spaces and the proposal is deemed to be acceptable in this regard.

As regards highways impacts it is concluded that the proposal would not result in any material increase in traffic in the area and no capacity concerns are raised. It is noted that this conclusion is reached taking into account all approved, committed and likely development in the immediate area. With the mitigation measures proposed, there would be no adverse impact on highway safety. As such, the proposal is deemed to be acceptable in this regard.

Flooding and drainage considerations

The site is located within flood zone one which is land assessed as having a less than 1 in 1,000 annual probability of river flooding. There is also a small area at a low risk of surface water flooding which is associated with the existing pond to the north of the site. As part of the application a Flood Risk Assessment (FRA) has been submitted which has been supplemented with additional information requested by the Lead Local Flood Authority (LLFA).

The FRA notes that all road and roof runoff will drain to an adoptable network. The model demonstrates that the drainage network will drain by gravity and discharge into an attenuation pond located along the northern boundary of the site. The attenuation pond is located at the same location as the existing pond which will be re-profiled to provide a storage volume which meets the need of the development. The attenuation pond has been sized to store and release all surface water runoff from the proposed development at a rate of 5l/s up to and including the 1 in 100 year plus 40 per cent climate change event. It is likely that the pond will contain water through most of the year (apart from periods of prolonged low rainfall) and this will provide a habitat for flora and fauna. A maximum water level for the pond will be also be set. The outlet from the pond will be fitted with a flow control device that will restrict flows to a maximum rate of 5l/s. The outfall will then discharge to an existing drainage ditch located to the north of the site.

To manage extreme storm events and to prevent water entering onto third party land, the proposed topographical profile of the proposed development will be designed to direct surface water run-off away from proposed buildings and toward either landscaped areas, open attenuation or the existing drainage ditches along the north east and north west boundary of the site. This will provide additional protection against surface water flooding during an exceedance event and will protect neighbouring properties from flooding.

It is acknowledged that a number of local residents, including one local resident who (although objecting in a private capacity) appears to have relevant expertise in groundwater matters, have raised concern about flooding. In particular, the main concern is that the existing pond, which is to be used as a retention pond, is groundwater fed. It has been suggested that adding further water to the pond from the proposed development may mean that water levels in the pond could increase, over-top its bank and flood the surrounding land.

This was an issue which was considered when the application was previously determined in December 2019. At that time, the LLFA had received technical reports provided by the applicant's specialist consultants addressing the specific issue of potential groundwater ingress to the proposed retention pond, as well as the critique of those reports provided by the local resident. The LLFA confirmed that they were satisfied that the applicant has provided sufficient information on surface water drainage (subject to the imposition of appropriate conditions).

As noted above this issue formed a ground of challenge in the judicial review, with it being argued that the Council had failed to have sufficient regard to the representations of the local resident in question about the risk of groundwater flooding. The Court rejected this ground of challenge, holding that the officers and committee took account of the views of local residents, but were entitled to accept the view of the LLFA that the applicant's technical evidence demonstrated that there was no increased risk of flooding.

Since the original assessment of the proposal, further correspondence has been received on this issue from objectors. In particular, the local resident mentioned above has provided a further representation in relation to the duplicate application on this site, but which is also of direct relevance to this proposal. In that representation (dated 16th October 2020), the resident critiques the applicant's Technical note of 14 September 2020. His central concern is expressed as follows:

'the vital assumption being made by the applicants is that the pond can be engineered to increase its capacity to retain the excess run-off from the site. I maintain that this will not work because the pond is fed by at least one source other than surface water run-off. It is a simple and logical explanation for the pond being permanent rather than seasonal, which is the case for some of the other ponds in the area. The authors of the technical note, made in response to my submission, have challenged this interpretation. However, I note they have failed to provide an alternative explanation for the permanence of the pond even in times of severe drought'

The resident then goes on to conclude that *'I have argued that it is not, as suggested by the authors of the technical report, ...implausible that significant hydraulic connectivity exists between the confined groundwater [...] and surface water features....[rather] The observed characteristics of the pond support my assertion that it is made permanent by, perhaps, multiple inputs of water, including groundwater. And it would not be a unique feature of this area. Birch's History of Tongham, which I refer to in the introductory paragraphs, states that springs were common in the area, suggesting that localised hydraulic connectivity between the groundwater and the surface is typical rather than atypical of the clay stratum in Ash Green and Tongham. The evidence suggests that it is indeed plausible for sufficient hydraulic connectivity to exist between the groundwater and surface features. I am very concerned that the applicant's knowledge and understanding of the area is extremely limited and that wrong assumptions are being made about crucial features of the proposed site of the development. This is a fragile environment where mistakes will have a severe detrimental affect on important historical buildings. For this reason, I continue to object to their proposals'*. It is noted that the comments raised by the local resident can be viewed in full on the Council's website through this application and 20/P/01461.

Following the further objection, the LLFA referred this matter with ground water quality risks specialists at the Environment Agency (EA). This was on an 'informal' basis given that the EA is not a statutory consultee. The EA, through the LLFA, requested that the applicant provide further clarification and response to their queries.

On the 11 February 2021 the applicant provided responses to the LLFA/EA queries. At the same time the applicant also provided another Technical Note (11 February 2021) in response to the resident's concerns.

Following the provision of the additional information, the LLFA's provided further comments on 25 February 2021, which stated as follows: *'following [residents] objection letter...SCC as LLFA asked the Environment Agency ground water specialists to informally (as they are not statutory consultee) to review the data provided by the applicant. Subsequently [the applicant] provided a response to [the resident] and to our queries. The data provided by the applicant including analysis by the applicant's hydrogeologist indicates that there would be no significant impacts on ground water flow if the proposed attenuation basin was to be lined. Therefore, we propose that our suggested planning conditions remain as previously proposed. The applicant should ensure that the lining of the pond is suitably designed to take account of the conditions shown by the GI report, in particular to mitigate any minor ground water flows and allow ground water movement past the pond for ground conditions throughout the year'*.

Officers have also received clarification from the LLFA that the applicant's Technical Note (11 February 2021) had been referred to the EA, and that the EA had provided advice to the LLFA which had enabled them to conclude that the applicant had addressed the previous queries raised.

While the Council recognises that residents will still have concerns about this proposal, the Council has now been provided with a large amount of technical data and assessments from the applicant. All of this information has been reviewed by the LLFA, this time together with informal consultation with ground water quality risk specialists at the Environment Agency. The LLFA maintain that the drainage strategy associated with this proposal is acceptable.

Planning conditions have been recommended to ensure the 'principles' set as part of the application are followed through the detailed design and construction phase of the development. These conditions are pre-commencement conditions. In addition, a verification report has been conditioned. This requires the applicant to demonstrate that the surface water drainage system has been constructed as designed, with any minor amendments picked up.

In addition, a new informative will also be added to the permission which states that 'as part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufactures recommendations, this should include evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions'.

Given all of the above, and on the basis of the specialist advice received, officers do not consider that the proposal would result in any increased risk of flooding to the site or the surrounds and therefore, the proposal is considered to be compliant with saved policy G1 and the relevant provisions of the NPPF.

Sustainable energy

Policy D2 of the LPSS states that new buildings must achieve a reduction in carbon emissions of at least 20 per cent and that this should be through the provision of appropriate renewable and low carbon energy technologies and the use of good quality building fabric.

The applicant has not submitted a Sustainability and Energy Statement with the application. However the above LPSS requirements could be secured by a planning condition.

Open space provision

Saved policy R2 states that new large scale residential developments will require new recreational open space according to the following standards:

- 1.6ha of formal playing field space per 1,000 people;
- 0.8ha of children's play space per 1,000 people; and
- 0.4ha of amenity space per 1,000 people.

The proposed development is not of a sufficient size to deliver formal playing field space. In terms of children's playspace, it is noted that the applicant has agreed to provide a contribution of £86,008.24 towards the provision or improvement of a children's playspace in the vicinity of the site. This is deemed to be acceptable to mitigate the impacts of the development in this regard and it will ensure that an appropriate facility is available for residents of the site to use.

In terms of amenity space, a total area of 0.077 hectares of land is required. As noted above, the buffer between the proposed dwellings and Ash Manor is within the application site and this would be the main amenity space for future residents. It is noted that this space has a total area of approximately 0.08 hectares in size, which meets the Council's requirements.

An indicative landscape strategy has been submitted by the applicant which illustrates how the open space between the development and Ash Manor could be laid out and designed. The submitted landscape strategy will not be an approved drawing and the final landscaping will still need to be agreed through condition seven. It is noted that concerns have been raised that the landscape strategy includes footpaths around the open space and that increased activity in this area may lead to disruption and noise for neighbouring residents. Although officers feel that there would be no harm caused to the amenity of residents from dog walking etc, a condition is suggested to ensure that the boundary between the residences and the open space area is adequate to act as a buffer.

The proposal is deemed to be acceptable in this regard.

Impact on ecology

The applicant has submitted an Ecological Appraisal as part of the application. This was updated with a further technical note which sought to address concerns raised by Surrey Wildlife Trust (SWT).

The Phase 1 habitat survey which has been undertaken has established that the site is dominated by habitats of negligible to low ecological value. The loss of these habitats is therefore of low significance, whilst habitats of elevated value (namely hedgerows) are largely retained, aside from short sections to allow for site access. Faunal species are not considered to present any significant constraints to development of the site, although a number of mitigation measures are proposed, which will help to protect bats, Great Crested Newt, reptiles and small mammals, such as Hedgehog.

Apart from concerns about a veteran tree on the site and issues regarding biodiversity net gains (which will be discussed below), Surrey Wildlife Trust raise no objections to the proposal. This is subject to a number of conditions which require the submission of a lighting strategy for the site, a precautionary working method statement for Great Crested Newts and other measures to protect bats and reptiles.

Veteran Tree

As regards the Oak tree (T67 on the applicant's tree survey), SWT note that due to its age and condition it should be classed as a veteran tree. The NPPF attempts to define what is considered an ancient or veteran tree and it states 'a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage'.

SWT note that the tree offers 'exceptional biodiversity value'. It should be noted that SWT did not raise this matter as a concern as part of their assessment of the previous application made on the site (17/P/00513 refers), even though the tree was in a similar condition. SWT note that the girth of a tree alone is not a reliable way to class a veteran tree and that other characteristics are also relevant, including crown die back, dead wood and lost bark. It is noted that were T67 to be classified as a veteran tree, paragraph 175(d) of the NPPF would apply which states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'.

This issue formed a ground of challenge in the judicial review, it being argued that the Council failed to have regard to SWT's advice that T67 was a veteran tree, and acted irrationally by not following that advice. The Court rejected this argument, concluding that the Council were entitled to prefer the views of its Tree Officer and the applicant's Arboriculturalist to that of SWT. The Judge also concluded that the Council were entitled to take into account that the tree was likely to fall in the near future because of decay, and that this represented a health and safety risk.

The Council's Tree Officer has assessed the tree in question, including in person at a number of site visits. The Tree Officer explains that 'T67 can be certainly be described as an 'over-mature' Oak tree in terminal decline...It is unquestionable that the tree has characteristics applicable of veteran trees (deadwood, decay, habitat spaces fungal brackets) but the size-girth of the tree is not considered large for the species'. The Tree Officer has also commented that 'it is important to attempt to establish a basis for defining trees as veteran as opposed to trees which may have veteran characteristics or those that are mature. It is likely to be unachievable to produce a universally accepted definition for ancient and veteran.

Stem size is of particular importance and in combination with size, so are the characteristics of the tree. The most up to date guidance (2013) is that found in *Ancient and other veteran trees: further guidance on management* edited by David Lonsdale and published by the Tree Council in conjunction with The Ancient Tree Forum. This guidance considers that many trees may have veteran characteristics at any age, but at species level, size thresholds determine when a tree may be considered a veteran. It is noted that an Oak tree with a girth of four metres is regarded as a 'notable' specimen rather than an ancient or veteran."

Officers consider that the relative stem size of a tree as compared to other trees of the same species is a relevant consideration which considering whether a tree is veteran or not, given that the NPPF definition of confirms that veteran trees are "old relative to other trees of the same species".

The applicant's ecologist, who has also visited the site and inspected the tree in question is of the same opinion as the Council's Tree Officer.

While not directly relevant to whether T67 is veteran or not the condition of the tree should also be borne in mind. It is noted that T67 has very significant crown dieback and the majority of the crown is dead. The only evidence the tree is still 'living' is the epicormic growth at three to four metres above ground level. Epicormic growth is from shoots arising from dormant buds in a tree's main stem or framework branches. These buds only grow when is tree is under considerable 'stress'. There is significant basal decay around the entire circumference of the tree, to such a level that the main stem is highly likely to fail and therefore presents a health and safety risk. With the tree located in the centre of the field used for grazing, soil compact over many years will have resulted in the decline and death of the main rooting structure. Waterlogging of the soil has also impacted on the tree. Waterlogging occurs whenever the soil is so wet that there is insufficient oxygen in the pore space for tree roots to be able to adequately respire. Other gases detrimental to root growth, such as carbon dioxide and ethylene, also accumulate in the root zone and affect the tree. In centre of site, it is simply not viable to attempt to retain and manage, as this would need extensive fencing etc to keep people away and the likelihood, in the near future, the tree will structurally fail. In this scenario, the proposal to fell and retain much of the tree on site as 'managed' deadwood is the most appropriate action and will ensure the tree continues to be of biodiversity value to the site. It is noted that the applicant has agreed that once the tree is felled, it will be used to create a biodiversity feature in the open space area to the north of the site. This will become a habitat for reptiles and other invertebrates and will in time help to improve the biodiversity of the site.

It is certainly regrettable that T67 needs to be felled and it is noted that it does have biodiversity value. While this is a harm caused by the development, it does need to be balanced against the fact that the felled tree is to be used elsewhere on the site as a biodiversity feature, and its condition. This matter will be considered in the balance below. However, for the reasons noted above, T67 is not considered to be a veteran and as such, paragraph 175 of the NPPF is not considered to be relevant.

Net gain

As regards biodiversity SWT have noted as part of the duplicate application that 'the Council should require the applicant to provide an appropriately detailed document to demonstrate that a measurable net gain, secure for the life time of the development, will be achieved. This document should be submitted to the Council for approval in writing prior to determination of this application'. Following the receipt of further information from the applicant, SWT noted that 'the updated ecological report dated March 2021 makes reference to biodiversity net gain / net loss within paragraphs 3.3.13 to 3.3.17 inclusive. While I accept the applicant's comments that a mandatory requirement to demonstrate net gain is not yet enshrined in statute, the NPPF does

require development to result in no net loss. However, these paragraphs do not present a quantified evaluation of losses and compensation provided and therefore do not provide clarity to the Council that the development will not result in a net loss of biodiversity as a result of development. The applicant has not demonstrated that the development as proposed is in line with the obligations of the NPPF'.

On this point it is noted that policy ID4(2) of the Local Plan states that 'new development should aim to deliver gains in biodiversity where appropriate. Where proposals fall within or adjacent to a BOA, biodiversity measures should support that BOA's objectives...'. At paragraph 170 the NPPF states that 'planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' Although SWT also point to paragraph 174 of the NPPF which requires the promotion of 'the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity', this paragraph specifically relates to plans and not decision taking on planning applications. It is acknowledged that the forthcoming Environment Bill is likely to bring in a mandatory requirement for biodiversity net gains to be calculated using a Net Gain Assessment (using a formal biodiversity metric), however, these measures have not been introduced, and will only take effect after an introductory phase, to allow time for local policy to incorporate these requirements.

As such, neither the Local Plan or the NPPF set out a requirement for *measurable* net gains for biodiversity to be demonstrated. Although this is the case, the applicant has set out a range of ecological enhancements which would flow from the proposed scheme. These include the creation of new habitats from the re-use of the dead Oak tree as an ecological feature on the northern area of open space; the planting of new native trees, shrubs and hedgerow; the creation of a wildflower grassland which will include bulb planting; new marginal planting around the pond that will enhance the existing aquatic vegetation; the provision of bat and bird nesting boxes throughout the development; and, to provide replacement opportunities for reptiles and amphibians at the site, a number of log or rubble piles are proposed.

The Local Planning Authority is satisfied that these measures will deliver gains in biodiversity in accordance with policy ID4(2) of the Local Plan. While the gains have not been quantified, there is currently no policy requirement to do so.

For all of the reasons noted above, the proposal is considered to be acceptable in ecology terms.

Impact on trees and vegetation

It is noted that all trees worthy of retention have been afforded protection either by the TPO 1 of 1972, TPO 4 of 1974 or the two recent TPOs, 6 and 7 of 2017.

The Council's Tree Officer notes that all trees which are of value are being retained as part of the proposal, including the Oak tree at the junction, which was proposed for removal as part of the previously withdrawn scheme. It is noted that an Oak tree which is protected by TPO 4 of 1974 is proposed for removal (T67 as already discussed above). This is a large tree which sits in the southern field and the Council's Tree Officer notes that the majority of its crown is dead. It is acknowledged that secondary crown is emerging on some stems, however, its long-term potential is considered to be low. The structural frailty of the tree has also already been discussed. While the tree is a feature of the existing site, given its existing condition, in arboricultural terms, there are no objections to its removal.

Overall, the scheme integrates the existing trees on the site into the development in an acceptable manner. With a condition requiring the submission of an Arboricultural Method Statement prior to construction beginning, the proposal is deemed to be acceptable in this regard.

Impact on air quality

The Council's Environmental Health Officer noted that due to the scale of the proposal it is possible that an air quality assessment would be required.

The applicant has sought to address this point through the submission of an Air Quality Technical Note. The Technical Note considers whether emissions from the development would result in a significant deterioration in air quality during construction and once the development is operational.

In summary, the note states that 'for the construction phase of the proposed development, the key pollutant is dust. The IAQM Guidance states that with the effective implementation of appropriate controls and mitigation, the residual effects can normally be "not significant". Once operational, based on the predicted net change in traffic flows, the development is expected to have a 'negligible' impact on existing pollutant concentrations and the air quality effect is not considered to be significant. Concentrations at the Ash Manor site are expected to be well below the relevant health-based limit value/objective and therefore the site is considered suitable for its proposed residential use'.

The Environmental Health Officer has confirmed that the Technical Note satisfactorily addresses the issue and that no objections are raised. It is noted that all of the proposed dwellings would have access to a private electric vehicle charging point and that at the very least the apartments would have access to communal charging points. The promotion of electric vehicles will have a further impact on addressing air quality levels as a result of the development. This would be secured by condition.

On this basis the proposal is deemed to be acceptable in this regard.

Thames Basin Heaths SPA

The application site is located within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area (TBHSPA). Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 73 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

The Council has adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017 which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Greenspace (SANG) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development.

The applicant is the developer of a recently delivered SANG in the immediate area (Ash Green Meadows) and space has already been reserved at that SANG as mitigation for this proposal. Given this, it is considered reasonable to impose a Grampian style planning condition to prevent development commencing until such time that the Council has agreed in writing that the required mitigation has been delivered (i.e. that the amount of SANG required to mitigate this proposal has been transferred to the Land Trust who manage and run Ash Green Meadows).

This arrangement has already been agreed with Natural England in the past and is considered appropriate for this application also.

If the above mitigation was secured by way of a s.106 agreement, as well as the use of a suitably worded Grampian condition, it is considered that the proposal would be compliant with the objectives of the TBHSPA Avoidance Strategy SPD 2017 and policy NRM6 of the South East Plan 2009.

An Appropriate Assessment has been completed by the Local Planning Authority in February 2021 and it has been agreed with Natural England.

Planning contributions and legal tests

The three tests as set out in Regulation 122(2) require s.106 agreements to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

If all other aspects of the application were deemed to be acceptable, then the following contributions could be secured by way of a s.106 agreement.

Thames Basin Heaths SPA

The development is required to mitigate its impact on the TBHSPA and this would be secured through a legal agreement (SAMM payment only). This would accord with the TBHSPA Avoidance Strategy SPD 2017. Without this, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Affordable housing

The requirement for affordable housing has been set out above. The legal agreement would secure the provision of the number of affordable units, as well as their tenure and mix, so that the proposal is compliant with local and national policies. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Education

The development is likely to place additional pressure on school places in the area at early years, primary and secondary level. The development should mitigate these impacts. Surrey County Council as the Education Authority has provided a list of projects which contributions would be allocated to and these are considered to be reasonable and directly related to the development. For the early years and primary school contributions the County Council plan improvements and extensions to Ash Grange Primary School and the secondary school contribution would be used to partly fund the extension of Ash Manor School. The total education contribution agreed with the applicant is £514,152. As such, these contributions are required to mitigate the impact of the proposal on the local education system.

Play space

It is noted that the development does not include its own children's playspace. It is unlikely that sufficient space could be found for one on the site, as it is hoped that the open space areas provided for residents are kept free from permanent development and as natural as possible to protect the setting of Ash Manor. As the proposal will increase the pressure on existing children's playspaces in the area it is considered reasonable to require a contribution to mitigate this impact. Based on the playspace tariffs set out in the Council's Planning Contributions SPD, a contribution of £86,008.24 has been agreed.

Health care

The proposal will have an effect on the demand for primary health care services in the area. The NHS (through North East Hampshire and Farnham CCG), note that taking into account the increase in population and the additional demand generated by the development, they will need to expand nearby GP facilities. A contribution of £47,403 has been requested which is deemed to be a proportionate and reasonable request. The CCG have also indicated that the specific site / project to which this contribution would be allocated, is The Border Practice Medical Centre. Whilst it is noted that the site is not currently within the catchment area boundary of The Border Practice Medical Centre (but only a little way outside), the CCG have confirmed that this will be changed by the Practice and the CCG (via application and approval) following any grant of permission for the development, and that the occupiers of the development site will then be eligible / able to sign up to Border Practice as their local GP.

Notwithstanding the above, it is acknowledged that the healthcare contribution secured by this development may also be used for other GP practices in the local area if an appropriate case can be demonstrated. This could include the provision of a GP practice on the Ash Lodge Drive development.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Policing

The proposal as a whole has the potential to increase pressures on existing policing resources in the area. Surrey Police note that the application site is currently a greenfield site which when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development.

The Police note that their request for a contribution of £14,201.28 is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. They note that it is necessary to secure section 106 contributions for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Surrey Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing. They note that securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising front line services. The consequence of no funding is that existing infrastructure will eventually become stretched, and the communities may not receive adequate policing.

Agenda item number: 5(1)

The contribution will be used towards the capital costs associated with employing additional staff, as well as those towards fleet provision and accommodation at Guildford police station.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Highways

To help improve safety further and to help mitigate the impacts of the development, a s.106 contribution of £8,000 has been secured towards the cost of amending the TRO on Foreman Road to reduce the speed limit from 40mph to 30mph. A further contribution of £86,500 is requested towards highway safety improvements and improvements to pedestrian and cyclist connections within the vicinity of the site. These could include works to Harpers Bridge, the A31/White Lane and the public right of way network.

Guildford Borough Council have requested a contribution to improvements at Ash level crossing. The development would result in additional traffic crossing the railway, as well as pressures on the surrounding roads in relation to rat running, and contributions are required to improve highway safety and capacity around the crossing. On this basis, the contributions are directly related to the development and could be used for the new road bridge to enable the closure of the level crossing at Ash station. This contribution has been set at £730,000.

In addition the applicant has offered to provide a contribution (which is the same as that secured for 18/P/02308 (£50,000)) towards cycle and pedestrian improvements over the disused railway line at White Lane. This may include the provision of a new pedestrian / cycle bridge in the immediate area. This work and contribution would help to improve the pedestrian and cycle infrastructure in the area.

These measures all help to mitigate the impact of the proposal on the surrounding highway network and are necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Public art

The Council's recently published Public Art Strategy notes a desire to improve public art across the borough. This is further supported in the Council's Planning Contributions SPED which notes that public art can be secured as part of the development process. It is noted that there are still a number of sites to come forward as part of the A31 allocation and it is the intention to combine a number of contributions together to provide a piece or pieces of public art in the wider vicinity. A contribution of £25,000 has been agreed with the applicant. This obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Public benefits and balancing exercise

As noted above, paragraph 193 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

It should also be remembered that section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

The report has concluded that the development and its associated works would result in less than substantial harm to the Ash Manor complex which includes Grade II* and II listed buildings. When the cumulative development around Ash Manor is taken into account, the Council's Conservation Officer considers that the level of harm would be in the low to middle range of the 'less than substantial' scale. It is however re-emphasised that any harm to a designated heritage asset must be given considerable importance and weight in the assessment. This includes when the balance in paragraph 196 of the NPPF is applied.

Paragraph 196 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. Guidance in the form of the Historic Environment PPG explains the concept of 'public benefit' stating that 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit'. It is acknowledged that the proposal does result in a number of public benefits and these will be set out and discussed below:

- the proposal would deliver a total of 73 dwellings in a mix which is generally compliant with the SHMA. Following discussions between Officers and the applicant, a one year permission has again been agreed which will ensure that dwellings are delivered early in the plan period, where there is projected to be significant demand for additional homes. The early provision of such a sizeable number of dwellings with an optimum mix is deemed to be a public benefit of the proposal.
- of the 73 dwellings, 29 would be affordable properties. While it is acknowledged that this what policy requires, nevertheless, the provision of a large number of affordable dwellings with an acceptable mix, in a borough where there is significant demand for such properties is deemed to be a public benefit of the proposal.
- it is noted that a number of residents have raised concerns about highway safety in the area. As part of the application, the applicant has agreed to implement and fund a range of measures which will help to improve highway safety. These include the reduction of the speed limit along Foreman Road from 40mph to 30mph, the provision of traffic calming measures and the installation of higher grip surfacing approaching the existing junction. These measures will help to improve highway safety in the area, not only for future residents of the development but also for other road users.
- the proposal would also enhance the existing pedestrian and cycle connections in the locality, particularly the link to Drovers Way and the provision of new pedestrian pavements so as the railway station can be reached safely on foot.

- the buffer which is being created to the south and east of Ash Manor will be a new public amenity space for future and existing residents of the area. This open space area would be natural in its appearance and would improve the ecological value of this part of the site, which is currently in use as pasture for horses. The applicant has also committed to planting new native hedgerows on the site and installing a range of ecological features including bat boxes. The proposal would therefore improve the ecological value of this part of the site and improve open space provision for the existing community.
- the applicant has agreed to a wide range of contributions which will help to improve community facilities in the area including playspace, education, healthcare and policing. While it is acknowledged that these contributions are required to mitigate the impacts of the development, nonetheless they will result in public benefits.

Overall, the public benefits of the proposal are wide ranging and significant. The delivery of this part of the allocated site will provide both the market and affordable homes which are identified through the Local Plan and will result in improvements to highway safety, ecology and the existing community facilities.

The adverse impacts on the heritage assets, in particular to the Grade II* listed building, are recognised and are given great weight and considerable importance. Although great weight and considerable importance has been afforded to the heritage harm, including the increased weight for the Grade II* listed asset, it is considered that the scale of the public benefits which will be gained from the proposal are sufficient in this instance to outweigh the identified heritage harm. As the impact of the development on the significance of heritage assets and their settings has been considered in accordance with case law, legislation and the NPPF and deemed to be acceptable when factoring in the public benefits, the proposal is also considered to be compliant with the requirements of policy D3 of the LPSS.

Final balancing exercise

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. This requires a broad judgement regarding whether the development accords with the plan read as a whole. Paragraph 11 of the NPPF also states that 'plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means...approving development proposals that accord with an up-to-date development plan without delay'. This is itself an important material consideration. The proposed development forms part of allocated site A31 and is important for helping to deliver the housing identified in the plan in this area. Overall, and taken as a whole, the proposal is considered to accord with the development plan. Therefore, the presumption is that the application should be approved without delay.

Notwithstanding this, it is noted that the harm identified above must be considered and balanced against the benefits of the proposal. As already set out above, paragraph 196 of the NPPF requires a balance of the heritage harm against the public benefits of the scheme. That balance has been carried out above, and the conclusion that has been reached is that the public benefits of the scheme outweigh the heritage harm, even taking account of the great weight and considerable importance afforded to the heritage harm. However, the other harms resulting from the proposal must also be assessed, together with the heritage harm, and these should also be balanced against the benefits of the proposal. This final balancing exercise will be carried out below.

In assessing the weight to be afforded to harms / benefits, officers have applied a scale which attributes moderate, significant, or substantial weight to each identified harm / benefit. Having attributed such weight, an overall judgement is then required regarding the balance of harm vs benefit.

In terms of harms, as noted above, the less than substantial harm (in the low-to-middle range) which would be caused to designated heritage assets carries **substantial (great) weight** in the planning balance. The reasons for this are already set out above. The only other harm to be identified is as a result of the loss of T67 and the resulting impact on the biodiversity of the site. While it is regrettable that T67 is to be removed, it is noted that the other improvements being made to the site, would partly offset its loss and the remains of the tree will be re-used on the site as an ecological feature following its felling. Given this, and the current health and condition of the tree, this matter is afforded **moderate weight** in the balance.

In terms of the benefits of the proposal, these have already been set out above. The provision of 73 market and affordable dwellings, in a mix which is deemed to be acceptable, is a sizeable contribution to the housing supply of the area. **Substantial weight** is afforded to this benefit. The proposal will also result in the provision of a large area of open space on the site which will be accessible to both existing and future residents of the area. The open space will incorporate the pond and will feature paths and the remains of the TPO tree which will act as an ecological feature. This area of open space will become an asset for the community and **significant weight** is afforded to this benefit. The proposal would help to improve highway safety in the area, which has been raised as a concern by local residents. **Moderate weight** is afforded to this matter. The proposal would also result in the improvement of pedestrian cycle connectivity in the area. A new footpath through the development would provide a safe and accessible route from Drovers Way to Foreman Road and from here users will be able to reach Ash railway station. **Moderate weight** is afforded to this benefit of the proposal. While the proposal would lead to the loss of the T67, the development includes opportunities for the ecological enhancement of the site. The felled tree would be re-used on the site to provide for new wildlife habitat and as well as this there would be new native tree and hedgerow planting and the provision of bat boxes on the site. Compared to the existing situation where the site has been used as a horse paddock, the proposal would improve the ecological value of the site. **Moderate weight** is afforded to this benefit. Finally, while it is acknowledged that the contributions secured through this proposal are required to make the proposal acceptable in planning terms, they do nonetheless result in wider public benefits. The contributions will help to improve local facilities and will also assist in the delivery of the new road bridge to remove the level crossing at Ash station. **Moderate weight** is afforded to this matter.

The benefits of the proposal are wide ranging and long lasting. The main harm resulting from the proposal is to the heritage assets. However, as noted above, this is outweighed by the public benefits of the proposal. The other harm is the loss of the existing TPO tree and the ecological and biodiversity value that it has. Overall, it is considered that the benefits associated with the proposal do outweigh the identified harm, including harm to designated heritage assets. The proposal accords with the development plan read as a whole and other material considerations do not weigh against the grant of planning permission. As such, the proposal is deemed to be acceptable and is therefore recommended for approval.

Conclusion

This is an allocated site which now forms part of the urban area of Ash and Tongham. Whilst there would be an inevitable change in the character and appearance of the land, the principle of development here has already been found to be acceptable.

While it is acknowledged that the proposal results in some harm to the setting of the listed buildings on the Ash Manor complex, the harm has been reduced through the retention of the rural track to the complex and the provision of a landscaped buffer around the site. The cumulative harm from other applications has also been considered. The harm has been identified as being at the lower to middle end of less than substantial. An assessment has been carried out which concludes that, taking all relevant matters into account, the identified heritage harm (which is afforded great weight) is outweighed by the numerous public benefits which are generated by the proposal.

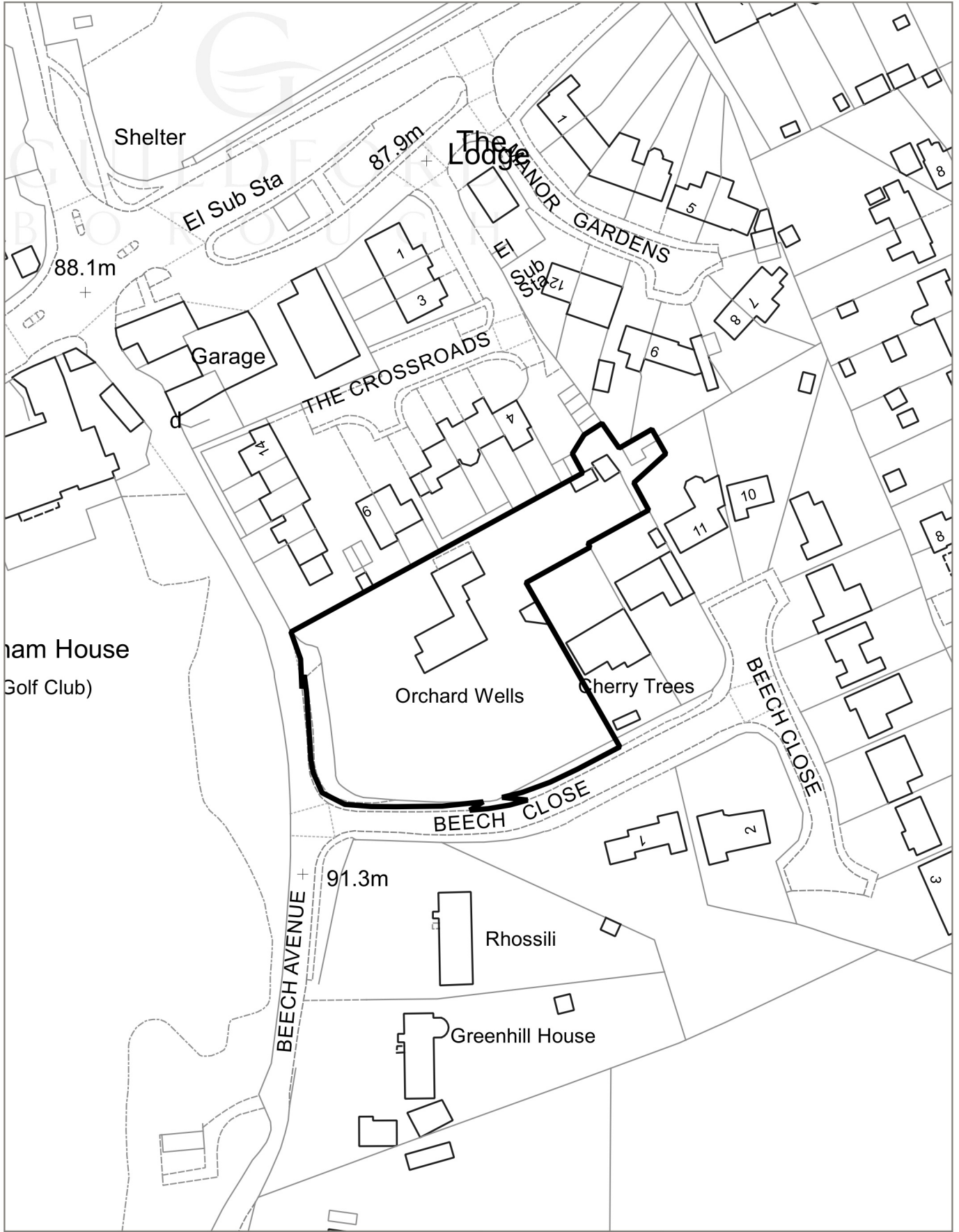
The proposal would not result in any material harm to the character of the area. A landscaped buffer would be maintained along the southern boundary and this would help to prevent the coalescence of Ash and Ash Green, as required by the Local Plan allocation. It is considered that the applicant has struck a reasonable balance between providing a gap to prevent coalescence whilst still ensuring that the site delivers the housing units which are required through the allocation.

The application would provide a net gain of 73 residential units, which would be in accordance with housing delivery commitments in the LPSS. This includes the provision of 29 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. The mix of proposed market housing has also been improved during the course of the application.

The proposed dwellings are considered to provide a good level of internal and external amenity for future residents, fully compliant with the NDSS. There would be no unacceptable harm to neighbouring residents. Subject to conditions the scheme would also be acceptable in terms of highway safety, drainage, trees, ecology, archaeology and sustainable construction.

Therefore, the proposal is deemed to be compliant with the Development Plan and subject to the conditions and s.106 agreement securing the contributions set out above, the application is deemed to be acceptable and is recommended for approval.

20/P/00737 - Orchard Walls, Beech Avenue, Effingham, Leatherhead



am House
Golf Club)

© Crown Copyright 2021. Guildford Borough Council.
Licence No. 100019625.

This map is for identification purposes only and should
not be relied upon for accuracy.

Print Date: 15/03/2021



Page 77 Not to Scale



20/P/00737 – Orchard Wall, Beech Avenue, Effingham



Not to scale

App No: 20/P/00737 **8 Wk Deadline:** 02/04/2021
Appn Type: Full Application
Case Officer: Carolyn Preskett
Parish: Effingham **Ward:** Effingham
Agent : Mrs Collins **Applicant:** Mr Grimshaw
Solve Planning Ltd
Sentinel House
Ancells Business Park
Harvest Crescent
Fleet
GU51 2UZ
Claremont Finesse Ltd
1A Cobham High Street
Cobham
GU51 2UZ

Location: Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG

Proposal: Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close' (amended description with amended plans received 18 November 2020)

This application was originally presented to the Planning Committee on 31 March 2021 where the item was deferred by Members to allow time for a review by the Council's independent consultants of the position on the commuted sum for affordable housing which had been provided at late notice by the applicant prior to that meeting. The original committee report is attached at Appendix 1.

The reason for deferral was clear in that it was to review the new agreement to provide a commuted sum for affordable housing and to agree that figure. The applicant has already confirmed they cannot provide a policy compliant scheme and therefore this updated report can only consider the matters which were put forward in the motion to defer at the planning committee meeting.

The wider concerns on the way the viability assessment has been reviewed are noted, however, the process undertaken is not contrary to any adopted parameters and methodologies in respect of viability appraisal. The applicant has commissioned a professional viability report and the council have appointed a local specialist in this area of expertise who we have confidence in to review it.

Further responses

Effingham Residents Association

- Concerns remain relating to this application.
- The profitability of the submitted scheme would not benefit Effingham residents.
- overdevelopment of the site and if the scheme specified in the Neighbourhood Plan was not viable, Effingham Parish Council having responsibility for the Neighbourhood Plan should be consulted about possible alternative schemes, rather than one chosen by the applicant being submitted without consultation
- remain concerned that Plot 6 was not fully valued in the Viability Report as it may have development potential for a possible further dwelling that was not taken into account. It needs to be resolved whether such development potential exists and if it does it needs to be factored in to a financial report. (Officer note: the question of whether Plot 6 could be developed in the future using the rear access is not part of the current proposals)

- concerns remain regarding the status of the historic wall and hedge. (Officer note: the applicant has indicated their intention to retain the wall and hedge and suitable conditions have been recommended to ensure they are retained)
- concerns relating to the design and overbearing nature of the proposed dwellings (Officer note: the proposed dwellings have been significantly reduced in size during the course of this application)

Effingham Parish Council

- do not agree with the conclusion that the smaller policy compliant scheme does not appear viable
- concerns over future development of Plot 6
- the viability report may meet the needs of the developer, but it does not meet the needs of Neighbourhood Plan Policy ENP-SA3, nor the needs of the residents of Effingham who agreed the ENP at referendum with a 94% vote in favour. The Parish Council would welcome the developer coming forward with a plan meeting the requirements of Neighbourhood Plan Policy ENP-SA3

Updated planning considerations

Viability

The Viability Appraisal Addendum provided by the applicant dated 22 March 2021 has now been reviewed by the Council's independent consultants and concluded that there was a surplus of £118,980 which could be put towards affordable housing as opposed to the £58,000 offered by the applicant.

The Council's independent consultants (Dixon Searle Partnership) in their conclusion state the following:

"KCC conclude that the scheme produces a deficit of -£97,160 or an actual profit of 18.52% and state "it cannot therefore, afford to provide any level of affordable housing contribution."

When making the adjustments to the trial appraisal, namely applying sales and marketing costs at 3% produces a residual land value of £2,131,480 and when compared to DSP's BLV assumption of £2,012,500 produces a surplus of £118,980 which could be put towards affordable housing."

The applicant has agreed to enter into a legal agreement to secure payment of the commuted sum of £118,980. The application is recommended for approval subject to the signing of a s106 agreement.

Updated recommendation

Approve - subject to a s106 agreement to secure a commuted sum for affordable housing and subject to conditions and reasons as set out in Appendix 1.

Appendix 1

Executive Summary

Reason for referral

This application has been referred to the planning committee because more than 20 letters of objection have been received contrary to Officers recommendation.

Key information

The application site is situated on the corner of Beech Avenue and Beech Close. A mature boundary beech hedge surrounds the site on the road frontages.

The site has been inset from the Green Belt and is adjacent to the Effingham Conservation Area and is within the 5km to 7km buffer zone of the Thames Basin Heath Special Protection Area.

Vehicular access would be via a new access off Beech Close.

Three no.4 bed dwellings and three no. 3 bed dwellings are proposed. No one or two bedroom units are proposed but a Viability Report has been submitted with the application following the receipt of amended plans. The Viability Report has been reviewed by an independent consultant appointed by the Council.

Summary of considerations and constraints

The site is allocated in the Effingham Neighbourhood Plan for residential development, this was for up to 6 homes (a net increase of five dwellings). The principle of housing development on this site is considered acceptable.

The plans have been amended since originally submitted and the revised proposals are considered to be in keeping with the character of this semi rural surrounding area in terms of design and layout. The proposals would not result in any undue loss of neighbouring amenity in terms of loss of privacy, loss of light or overbearance.

The proposals do not include 50% 1 or 2 bedroom units. A Viability Report has been submitted with the application. The Viability Assessment Report has been reviewed by an independent consultant appointed by the Council who has concluded that they agree with the conclusions of the VAR and that a smaller policy compliant scheme would not be viable. The review further states that the proposed scheme does appear viable based on their review of the assumptions.

RECOMMENDATION:

Approve - subject to the following condition(s) and reason(s) :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: AAL-20-100-P14; AAL-20-100-P12; AAL-20-100-P13; received on 12 May 2020 and amended plans AAL-20-100-P01D; AAL-20-P02C; AAL-20-100-P03C; AAL-20-100-P04C; AAL-20-100-P05C; AAL-20-100-P06D; AAL-20-100-P07C; AAL-20-100-P08B; AAL-20-100-P09B; AAL-20-100-P10B; AAL-20-100-P11B received 18 November 2020.

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

3. Prior to any development above slab level details and samples of the proposed external facing and roofing materials including colour and finish shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the building is satisfactory.

4. No development above slab level shall take place until energy information has been submitted to and approved in writing by the Local Planning Authority. The energy information will identify the building regulations Target Emissions Rate (TER) and the Dwelling Emission Rate (DER) for the proposed dwellings, and demonstrate that the DER is at least 20 per cent lower than the TER for each dwelling hereby approved, including the use of energy efficiency measures and low and zero carbon energy technologies in line with the energy hierarchy, an accurate and robust appraisal of all potential technologies. The approved details shall be implemented prior to the first occupation of that dwelling and maintained as operational thereafter.

Reason: To reduce carbon emissions and incorporate sustainable energy in the interests of sustainability.

5. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.

Reason: To improve water efficiency in accordance with the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020.

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Beech Close has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.AAL-20-100-PO2 rev D and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. AAL-20-100-P02 Rev E, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

8. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans Drawing No. AAL-20-100-P02 Rev D for the secure parking of bicycles within the development site. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

9. The development hereby approved shall not be first occupied unless and until existing access from the site to Beech Avenue has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

10. The development hereby approved shall not be occupied unless and until the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

11. No development shall commence until a Construction Transport Management Plan, to include details of :
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (f) HGV deliveries and hours of operation
 - (g) measures to prevent the deposit of materials on the highway
 - (h) on-site turning for construction vehicles
 - (i) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.30 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Beech Close and Beech Avenue during these times
 - (k) on-site turning for construction vehicles
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

12. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 am and 13.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period.

13. The development hereby approved shall not be first occupied until a hard and soft landscaping scheme, including details and samples of hard landscaping and details of the number and species type of proposed trees/plants, has been submitted and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme, other than planting, seeding or turfing, shall be implemented in accordance with approved details and samples prior to the first occupation of the development. All planting, seeding or turfing shown on the approved landscaping proposal shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and also to protect neighbouring amenity.

14. No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) as recommended in the submitted Arboricultural Assessment Report by Harper Tree Consultants dated 24 February 2020 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, and E shall be carried out on the dwellinghouse(s) hereby permitted or within their curtilage.

Reason: Having regard to the size of the dwellings approved, the local planning authority wishes to retain control over any future extensions / outbuildings at the property, in order to safeguard the character of the area and the residential amenities of adjoining properties.

16. The first floor windows in the side elevations of the dwellings hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

17. Prior to the first occupation of the development details of Ecological Enhancement measures in line with the recommendations of the ethos Environmental Planning Ecological Assessment Report dated July 2020 shall be submitted to and approved in writing by the Local Planning Authority .The agreed enhancement measures shall be implemented prior to the first occupation of the development (unless otherwise stated in the agreed document) and shall thereafter be maintained in accordance with the agreed details.

Reason: In order to protect the nature conservation and biodiversity value of the site.

18. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the ethos Environmental Planning Ecological Assessment Report dated July 2020.

Reason: To ensure protected species are protected during the construction of the development.

19. The Beech Hedge running along the site boundary adjacent to Beech Avenue and Beech Close as shown on plan no.AA1-20-100-P01 REV D shall be permanently retained.

Reason: In the interests of the character and appearance of the Effingham Conservation Area.

20. The existing boundary walls to the site as shown on plan no. AAL-20-100-P01 REV D shall be permanently retained.

Reason: In the interests of the character and appearance of the Effingham Conservation Area.

Informatives:

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission and the application as originally submitted was unacceptable but Officers chose to work with the applicant and sought amended plans and a viability report to overcome Officers concerns.

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs.
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991.
6. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
7. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

Officer's Report

Site description.

Orchard Walls is a large detached property situated on a plot of 0.37 acres. The site is situated on the corner of Beech Avenue and Beech Close with the road boundaries being characterised by a tall Beech hedge. The existing property is accessed off Beech Avenue.

The site lies within an area inset from the Green Belt and within the 5km to 7km buffer zone of the Ockham and Wisley Common Special Protection Area. The site also lies directly adjacent to the Effingham Conservation Area on its northern boundary.

The site is allocated in the Effingham Neighbourhood Plan for up to 6 new residential dwellings which includes the existing house on the site, a net increase of 5 dwellings (Policy SA3).

The site is within the Flood Zone 1 (defined as having a low probability of flooding)

Proposal.

Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close (amended description with amended plans received 18 November 2020)

Relevant planning history.

None relevant

Consultations.

Statutory consultees

County Highway Authority: Recommend conditions and informatives

Thames Water: No comments received

Internal consultees

Head of Environmental Health and Licensing:

There are no records to indicate any former uses on this site requiring an investigation to address possible land contamination. No further comments or objections.

Effingham Parish Council - objection on the following grounds

- overdevelopment of the site
- out of character with the surrounding area and nearby conservation area
- proposed buildings are higher than surrounding buildings and there is a lack of space around them
- proposed dwellings dominate and overshadow neighbouring properties
- concern over access road being closer to Beech Avenue/ Beech Close junction than should be and prejudice road safety
- no parking for visitors or for disabled visitors

Following the receipt of amended plans Effingham Parish Council raised the following further objections:

- proposals contrary to Policy ENP-H2 . No one or two bedroom units are proposed.
- EPC has serious concerns about the Viability Appraisal and Report and requests that GBC undertakes thorough expert scrutiny of the Viability Appraisal and Report (Officer comment: the viability report has been independently assessed as set out in the committee report)
- amended size of the proposed houses results in an overdevelopment of the site, the site will appear out of character and more cramped than its neighbour Beech Close
- the parking layout plan is inconsistent with the Design, Access and Planning Statement (Officer note: the amended Design and Access Statement appears to have only partially been updated and some elements and references within it relate to the original proposals still)

Amenity groups/Residents associations

The Crossroads Residents Association

The Residents Association have submitted an email to/from the applicant detailing discussions between the two parties as their comment in relation to this planning application. The comments detail points raised in this exchange and a request that should the application be approved that they would like appropriate conditions to be imposed relating to the following:

- the retention of the historic wall
- point and repair as needed both sides of the historic wall before the properties are sold
- clarity on ownership/ liability and maintenance of the wall now and for the future
- covenants to stop conversions of garages/lofts/balconies and to stop right of way through The Crossroads garages
- shadow plans for Plot 8 and 1 to see the effect of overshadowing
- no construction access through our garages at any time.
- Access through existing entrance to Orchard Walls on Beech Avenue to be limited to the first 2 weeks of site working in order to clear the way for the new entry into the development
- environmental survey on the property including the sheds and buildings at bottom of the garden
- overlooking windows will be fixed except for a fanlight
- no street lighting as we are in a dark skies area

- no weekend construction work except for Saturday mornings between 0800 and 1300 hours.
- applicant will set up/organise a maintenance company to maintain hedges and wall in the future

Effingham Residents Association - objection on the following grounds

- proposals are contrary to Policy ENP - H2 of the neighbourhood plan.
- concerns over the submitted Viability Report and state that this is for GBC to scrutinise (Officer note: Consultants Dixon Searle were appointed to review the Viability Report)
- development contravenes policy ENP-G2 of the Neighbourhood Plan and would be out of character with the area that surrounds it.
- concerns relating to the current gate from Orchard Walls into the garage area at The Crossroads could be later used to apply for a further property on the site.
- concerns relating to the impact on the Conservation Area. Any development should preserve and enhance the setting of the wall which runs along the northern boundary of the site. The proposed garage to Plot 1 would spoil the view of the wall from the proposed entrance from Beech Close. Any approval should protect the wall and hedges surrounding the site with appropriate conditions.
- pleased that the design of the dwellings have been modified particularly the removal of bulky roof forms however concerns remain about the height of the proposed dwellings.
- concern that three of the dwellings each have three rooflights which is contrary to Policy ENP-EN4 as Effingham is a dark skies village
- concerns over highway safety surrounding proposed access
- concern over trees as a number of trees have already been removed
- the three four bedroom houses should have three allocated car parking spaces (Officer note: Plot 1 proposes 2 garage spaces and 2 parking spaces, Plot 2 and Plot 3 propose 1 garage space and 2 parking spaces each)
- since the Effingham Neighbourhood Plan was formulated the Secretary of State has allowed 295 new homes in Effingham so these new houses are no longer essential
- proposals in breach of Neighbourhood Plan and would damage the Effingham Conservation Area

Third party comments:

27 letters of representation have been received raising the following objections and concerns:

- contrary to policy ENP-SA3 which recommends 6 new dwellings at the Orchard Walls site not the 8 proposed with no justification for this change.
- out of keeping with quiet semi rural character of the village
- additional cars would create traffic problems
- concerns relating to parking and visitor parking
- proposed dwelling No. 8 would overshadow properties within The Crossroads
- noise and disturbance caused by large increase in number of properties
- proposals are not in the spirit of the Effingham Neighbourhood Plan
- unreasonable density increase on the edge of the Conservation Area and towards the countryside to the south
- concern over access for cars and more significantly refuse and delivery vehicles
- detrimental effect on character and nature of the area
- proposed development by reason of its layout, form and scale constitutes overdevelopment of the site
- concerns relating to ecological habitats
- concerns relating to significant increase in demand for utilities
- loss of trees already
- interrupting the habitat of local bat and owl species

Agenda item number: 5(2)

- Access drive should be in Beech Avenue which would give Council an opportunity to widen the road as it struggles to accommodate large supermarket delivery vehicles and school coaches as it is.
- loss of privacy to dwellings in The Crossroads and Beech Close
- demolition of a large established house of character will be a great loss of this part of Effingham.
- a cul de sac within a cul de sac will be an alien to the environment
- massive amount of developer activity and disruption to current quiet cul de sac
- potential restriction of access to current residents garages during development
- overbearing nature of proposed dwellings
- impact on Conservation Area and Grade II listed red brick wall
- poor design, large flat roofs and ugly slab like elevations resulting in very large and high storeyed block like houses contrary to the standard pitched roofs surrounding the site.
- loss of light
- plot 8 appears to have a large upstairs first floor external terrace along the whole length of the East Elevation
- concerns over future further developments and wishing access to garden of plot 8 be limited to agricultural or garden machinery only.
- concerns over boundary fences
- further housing in danger of losing the village
- concern over the historic orchard wall which borders the site
- concerns over street lights and potential security lights which would be a nuisance factor contrary to ENP-ENV 4 Dark Skies Area
- concerns over the height of Plot 8 and its proximity to the boundary with properties in The Crossroads
- housing target in Effingham already exceeded
- there is no need for this development and so the application should not be approved
- concerns relating to carbon emissions of future residents
- the long term effects of covid -19 on planning policy
- important that amenity value of open green space is given its due weight in planning application. Orchard Walls provides an attractive view from public footpath alongside Beech Avenue.
- roof lines of all of the proposed dwellings is higher than neighbouring properties in Beech Close and The Crossroads
- proposed access road creates an unsafe area and an unsafe junction with Beech Close
- concern over new trees being planted close to road and parking spaces - roots likely in future to cause pavements and roads to become uneven.
- clearance work was ongoing during May last year despite provisional recommendations in ecological assessment that no tree or shrub clearance should be carried out during the bird nesting period, March to September.
- no grounds to approve until all uncertainty caused by pre-existing planning decisions is removed and a genuinely sustainable development plan has been re-established
- inferior buildings choosing to replace a quality residence
- covenants are placed within deeds to stop future loft conversions and velux windows
- overlooking window on plot 1 will be fixed except for a fanlight
- no weekend construction work except Saturday morning

Following the receipt of amended plans 17 additional letters have been received reiterating the original comments and making the further points:

- revised proposals remain out of keeping
- several large houses close together with small front gardens

- two wide and taller houses with heavy dormers standing on higher ground without front gardens, just rows of street parking places, quite unlike Beech Close houses with their off street parking
- proposals remain very cramped and out of keeping with the open rural nature of existing site.
- proposals remain contrary to Policy ENP-H2
- large area of Beech hedge to be removed for sight lines
- concerns over demolition and back access to Plot 6
- concerns over boundary fencing
- no affordable housing being provided
- concerns over future further development in garden area to Plot 6
- plots 1 and 6 have moved nearer to The Orchard Wall which borders the houses in The Crossroads
- revised Plot 1 garage location more obtrusive

Planning policies.

National Planning Policy Framework 2019 (NPPF):

Chapter 1. Introduction

Chapter 2. Achieving well designed development

Chapter 4. Decision Making

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well - designed places

Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019)

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 7.34 years based on most recent evidence as reflected in the GBC LAA (2020). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

S1	Presumption in favour of sustainable development
H1	Homes for all
P5	Thames Basin Heath Special Protection Area
D1	Place shaping
D2	Climate change, sustainable design, construction and energy
D3	Historic Environment
ID3	Sustainable transport for new developments
ID4	Green and Blue infrastructure

Guilford Borough Local Plan 2003 (as saved by CLOG Direction 24 September 2007):

G1(3) (8) (12)	General Standards of development
G5 (2) (3) (4) (5) (7) (8) (9)	Design Code
G6	Planning Benefits
H4	Housing in urban areas
M6	Provision for Cyclists and Pedestrians
NE4	Species Protection
NE5	Development Affecting Trees, Hedges and Woodlands

Effingham Neighbourhood Plan 2018:

ENP-G2	Landscape, Heritage, Character and Design
ENP-G3	Archaeology and the Historic Environment
ENP-G5	Assessing suitability of sites for residential development
ENP-H1	New Homes in Effingham
ENP-H2	Mix of Housing
ENP-ENV2	Wildlife Corridors and Stepping Stones
ENP-ENV6	Dark Skies
ENP-R1	Car Parking
ENP-SA3	Land at Orchard Walls

Supplementary planning documents:

SPD Vehicle Parking Standards 2006
SPD Climate Change, Sustainable Design, Construction and Energy 2020
SPD Planning Contributions 2017
Thames Basin Heath Special Protection Area Avoidance Strategy 2017

Other guidance

Guildford Borough Council - Guidance on the storage and collection of household waste for new developments July 2017

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- design, layout and housing mix
- living environment
- the impact on neighbouring amenity
- the impact on the Effingham Conservation Area
- highway/parking considerations
- impact on trees and ecology
- sustainable design and construction
- flooding
- infrastructure requirements
- presumption in favour of sustainable development

The principle of development

The site is no longer designated as Green Belt land following the adoption of the Local Plan 2019.

The site is identified in the Effingham Neighbourhood Plan Policy ENP-SA3 as allocated for residential development. The neighbourhood plan supports development of up to 6 new homes on this site replacing the existing house (a net increase of 5) subject to the following:

- compliance with policies ENP-G2, ENP-H2 and ENP-R1 of this Neighbourhood Plan
- design to be in keeping with the buildings in the nearby Effingham Conservation Area, including the Grade II listed buildings, and maintaining the shared red brick boundary wall which runs along the boundary of the Effingham Conservation Area.
- demonstration that the setting of the Effingham Conservation Area, and the character and appearance of Beech Avenue and Beech Close, are preserved and enhanced by the development
- the landscaping and layout of any proposals should conserve, as far as possible, the beech hedging along the boundary to preserve the character of the Beech Avenue area
- the main vehicular access is not on to Beech Avenue, to avoid worsening traffic problems along this busy road

There is no in principle objection to housing in this location. However, Officers must still be satisfied that the proposal complies with the development management policies set out in the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (adopted 25 April 2019) and policies contained within the Effingham Neighbourhood Plan 2018.

Design, Layout and Housing Mix

Paragraph 124 of the NPPF states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF notes that decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy D1 of the LPSS provides the Council's requirements with regard to place shaping. Point 4 states that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting. Policy ENP-G2 of the Neighbourhood Plan seeks to conserve the essential landscape, heritage and rural character of the plan area.

Policy ENP-H2 of the Effingham Neighbourhood Plan relates to Housing Mix and sets out requirements for new residential development. In relation to developments of fewer than 10 units which is relevant to this application the policy states the required mix of housing tenures, types and sizes to meet local housing requirements which are as follows:

Agenda item number: 5(2)

- at least 50% of market homes shall have one or two bedrooms
- the percentage of affordable homes shall be as set out in the Guildford Borough Local Plan

The policy clearly states that an exception of these requirements will only be permitted where the intention is to meet a specific housing need which requires a particular size or type of housing or, for reasons of financial viability, an alternative mix is required. Such exceptions must be supported by clear and recent evidence.

The planning application originally sought planning permission for 8 dwellings with a new access to Beech Close. Officers informed the applicant of their significant and numerous concerns relating to the design and layout of the proposals. Subsequently amended plans were received which addressed many of the issues relating to the design and layout namely:

- reduction in number of units from 8 to 6
- increased spacing between units 1 to 3
- reduction in bulk and height of proposed roofs and removal of large flat roofed area
- reduction in ground floor accommodation to enable a more proportionate split between the footprint of the houses and the rear gardens
- reduction in the scale of Plot 6 (formerly plot 8) to improve relationship with The Crossroads
- areas of flat roofs that could potentially have been used as terraces have been removed
- provision of parking and visitor parking to meet Council Standards
- redesign of the dwellings to address local character and vernacular concerns

However the amended proposals do not provide 50% market homes with one or two bedrooms as required by Policy ENP-H2 of the Effingham Neighbourhood Plan. The applicant has provided a Viability Report stating why on the grounds of financial viability they have not provided any smaller units. The Viability Assessment Report submitted concludes that:

" It is therefore clear that not only is the site unable to viably support a smaller policy compliant scheme, but neither the proposed 6 no. detached house scheme nor the smaller 6 unit policy compliant scheme can afford to provide any element of affordable housing contribution, with the larger proposed scheme only remaining viable if the development is sold on the basis of 100% private sales."

The Viability Assessment Report has been reviewed by an independent consultant appointed by the Council who has concluded that they agree with the conclusions of the VAR and that a smaller policy compliant scheme would not be viable. The review further states that the proposed scheme does appear viable based on their review of the assumptions. The report indicates that any number of smaller units would not be viable.

In terms of housing mix the proposal is for three 4 bed units and three 3 bed units.

The dwellings in the surrounding area are of varying designs, ages and sizes. The proposed development with 6 dwellings would have a density of 16 dwellings per hectare which compares with a density of Beech Close at 12 dwellings per hectare and The Crossroads at 27 dwellings per hectare. The proposed development would be accessed off Beech Close and would be a simple cul de sac of dwellings. The tall beech hedge that forms a distinctive feature around the road frontages to the site is to be retained with the exception of the area where the new access would be. The current access to the existing dwelling is to be closed and replaced with a new infill section of beech hedge to match the existing. A condition securing the retention of the hedge is recommended.

The amended plans have reduced both the number of units proposed on the site and the sizes of the proposed dwellings to better reflect the scale and character of the surrounding area. In addition, the amended plans pay more attention to the local vernacular and the semi rural character of the area. The spacing between the proposed dwellings is considered adequate. Plots 4 and 5 are chalet bungalows to reflect the scale and character of the adjacent property in Beech Close and Plot 6 is also a chalet style property adjacent to the boundary with properties within The Crossroads that back onto the site. A condition requiring details of proposed materials is recommended to ensure appropriate materials are used that reflect the semi rural character of the area.

It is considered necessary and reasonable that permitted development rights are removed to ensure any future changes will require planning permission and the Local Authority will be able to exercise some control over any future changes to the proposed dwellings given the semi rural character of the site, the size of the dwellings currently proposed and the site characteristics.

Landscaping of the site is proposed to ensure the proposals are sympathetic to the site and its surroundings. A landscaping condition is recommended to ensure appropriate landscaping is achieved to ensure visual amenities and neighbouring amenities are protected.

Living Environment

The proposed sizes of the 6 dwellings would meet with the DCLG's Technical Housing Standards - Nationally described Space Standards (March 2015) and the requirements of Policy H1 of the new local plan. The dwellings would have adequate amenity space. As such it is considered that a satisfactory environment in terms of outlook, privacy and adequate garden / amenity space would be provided with a suitable internal layout.

The impact on neighbouring amenity

The properties most affected by the proposals are 4,5, 6,7,8,9 and 10 The Crosslands and properties Cherry Trees, 11, and 12 Beech Close all of which lie immediately adjacent to the application site.

Plot 1 has no windows at first floor level other than a bathroom window which it is recommended to be conditioned to ensure it is obscure glazed and fixed shut below 1.7 metres. Whilst Plot 1 would be on slightly higher land than properties within The Crosslands due to the slope in the land, the separation distances and the orientation of the properties in relation to one another it is considered that there would be no undue impact on neighbouring amenity.

Plot 6 would be in a similar position to the existing dwelling, Orchard Walls . The plans for Plot 6 have been amended during the course of the application with the dwelling having been reduced in size from a full two storey dwelling to a chalet style property. In addition the first floor terrace area has been removed and there are now no windows proposed in the flank elevation facing the rear gardens of properties in The Crosslands nor properties in Beech Close. Given the existing situation and the changes made to the proposals during the course of this application it is considered that any impact of Plot 6 on neighbouring amenity would be no greater than the existing situation.

Plot 5 would be immediately adjacent to Cherry Trees. The proposed property would be a chalet style property similar to Cherry Trees. Following the receipt of amended plans with a reduction in the overall height of this proposed dwelling and the removal of a potential terrace area, it is considered that it would not impact unduly on the neighbouring property.

Whilst the points raised in relation to disturbance during the construction period are noted, it is inevitable that there will be a degree of disruption and disturbance during the construction process on any scheme, however, it is not reasonable to refuse a planning application on this basis. However, a condition is recommended in relation to hours of work given the residential nature of the surrounding area.

The impact on the Effingham Conservation Area

The northern and western boundaries of the application site mark the boundary of the Effingham Conservation Area. The site itself does not lie within the Conservation Area. There is an existing locally listed wall that runs along the northern boundary of the site. The listing identifies that this was the old boundary wall from the site when the site formed part of the orchard/kitchen garden of the Effingham House Estate. The wall is to be retained. A condition relating to the retention of the wall is recommended to ensure it is permanently maintained and retained.

On the western boundary of the site which also forms the boundary of the Conservation Area is a mature Beech Hedge which then also runs along the southern boundary of the site. The Beech Hedge is to be retained with the existing access to the property infilled with beech hedging to match the existing. The new access to the development site will require a section of the hedge being removed on the southern boundary. The Beech Hedge is an important feature in the locality and is visually attractive. A condition to ensure the retention of the Beech Hedge is considered necessary and appropriate in this location.

The two Grade II listed buildings within the vicinity, Effingham House and Crosslands are considered sufficient distance away from the application site to not be adversely impacted by the proposed development.

Highway/parking considerations

The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds have raised no objections to the proposals subject to the imposition of conditions relating to visibility zones to be constructed and provided and permanently kept clear of obstruction; parking and turning of vehicles so that they may enter the site in forward gear; bicycle secure parking; closure of the existing access on Beech Avenue; electric parking socket provision and a Construction Transport Management Plan.

A Construction Transport Management Plan is considered justified in this case due to the location of the site close to the junction of Beech Avenue and Beech Close. In addition, it is considered necessary due to concerns raised by local residents in relation to the existing rear access to Orchard Walls through the garages of properties in the Crosslands. A pre commencement condition relating to a Construction Transport Management Plan is recommended.

The proposed development proposes 9 visitor spaces and the following car parking spaces for each of the proposed dwellings:

Plot 1	Two car parking spaces and two garage spaces
Plot 2	Two car parking spaces and one garage spaces
Plot 3	Two car parking spaces and one garage spaces
Plot 4	Two car parking spaces
Plot 5	Two car parking spaces
Plot 6	Two car parking spaces and two garage spaces

The proposed car parking provision meets the requirements of Policy ENP-R1 of the Effingham Neighbourhood Plan and is in line with the Council's parking standards.

Impact on trees

The site lies outside of the Effingham Conservation Area and there are no Tree Preservation Orders relating to the application site. An Arboricultural Assessment has been submitted with the application. The comments by residents that a number of trees were removed from the site prior to the application being made are noted.

The assessment states:

"Although a lot of trees will be removed to allow the proposed development scheme to be completed, many of these will be mitigated by the planting of some smaller, but high quality trees once construction is completed and the landscaping is being carried out. In this respect, I consider the net arboricultural impact to be acceptable."

The Arboricultural Assessment recommends an Arboricultural Method Statement and a Tree Protection Plan. These can be secured through a pre commencement condition. In addition a landscaping condition is recommended to secure appropriate tree planting and an appropriate landscaping scheme to ensure the semi rural character of the area is retained.

Ecology

An ecological assessment report by ethos Environmental Planning dated July 2020 has been submitted with the application and a number of mitigation measures have been detailed in this report. A condition is recommended to ensure the mitigation measures included within this report are carried out. In addition, the ecological assessment report details a number of ecological enhancement measures. A further condition securing these further ecological enhancement measures is recommended to protect the nature conservation and biodiversity value of the site.

Sustainable Design and Construction

As set out in Policy D2 of the New Local Plan and the Council's Climate Change, Sustainable Design Construction and Energy SPD 2020, there is a requirement to achieve a 20 percent reduction in carbon emissions through the use of energy efficiency measures and low or zero carbon technologies and include water efficiency measures in line with building regulations. These measures can be secured by condition.

Flooding

The site is within the Flood Zone 1 (defined as having a low probability of flooding). The site is not designated as a critical drainage problem area and the site is a minor application and therefore there is no requirement for a drainage scheme to be submitted with the application.

Infrastructure requirements

Concerns have been raised regarding significant increase in demand for utilities and local infrastructure in Effingham. The proposal is of a minor scale where the Council is unable to seek financial contributions towards such infrastructure matters. Nevertheless, given the minor scale with a net increase of 5 dwellings it is considered unlikely that the development would put an unacceptable strain on local infrastructure.

Presumption in favour of sustainable development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, which means for decision-taking:

- “c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council’s Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

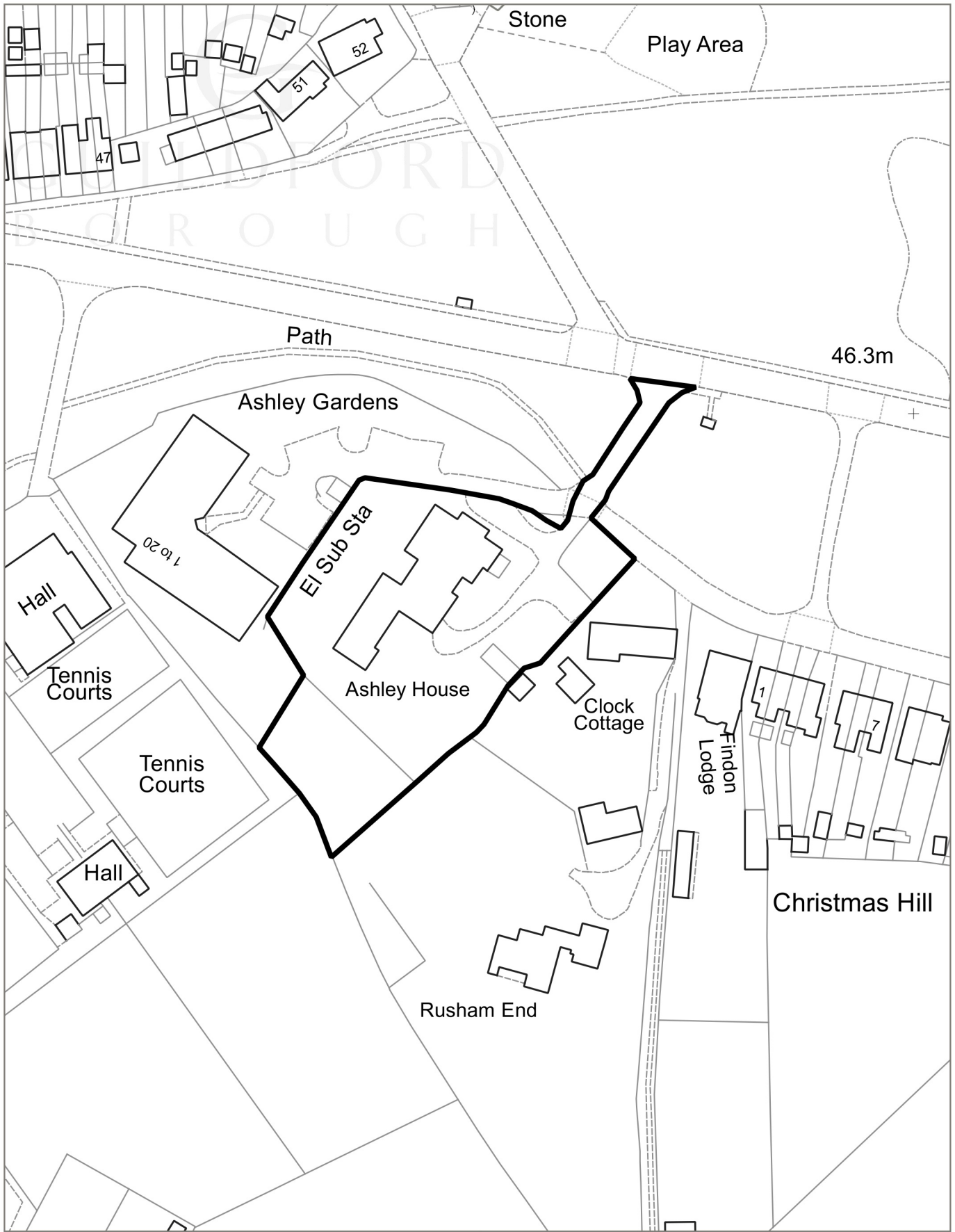
The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 7.34 years based on most recent evidence as reflected in the GBC LAA (2020). In addition to this, the Government’s recently published Housing Delivery Test indicates that Guildford’s 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

Conclusion.

The principle of the proposed development is found to be acceptable and the proposal would deliver a net increase of five new homes. The proposal would not have a detrimental impact on the character and appearance of the site or surrounding area and would not cause a significant impact to neighbouring amenity. The proposal is also considered to be acceptable in terms of impact on protected species and sustainability.

The application is therefore recommended for approval.

20/P/01291 - Ashley House, Christmas Hill, Shalford, Guildford



© Crown Copyright 2021. Guildford Borough Council.
Licence No. 100019625.

This map is for identification purposes only and should
not be relied upon for accuracy.

Print Date: 05/05/2021

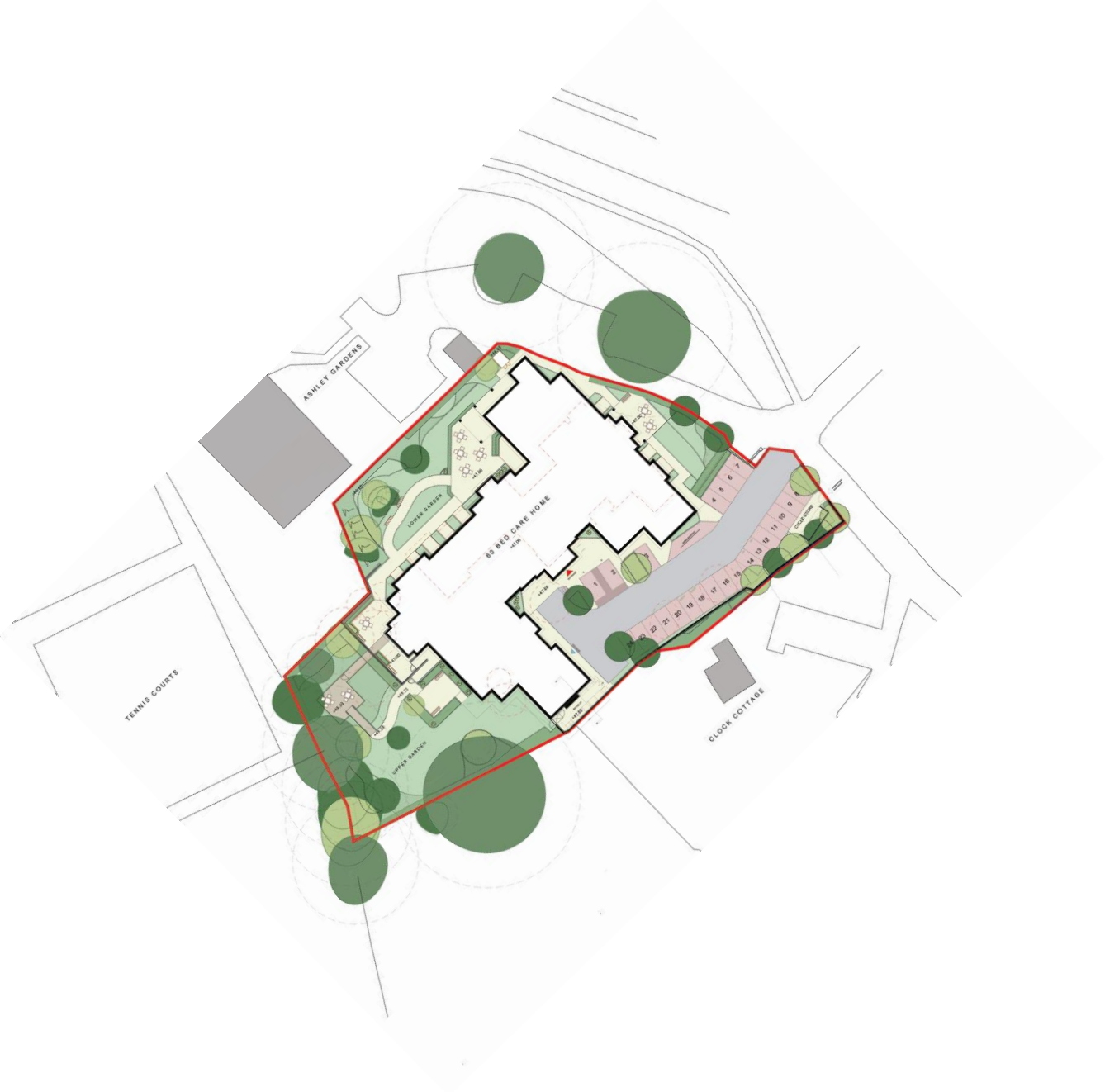


Page 99 Not to Scale



GUILDFORD
BOROUGH

20/P/01291 – Ashley House, Christmas Hill, Shalford, Guildford



Not to scale

App No: 20/P/01291 **8 Wk Deadline:** 30/04/2021
Appn Type: Full Application
Case Officer: Paul Sherman
Parish: Shalford **Ward:** Shalford
Agent : Mrs. Karine Johnson **Applicant:** Perseus Land &
Gillings Planning Developments Ltd &
Winchester Business Centre Barchester Healthcare Ltd c/o
10 Parchment Street Agent
Winchester
SO23 8AT

Location: Ashley House, Christmas Hill, Shalford, Guildford, GU4 8HN
Proposal: Erection of a care home (use class C2) with parking, access, landscaping and other associated works following demolition of the existing structure. (Amended plans received 01.02.21 revised footprint, landscaping, refuse strategy, external materials and appearance)

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because the application is a major application and more than 20 letters of objection have been received, contrary to the Officer's recommendation.

Key information

The application site comprises Ashley House Care Home and is located to the south of Christmas Hill and the A248 (Kings Road). The site extends to approximately 0.4ha and includes the existing two-storey care home building, landscaped gardens and parking areas. The existing building is a relatively large Victorian villa that has been extended in the 1960's and the 1980's although a number of original features remain.

The application seeks permission for the erection of a new Care Home (use class C2) with associated parking, access and landscaping following demolition of the existing Care Home. The proposed care home would provide 60 en-suite bedrooms as well as a resident's café, a hair and beauty salon, library, cinema and communal activity spaces. The building would also include "back of house" kitchens and staff areas.

The proposed building would be predominantly 'two and half storey' with the third floor of accommodation contained within the roof space of the building. The building would have a broadly 'H' shaped footprint and would be located within the centre of the site with areas of garden space to the west and south of the building. The area to the east of the building would be predominantly used for car parking and servicing areas.

Access to the development would remain via the existing track across the common and this would lead to a new car park providing 22 car parking spaces in addition to 12 bicycle spaces, an ambulance bay, and a turning area for refuse vehicles.

Summary of considerations and constraints

The application is located outside of the Green Belt and within the inset village of Shalford where the principle of development is generally considered to be acceptable. While the buildings to be removed have some historic and architectural interest they are not considered of sufficient quality to warrant statutory protection or inclusion on a local list of significant buildings. Accordingly, there are no reasonable grounds to resist the demolition of the existing building and there is no objection to its replacement with a new building.

The development would replace an outdated care home with a building which meets modern care and quality standards and would provide additional care home capacity to the local area for which there is an established need. The proposed building is considered to be of a good quality of design which includes materials and architectural details which would be sympathetic to the character of the local area. While the building would be of greater scale than the existing, the design of the building is such that it would be accommodated on the site without causing harm to the character or the appearance of the locality and would not harm the special landscape character of the wider area.

The development accords with the provisions of the Development Plan and relevant national planning policy and guidance and it is accordingly recommended that the application should be approved.

RECOMMENDATION:

(i) That a s.106 agreement be entered into to secure:

- **A contribution of £7,000 towards the cost of works to reduce the width of the access track**
- **A contribution of £45,000 toward road safety improvements to include the creation of a pedestrian refuge and highway widening on Kings Road / Christmas Hill**
- **A contribution of £4,600 towards the cost of Surrey County Council auditing the Travel Plan**

If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 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 Planning Development Manager

Approve - subject to the following condition(s) and reason(s) :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

<u>Drawing Number:</u>	<u>Title:</u>
0110 P1	EXISTING SITE PLAN
3568.01	TOPOGRAPHICAL SURVEY
3568.01	EXISTING PLANS & ELEVATIONS
102B	AMENDED LANDSCAPE PROPOSALS
0901 P2	AMENDED PROPOSED BIN STORE
0401 P3	AMENDED GA SECTION A
0301 P7	AMENDED PROPOSED ELEVATIONS
SHEET 1 OF 2	
0302 P7	AMENDED PROPOSED ELEVATIONS
SHEET 2 OF 2	
0220 P7	AMENDED SECOND FLOOR
ARRANGEMENT	
0210 P6	AMENDED FIRST FLOOR ARRANGEMENT
0201 P6	GROUND FLOOR ARRANGEMENT
137877/2000 REV A	PROPOSED DRAINAGE STRATEGY

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

3. No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to ensure the height of the development is appropriate to the character of the area. This is a pre-development condition as this information must be provided and considered prior to any change in the existing site levels.

4. Prior to the commencement of an internal or external works to the existing building a programme of building recording (including architectural/historical analysis) shall be carried out in respect of the building to be demolished. This recording shall be carried out by a suitably qualified and accredited historic building recorder. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the local planning authority.

Reason: To secure the proper recording of the listed building. This is a pre-development condition as the recording of the building can only be carried out prior to the demolition of the building.

5. Prior to the demolition of the existing building a detailed scheme for the reuse of the existing stained glass windows within the new building shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be undertaken in full accordance with the approved scheme.

Reason: To ensure that this historic feature can be accommodated within the new building.

6. The development hereby approved shall be undertaken in accordance with the approved Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prepared by The Landscape Partnership, dated January 2021. No development shall commence until tree protection measures, as set out in the approved AMS and TPP, have been installed and a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the LPA Tree Officer. There shall be no variation from the details approved in the AMS or the TPP unless those details have first been agreed in writing with the Local Planning Authority.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the tree protection measures need to be checked prior to the development commencing to ensure they are adequately installed.

7. Prior to the first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved by the Local Planning Authority. The LEMP shall include including long term design and ecological objectives as well as management responsibilities and maintenance schedules for all landscaped areas and shall identify any features in the building or the surrounding site included the purposes of enhancing biodiversity. Once approved the details and requirements of the LEMP shall be implemented in full accordance with the approved details.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation or historical significance.

8. The development hereby approved shall not be first occupied unless and until the proposed highway improvement works to the western bound bus stop and crossing point on Station Road have been implemented, generally in accordance with Drawing No. PC1405-RHD-GE-SW-DR-R-0003, and thereafter permanently maintained.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. 0102, for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /turning areas shall be retained and maintained for their designated purposes.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to travel by means other than private motor vehicles.

10. The development hereby approved shall not be occupied unless and until 5 of the spaces have been provided with a fast charge socket (7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). Once provided the fast charge sockets shall be retained and kept operational at all times the building is occupied.

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

11. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) measures to prevent the deposit of materials on the highway
- (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (i) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

12. The approved Travel Plan (**ref PC1405-RHD-ZZ-XX-RP-Z-0002**) shall be implemented prior to opening and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

Reason: To encourage travel by means other than private motor vehicles.

13. No development above ground level shall take place until details and samples of the proposed external facing, roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the building is satisfactory.

14. The development hereby permitted shall not 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) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.0 l/s.

b) 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.). Including details of the proposed raingardens.

c) A plan showing any existing surface water connections passing through the site from off site and how these flows will be maintained.

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

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

f) 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.

15. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.

16. The development hereby approved shall be undertaken in strict accordance with Section 5 "Mitigation and Avoidance Measures" Preliminary Ecological Appraisal (PEA) Report by The Landscape Partnership (dated July 2020) and Section 5 of the Bat Report and Activity Survey by Elite Ecology (June 2020). There shall be no variation from the approved details unless first agreed in writing with the Local Planning Authority.

Reason: In order to protect the nature conservation and biodiversity value of the site.

17. Prior to the commencement of development a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identified those protected species and habitats that may be impacted by construction activities, including but not limited to the adjoining SNCI and veteran tree, and shall set out what measures and construction practices will be implemented in the construction of the development to avoided or mitigate any potential impacts. Once approved the development shall be undertaken in strict accordance with the CEMP and there shall be no variation from it unless first agreed in writing with the Local Planning Authority.

Reason: To mitigate against potential impacts on existing biodiversity and nature habitats arising from construction activity. This is a pre-development condition as these measures must be in place before any development commences on site.

18. Prior to the commencement of any development, including demolition, a written Waste Management Strategy confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced. This is required to be a pre-development condition to ensure that a strategy for managing building waste can be implemented prior to the demolition of the existing building.

19. The development hereby approved shall be carried out in accordance with the approved Energy and Sustainability Statement and Technical Addendum (dated 22 February 2021). There shall be no variation from the details set out in these documents and the development shall not be occupied until a Verification Report has been submitted to and approved in writing by the Local Planning Authority confirming that the objectives of the original reports have been met.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was sought and provided which addressed initial issues, the application has been submitted in accordance with that advice, however, further issues were identified during the consultation stage of the application. Officers have worked with the applicant to overcome these issues.

2. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types. Installation must be carried out in accordance with the IET Code of Practice for Electric Vehicle Charging Equipment:
<https://www.theiet.org/resources/standards/cop-electric.cfm>
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.
4. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

Officer's Report

Site description

The application site comprises Ashley House Care Home and is located to the south of Christmas Hill and the A248 (Kings Road). The site extends to approximately 0.4ha and includes the existing two-storey care home building, landscaped gardens and parking areas. The existing building is a relatively large Victorian villa that has been extended in the 1960's and the 1980's although a number of original features remain. The site is bounded to the east by a modern residential development known as Ashley Gardens and to the west by a residential property known as Clock Cottage.

The site slopes gently upwards from the front to the rear with a total level change of approximately 3m. The site also sits at a lower level than the properties to the east and the boundaries include a mixture of retaining walls as well as banking. The site includes mature landscaping and a number of mature trees. The site is accessed via a single lane (two-way) track that crosses the common and also serves Ashley Gardens and a number of other properties located on Christmas Hill.

The site is located within the village inset boundary and is outside of the Green Belt. It is located within an Area of Great Landscape Value and is approximately 250m from the boundary of the Surrey Hills Area of Outstanding Natural Beauty which lies to the north of the site. The site is adjacent to the Shalford Common Site of Nature Conservation Importance and is also within the 5km-7km buffer zone of the Thames Basin Heaths Special Protection Area.

Proposal

The application seeks permission for the erection of a new Care Home (use class C2) with associated parking, access and landscaping following demolition of the existing Care Home. The proposed care home would provide 60 en-suite bedrooms as well as a resident's café, a hair and beauty salon, library, cinema and communal activity spaces. The building would also include "back of house" kitchens and staff areas.

The proposed building would be predominantly 'two and half storey' with the third floor of accommodation contained within the roof space of the building. The building would have a broadly 'H' shaped footprint and would be located within the centre of the site with areas of garden space to the west and south of the building. The area to the east of the building would be predominantly used for car parking and servicing areas.

Access to the development would remain via the existing track across the common and this would lead to a new car park providing 24 car parking spaces in addition to 12 bicycle spaces, an ambulance bay, and a turning area for refuse vehicles.

Relevant Planning History

There is no planning history relevant to the current proposal.

Consultations

Statutory consultees

County Highway Authority: No objection subject to conditions and subject to the provisions of financial contributions to road safety improvements and the cost of auditing the Travel Plan

Lead Local Flood Authority: No objection subject to conditions

Natural England: No objection

Thames Water: No objection

Internal consultees

Arboricultural Officer: No objection subject to conditions, the applicant has submitted amended plans which now address the concerns raised in respect of the impact on the veteran Elm tree located on the adjoining land.

Operational Services: The development will produce commercial waste and as such does not fall to be collected by GBC

Non-statutory consultees

SCC Archaeology Officer: No objection and no requirement for further archaeological investigations required.

Woodland Trust: Objection. The buffer zone afforded to the veteran Elm tree has been increased from the capped 15m (as per BS5837 guidelines) to 16m but this should be 18m to accord with the Woodland Trust standing advice. (Officer note: amended plans address the concerns raised in respect of the impact on the veteran Elm tree located on the adjoining land)

Parish Council

Shalford Parish Council: Objection. While the Parish Council do not object to appropriate development or the provision of new care facilities, the current scheme is not supported for the following reasons;

- Location - The character of the area is rural and not urban
- Heritage Assets - The current Ashley House is recognised as a landmark of Shalford which is visible from the North Downs and St Martha's Hill. The property contains a number of Victorian features and it is worth for consideration for Local Listing and Policy D3 of the Local Plan support the protection of Heritage Assets.
- Surrey Hills AGLV - this designation is there to maintain a spaciousness of the buildings within a landscape and the forthcoming review of the AONB by Natural England is likely to recommend its inclusion within the AONB. The size and bulk of the proposed new building goes against the principle of spaciousness within both the AGLV and the 1.09 acre site. Policy P1 of the 2019 Local Plan requires development to be consistent with the intention of protecting the distinctive landscape character of the area. (Officer note - the extent of the AONB must be considered at the time of the application and decisions cannot predict the outcome of future reviews)

- Insetting within the Green Belt - although the village is now inset from the Green Belt Policy D1 of the Local Plan requires development to have particular regard to the pattern of the village and surrounding landscape, the views of the village from the surrounding landscape and the views within the village of local landmarks
- Layout and design of the current proposals - the increase in the height of the proposal is excessive and creates a three-storey building which will impact on Clock Cottage and Ashley Gardens as well as balconies overlooking Ashley Gardens and possibly affecting light and privacy to the ground floor flats of Ashley House. The boundary with Clock Cottage provides inadequate protection between the garden and the proposed parking areas for both noise and emissions. The building will also be out of keeping with the skyline of Christmas Hill and does not accord with the true character of Christmas Hill. The garden will be much reduced in size and will result in the loss of a number of existing features including the pond, greenhouse, and trees.
- Access and Transport - the site is accessed by an unadopted road with a poor surface and lacks a footpath. There are issues with parking on this road and in the area with unauthorised parking causing difficulties for both residents and service vehicles. The route from the site to the village is not suitable for elderly residents in order that they may access the local facilities. Vehicle speeds in the area are considerable and this poses a danger to pedestrians accessing or exiting the site. Public Transport options in the village are limited and a full traffic survey should be completed to assess the current level of traffic through Shalford. The level of parking to be provided on the site is insufficient and would not cater for the full number of staff and likely visitors.
- Biodiversity - the proposal adjoins Shalford Common and open fields to the rear and there is no consideration to the loss of the gardens as a green corridor between these two areas of open space. There is also the potential to impact on trees including the veteran Elm tree in the garden of the adjoining property

Following the submission of amended plans Shalford Parish Council made the following additional comments:

- Satisfied that potential issues in respect of the veteran Elm tree have been resolved
- The changes from timber cladding to tile hanging results in a building more in keeping with its surroundings
- Pleased to see that agreement has been reached with regard to a contribution to the cost of narrowing the access track and to the provision of speed reduction measures but remain concerned in respect of the impact of narrowing the access track on service vehicles
- The proposed amendments do not change the original concerns regarding the bulk of the building, the limited green space around the site and the impact on the surrounding Common in particular the very busy residential and pedestrian areas of Christmas Hill

Amenity groups / Residents' associations

Ashley Gardens Residents Association: Objection. The proposed building would be excessively large and would appear very dominant and out of character in the locale. The level of parking is considered to be inadequate and potentially cause safety issues to the local community with unauthorised parking on the access road. The A284 has a high volume of traffic and turning onto the access track is a highway safety issue and the traffic using the access road is a safety issue for pedestrians.

Guildford Society: Objection. The large increase in the mass of the building and the proximity to the boundaries represents an over development of the site. The excessive accommodation results in the significant loss of garden and amenity space for the residents, with nearly three times the number of residents now proposed, this results in insufficient amenity space on the site. Suggest that the number of bedrooms is significantly reduced.

Third party comments

There have been 46 letters of representation have been received raising the following principal objections and concerns:

- building is of excessive size and bulk
- excessive height and three-story building is excessive
- detract from the character of the village
- scale of the building is not reflective of a village setting
- loss of historic and characterful building
- adverse impact on the landscape
- harm to views into the village
- adverse impact on the AONB / AGLV
- disruption from construction traffic
- increased road traffic
- congestion in the area is already severe
- roads are currently over capacity
- access is limited and restricted
- access for emergency facilities is not suitable
- adverse impact on highway safety
- increased risk to pedestrians
- insufficient parking on site
- disruptions to the access for existing residents
- impact on trees including those protected by TPO
- loss of garden area
- impact on biodiversity
- impact on veteran Elm Tree
- veteran Elm tree is an important habitat for butterfly's
- would not contribute to the economy of the village
- staff would likely have to commute as would not be able to afford local housing
- surplus supply of care home accommodation in the area
- no evidence of need for new care home
- noise and air pollution from construction activities
- increase number of people on the site will result in more noise and disturbance
- impact on day and sunlight to adjoining properties
- adverse impact on people using footpaths and village green

While no letters of support have been received some of the letters of representation raise the following positive comments:

- clear need for a new care home
- more capacity would be a benefit to the village

The applicant submitted amended plans on the 1st February 2021 which include changes to the footprint, external materials and appearance of the building, the landscaping of the site, and the proposed refuse strategy. These plans have been subject to consultation and 2 letters of representations have been received in respect of the amended plans both stating the amended plans do not overcome the objections previously raised.

Planning policies

National Planning Policy Framework (NPPF):

Core planning principles
Chapter 2. Achieving sustainable development
Chapter 4. Decision-making
Chapter 5. Delivering a sufficient supply of homes
Chapter 6. Building a strong, competitive economy
Chapter 8. Promoting healthy and safe communities
Chapter 12. Achieving well-designed places
Chapter 14. Meeting the challenge of climate change, flooding and coastal change
Chapter 15. Conserving and enhancing the natural environment
Chapter 16. Conserving and enhancing the historic environment

South East Plan 2009

Policy NRM6: Thames Basin Heaths Special Protection Area

Guildford Local Plan: Strategy of Sites 2015-2034

Policy S1: Presumption in favour of sustainable development
Policy S2: Planning for the borough - our spatial development strategy
Policy H1: Homes for all
Policy P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value
Policy P4: Flooding, flood risk and groundwater protection zones
Policy P5: Thames Basin Heaths Special Protection Area
Policy E5: Rural economy
Policy D1: Place shaping
Policy D2: Climate change, sustainable design, construction and energy
Policy D3: Historic environment
Policy ID1: Infrastructure and delivery
Policy ID3: Sustainable transport for new developments
Policy ID4: Green and blue infrastructure

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

Policy G1: Standards of Development
Policy G5: Design Standards
Policy NE4: Species Protection

Supplementary planning documents

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD
Climate Change, Sustainable Design, Construction and Energy SPD
Planning Contributions SPD
Vehicle Parking Standards SPD
Residential Design SPG

Planning considerations

The main planning considerations in this case are:

- the principle of development and the loss of the existing building
- the need for additional care home capacity in the area
- the impact of the development on the character of the area
- the impact of the development on landscape character, the impact on the AGLV and the setting of the ANOB
- the impact of the development on trees within and adjoining the site
- the impact of the development on biodiversity
- the impact of the development on highway and pedestrian safety
- the level of car parking and access to sustainable transport options
- the impact of the development on neighbouring amenity
- the impact of the development on the Thames Basin Heaths Special Protection Area
- any potential legal agreement requirements

The principle of development and the loss of the existing building

Both the NPPF and Policy S1 of the Local Plan included the presumption in favour of sustainable development. Development that accords with the policies set out in an up to date Development Plan is deemed to be sustainable development. The Guildford Local Plan: Strategy of Sites 2015-2034 (the LPSS) is an up to date plan and development which accords with the provisions of the plan benefit from the presumption in favour of development.

The application site is located within the village of Shalford which is inset from the Green Belt. Within the built-up area of the village new development as well as the redevelopment of brownfield sites is acceptable in principle subject to the considerations of other matters of recognised importance and the other policies set out in the LPSS. These will be assessed in the following sections of this report.

The application seeks consent for the erection of a new purpose-built care home and will follow the demolition of the existing building. The current care home building is not statutory Listed and is not included on a Local List of historically significant buildings, but it is not without historic and architectural interest. The original building on the site dates to the mid to late 19th Century and a plaque on the building shows a date of 1875 although it is not clear if this relates to the construction or completion of the building, or the date of a substantial refurbishment.

Although the building is not statutory or locally listed the Councils Senior Conservation Officer has assessed the existing building as to whether it is of significant quality to be included on a Local List. This assessment includes consideration of the age of the building, the rarity of the buildings features in a local context, its aesthetic interest, any group value with surrounding buildings, its historical association, landmark value, and social and community value. This assessment has concluded that whilst the property is of some local significance and interest, historically and architecturally, it is not of a suitable quality to be included in the local list, particularly as the property and its setting has undergone extensive alterations. For these reasons the building would fall significantly below the necessary significance for statutory listing.

Given the building is not included on a local list of significant buildings and has been assessed as falling below the quality necessary to justify inclusion on a local list there are no legitimate grounds to resist the demolition of the existing building. It should also be noted that, short of statutory Listing, there is nothing to prevent the applicant seeking to demolish the building through a notification under the Permitted Development regulations and this would not require the grant of a planning permission by the Council.

In conclusion, it is considered that the principle of the development is acceptable and there are not legitimate grounds to resist the demolition of the existing buildings. The development should benefit from a presumption in favour of development should it be found to comply with the other requirements of the development plan, and this will be assessed in the following sections of this report.

The need for additional care home capacity in the area

The applicant advises that there is significant need for additional purpose-built care home accommodation in the local area and this includes both general elderly persons accommodation as well as specialist dementia care bed spaces. The applicant assesses the need to be approximately between 138 and 216 bedspaces within a 5.5-mile catchment area for the proposed development as well as a need for 185 bedspaces for specialist dementia care.

The Councils identified need for care / nursing home accommodation is set out within in the Strategic Housing Market Assessment (SHMA) Addendum Report 2017 and is identified as 433 bedspaces over the plan period. Policy H1 of the LPSS states that the provision of well designed specialist forms of accommodation in appropriate locations will be encouraged. While the LPSS does not set a specific target for the provision of C2 accommodation a number of sites are identified to meet part of this need including Site Allocations A22 (Land north of Keens Lane) A35 (Former Wisely Airfield); it is also expected that the other Strategic Sites will include an element of specialist residential accommodation and this may include care / nursing home accommodation. The sites allocated for care home accommodation (A22 and A35) account for approximately 160 bedspaces against identified need of 433 bedspaces and therefore it is clear that additional sites providing care home bedspaces will be required during the plan period. Policy H1 allows sites that come forward for redevelopment, where they are suitably located and acceptable in other respects, to be supported.

There is a clear need for specialist care home accommodation in the borough and this need will be met from sites other than those specifically allocated for such accommodation in the LPSS. The site currently provides care home accommodation, it is well located in proximity to the centre of the village and is close to the urban area of Guildford. The site is considered to be well suited to redevelopment that provides additional care home accommodation and the proposed development would meet part of that identified need by the LPSS. The provision of this accommodation should be given weight in favour of the proposed development.

A number of the representations against the proposal have stated that there is no need for such accommodation, or that this accommodation is not needed in this area. While this is not accepted, for the reasons set out above, it should be noted that it is not incumbent on the applicant or the Council it demonstrates a need for the proposed development. A lack identified need would simply remove the positive benefit of providing the accommodation and would not introduce a negative factor in the planning balance or suggest that planning permission should not be granted. The development would be required to be considered on its other merits and against the other policies set out in the LPSS.

In conclusions, and for the reasons set out above, the development is considered to contribute to the identified need for car home accommodation in the Borough and this should carry weight in favour of a grant of planning permission. The development would also meet the objectives and requirements of Policy H1 of the LPSS and would contribute to the need to provide high quality residential accommodation for all sections of the community.

The impact of the development on the character of the area

Policy D1 of the LPSS makes clear that all new developments will be required to achieve a high standard of design that responds to distinctive local character of the area in which it is set. Policies G1 and G5 of the LP2003 also seek to ensure that development is of a high-quality design and that it reflects the character of the area in which it is located. This includes considerations of building scale, heights and architectural details.

The application site is located off Christmas Hill, south of the A248 (Kings Road) and south of Shalford Common. The existing building is relatively attractive and includes some good examples of Arts and Crafts architecture. The building is visible from the common land to the front of the building and can be seen in glimpsed views from the A248 but recent developments and the surrounding landscaping limit the extent to which the building is visible from other parts of the village.

The applicant seeks permission for the erection of a new purpose-built care home following the demolition of the existing buildings. The new building is intended to provide 60-bedspaces, this is a significant increase in the level of accommodation on the site and this is reflected in a building with a significantly greater footprint than the building it is to replace. The building would also have a greater mass and bulk and would include three-storeys of accommodation across most of the building. The applicant has sought to reduce the visual impact of this increase in the scale of the building through articulating the building façade and through the inclusion of projecting gables, dormer windows and tile hanging and this also attempts to reflect some of the features of the existing building. The materials chosen are also intended to reflect the predominant building materials in the local area and includes red tiles for the roof and the tile hanging as well as red multi stock brick.

The increase in the footprint of the building also reduces the spacing that currently exists between the building and the plot boundaries and reduces the open spaces available to provide a landscape setting for the new building. The application is however supported by a well-considered landscape proposal that identifies how the remaining garden areas could be landscaped to soften the appearance of the building as well as providing useable areas of amenity space for the future residents.

While the building would be of greater scale than the existing building on this site there are other examples of large buildings in the local area, in particular the residential building at Ashley Gardens which adjoins the site to the west. It is considered that the careful attention to the detailing of the building, the use of sympathetic materials as well as the landscaping of the site would ensure that the building would integrate well into the site and sit well with the adjoining properties. The combination of the loss of the existing building and the scale of the new proposals would result in a modest change to the character of this part of Christmas Hill but not to such an extent that it would cause any demonstrable harm to the character or the appearance of the surrounding area. For these reasons the development is considered to comply with the requirements of Policy D1 of the LPSS as well as policies G1 and G5 of the LP2000.

The impact of the development on landscape character, the impact on the AGLV and the setting of the ANOB

The application site is located within the Shalford Rural-Urban Fringe Character Area as identified by the Guildford Landscape Character Assessment & Guidance 2007 (the GLCA). This area is described as a gravel terrace bordering the floodplain of the River Wey to the south of Guildford and forms an informal, piecemeal landscape comprising a mix of open land, blocks of residential development, commons, parkland, allotments and industrial uses (e.g. waterworks, sewage works and gravel pit/tip). It also notes the areas distinct historic character created by the presence of informal areas of common land, churches within their setting of yew trees and enclosed graveyards, mature ornamental trees and some distinctive built elements associated with Shalford Park. Some of the key positive landscape attributes are the historic pattern and form of settlement with common edges houses, grand red brick houses and lines of cottages, and the extensive common at Shalford and the wide grass verges that flank the road.

The GLCA (page 89) states that new built development and redevelopment of sites should:

- Conserve the informal character of development, permeated by open gaps and open spaces. A continuous developed frontage along the A281 would create a very different character and the perception of an extended urban area.
- Ensure development does not impinge on the rural setting of the River Wey.
- Conserve the wooded embankments along the Shalford Road, which provide effective containment of the urban edge (garden suburb).
- Conserve the character and setting of the historic properties along the A281. Conserve the setting of landmark features such as the churches.

The application site is also located within the AGLV which is identified for its inherent landscape quality and importance in conserving the landscape setting of some towns and villages. The AGLV also serves to act as a buffer for the AONB and, while the AGLV designation carries less weight, Policy P4 of the LPSS requires that development within the AGLV should demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself.

The application site is approximately 250 metres from the closest part of the AONB which is located north of the A248 while it is approximately 1.5km from the section of the AONB that lies to the east of A3100. Given that the development proposes the replacement of an existing building, albeit with a marginally taller one, the changes on the view from and the setting of the AONB would be largely imperceptible. While the new building may be visible in some views from the AONB these would be distant, and the building would continue to be seen in a cluster of other buildings in a landscaped setting. The development would therefore not have an impact on the setting of the AONB.

The building would be marginally more prominent in closer views such as those within the AGLV but it is again considered that the scale of the replacement building is not so significant as to be able to reasonably claim that it would impact on the landscape character of the area as a whole. The development would preserve the informal character of this cluster of buildings and would not impinge on the common or the large grass areas to the front on the development line that is characteristic of the landscape character area. The development would not harm any of the key features of the landscape character area identified by the GLCA and would respect the principles it identifies for new buildings.

For all these reasons it is considered that the development would preserve the landscape character of the area and would not harm the setting of the AONB. The development would therefore comply with the requirements of Policy P4 of the LPSS and the objectives of the GLCA.

The impact of the development on trees within and adjoining the site

The application site includes a number of mature trees including 1 identified as Grade A and 10 Grade B in the tree survey submitted in support of the application. The remaining trees are identified as Grade C or below. The application site is also covered by TPO 1974. No2 which was originally served to protect 18 trees on the land at Ashley House and Ashley Gardens. Of these trees the TPO map shows 4 of these fall within the application site, however only 1 of these trees remains which is an Yew tree identified as T14 on the TPO and as T3 on the applicants tree survey. Despite being protected by the TPO this tree is not of high quality.

The development would require the removal of 12 trees, including the protected Yew tree, and all of the trees shown to be removed are of relatively low quality. The Councils Arboricultural Officer has considered the application and the tree survey provided and has raised no objection to the development subject to suitable replanting and measures to ensure that the trees to be retained are suitably protected during the construction process. This could be secured by planning conditions in the event that planning permission was to be granted.

The development does have the potential to impact trees on adjoining land and most notably this includes a European White Elm (T17) which is a veteran tree of high quality. The applicant has amended the scheme from that which was originally submitted to afford a greater buffer to this tree and to afford it a better level of protection both during and post construction. The Woodland Trust have been consulted on the application and advised that while the buffer to this tree has been increased to 16 metres they feel that this should be a minimum of 18 metres given the girth of the tree.

The Councils Arboricultural Officer has however advised that given the tree is located within an open area of lawn, the buffer zone of 16 metres now proposed is adequate to ensure the protection of this tree and requiring an increase to 18 metres would offer insignificant additional protection or benefit to the tree. It should be noted that the elements of the proposal that would fall within this 18 metre buffer is limited to one corner of the proposed building and much of the root protection area of the tree would be far greater than 18 metres and would be unaffected by the development. While the comments of the Woodland Trust should be noted there is no evidence to suggest that complying with this requirement would be of benefit to the tree and it would be unreasonable to withhold consent on these grounds.

It is therefore considered that while the development would require the removal of a number of trees, these trees are generally of low quality and the development would protect the higher quality trees on and adjoining the site. The proposal allows for the re-planting of new trees on the site to replace those to be removed and according the application is considered to comply with the requirements of Policy ID4 of the LPSS and the policy set out in the NPPF.

The impact of the development on biodiversity

The application site is located adjacent to the Shalford Common SNCI and the site has the biodiversity potential in its own right with a number of mature trees and a historic building. The application is supported by a Preliminary Ecological Appraisal (PEA) Report and by a Bat Activity Survey which provides suitable information for Council to consider the impact of the development on biodiversity.

Surrey Wildlife Trust have considered the application and advises that, should the Council be minded to approve the application, the Mitigation and Avoidance Measures set out in the PEA report should be secured by way of condition. It also notes that the development will require a European Protected Species licence in advance to any development which may impact on bats; such works will then need to be undertaken in accordance with the licence as issued by Natural England. The Trust also recommend that any landscaping scheme submitted for the site should ensure that biodiversity net gains are secured along with the management of the site for biodiversity value in the longer term.

Both Surrey Wildlife Trust and the Butterfly Conservation Trust have noted that the veteran Elm tree located on the adjoining land supports a population of White-letter Hairstreak butterfly and that any development which adversely impacts on this tree is likely to adversely impact on this species which is identified by the Natural Environment and Rural Communities (NERC) Act 2006 as a species of principal importance for the conservation of biodiversity in England. As is noted above, the Councils Arboricultural Officer is satisfied that the development would not adversely impact on this veteran tree and accordingly the development is not likely to impact on the species which rely on this tree as habitat.

It is therefore concluded that, subject to suitable planning conditions, the proposed development would not adversely impact on species or habitats of recognised importance and the implementation of a landscape and ecological management plan would enhance the biodiversity value of the site. For these reasons the development complies with the requirements of Policy ID4 of the LPSS and the relevant policy set out in the NPPF.

The impact of the development on highway and pedestrian safety

The application site is located south of the A248 (Kings Road) and is accessed by a single lane two-way track that crosses the common land that separates the site from the highway. While the application only seeks the replacement of the existing care home the proposed development would increase the scale of the development on the site and would include a greater number of residents and an increase in the number of staff employed on the site. Accordingly, the development is likely to increase trips to and from the site and in particular the number of vehicle movements along the access track to the A248, as well as an increase in vehicle movements on the surrounding road network.

The NPPF makes clear that planning permission should only be refused on transport grounds where the impact of allowing development would be severe; this sets a high bar for harm when considering the impact of the development on the local transport network. It should also be noted that, even when the local transport network is at or over capacity, it is unlikely that a small increase in vehicle movements could be shown to have a 'severe' impact.

The applicants Transport Statement identifies that over the course of a typical weekday, a total of 120 vehicle movements two-way would be expected with 60 arrivals and 60 departures. Of these movements only 9 two-way vehicle trips AM Peak hour (08:00-09:00) and 7 two-way vehicle trips in the PM Peak hour (17:00-18:00) are expected. This equates approximately 1 vehicle movement every six minutes on the site during the weekday peak hour periods. This represents an increase from the current level of vehicle movements estimated to be 4 two-way vehicle trips AM Peak hour (08:00-09:00) and 3 two-way vehicle trips in the PM Peak hour (17:00-18:00).

All of the proposed vehicle movements would be required to use the track that crosses the common to the A248 and the Councils Countryside Manager has advised that the Council regularly receives complaints about the access track to Ashley Lodge being blocked by parked cars, and thus making it difficult for emergency services to access Ashley House increasing the potential conflict with pedestrians seeking to access the bus shelter on Kings Rd / Christmas Hill.

Accordingly, a contribution of £7,000 has been requested to reduce the width of the access track by (by approximately 300mm) and associated signage on the access track to prevent parking of vehicles. This will also improve this route for pedestrians and given the low level of additional vehicle movements associated with the proposed development it is not considered that it would give rise to any adverse impact on pedestrian safety. This level of vehicle movement is well below a level normally considered acceptable on shared surfaces where vehicles and pedestrians would mix.

The County Highway Authority has considered the application and the Transport Statement submitted and has advised that, given the relatively low level of additional vehicle movements generated by the proposal, it has no objection to the proposal on highway safety, policy or capacity grounds. This is subject to a condition and a financial contribution towards highway improvement works to the western bound bus stop and crossing point on Station Road / Christmas Hill. The road safety improvement measures would result in reduced speed of vehicles within the vicinity of the site which in turn will increase safety for pedestrians and cyclists accessing the site and the local amenities.

Having regard to all of the above it is concluded that the development would not give rise to any adverse impact to highway safety and the contributions to be secured would enhance the safety of pedestrians in the vicinity of the site. For these reasons the development is considered to comply with the requirements of policies ID1 and ID3 of the LPSS and the policy set out in the NPPF.

The level of car parking and access to sustainable transport options

The application site would provide 24 car parking spaces in addition to a dedicated ambulance bay; this equates to 0.4 spaces per bedspace. By way of comparison the current care home includes 8 car parking spaces to serve the 23 existing bedrooms which equates to 0.35 spaces per bedspace. It should however be noted that the parking spaces proposed would be for staff and visitors to the care home and would not be for residents.

Guildford Vehicle Parking Standards SPD sets a maximum parking standard of 1 car parking space per 5 residents, which equates to 0.2 spaces per bedspace. Accordingly, the proposed provision of 0.4 bedspaces exceeds the current maximum standard set out in the SPD. The NPPF makes clear that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Given that the SPD pre-dates the NPPF the maximum standard must be given reduced weight and should not be applied rigidly.

The applicants Transport Statement includes an assessment of trips associated with the development by private car and a parking accumulation exercise. This assessment shows that the maximum likely level of parking accumulation on site would be 18 vehicles (between 13:00 and 14:00) which equates to a maximum anticipated parking occupancy of 75%. Accordingly, it is unlikely that the level of parking demand would outstrip the level of parking on the site and the level of parking is considered suitable for the development proposed.

The application is also supported by a Travel Plan which seeks to encourage to travel to and from the site by sustainable modes. The application site is located on the edge of the village and is in a sustainable location. There are bus stops within close proximity of the site and Shalford Train station is also within a comfortable walking distance. The village centre also provides a range of amenities and is within 500m of the application site. The successful implementation of the Travel Plan will further reduce the need for travel to and from the site by private car and further reduce the need for parking. The location of the site, close to built up areas, also allows the possibility that staff living locally would be able to walk or cycle to the site.

Having regard to all the above it is considered that the application site is located within a sustainable location with good access to public transport. While the level of parking is above the locally set maximum standard, this should not be applied rigidly, and the applicant's assessment provides a robust justification of the need for parking on the site. The level of parking is appropriate to the development and is not so high as to undermine the objectives of promoting sustainable transport. The proposal is therefore considered to comply with the requirements of Policy ID3 of the LPSS and the policy set out in the NPPF.

The impact of the development on neighbouring amenity

To the east of the site is a large residential building known as Ashley Gardens which contains a number of apartments for the elderly. This building includes a number of windows to habitable rooms on the elevations facing the application site however these windows generally overlook the parking area of Ashley Gardens and are a significant distance from the common boundary. While the proposed building would be within 5 metres of this shared boundary at its closest point, the greater part of the building would be more than 16 metres from the common boundary. It is considered that the intervening distances, combined with the oblique angles between windows serving primary accommodation in each building is sufficient to ensure that the proposed development would not give rise to any material loss of privacy to the occupants of Ashley Gardens.

The proposed building would be visible from the communal garden space serving Ashley Gardens however as these spaces are communal, they do not currently benefit from a high degree of privacy. Notwithstanding this, the proposed development would not result in any significant direct overlooking of these communal areas. The development would also not be of such a scale as to appear unneighbourly or overbearing when viewed from Ashley Gardens and any potential impact would be further mitigated by the proposal landscaping scheme that it is to be secure by way of condition. While the effect of the landscaping would vary over time and could be expected to mature it is noted that this could be removed in the future. In any event, the building relationships are considered to be acceptable and it would not be reasonable to withhold planning permission on these grounds or required overly stringent long-term management requirements for the proposed planting.

To the east and south east of the site are residential properties known as a Clock Cottage and Rusham End. The boundaries to the properties are currently well landscaped and while the proposed development would be partially visible from some areas of these properties it would not appear overbearing or unneighbourly. The siting of the proposed development also ensures that the distance between the proposed building and the site boundaries is significant and while there would be a number of habitable windows in the flank elevations facing these properties, the development would not materially impact on the privacy currently enjoyed by the occupants of these properties.

While the proposed development will result in a larger number of residents being present on the site it is not considered that the proposal would give rise to such a significant increase in noise and disturbance such as to impact on the quiet enjoyment of the garden areas of the adjoining properties. The proposed parking area would be located adjacent to the flank elevation of Clock Cottage but this is an area currently used for parking. While the number of vehicle movements in the new car park is likely to increase vehicle movements would remain modest, especially in the evening hours and overnight.

The increase in the footprint of the building would reduce the extent of the site which would serve as a garden area for occupants of the development and would also increase the number of residents who be present on the site. While there are no set standards for amenity space serving care homes all developments should seek to provide sufficient outdoor space to meet the passive recreational requirements of the intended residents. In this case, while the size of the outdoor space is relatively constrained the application includes a landscaping strategy which carefully considers how this area could be used and how this would be of benefit to the residents. It is considered that the outdoor space provided would be appropriate given the intended use of the site and that it would meet the reasonable expectations of the future residents.

Having regard to all the above it is concluded that the development would not give rise to any adverse impact on the amenities enjoyed by the occupants of the adjoining properties and would not impact on the level of privacy the occupants of these properties currently enjoy. For these reasons the development complies with the requirements of policy D1 of the LPSS and policies G1 and G5 of the LP2003.

The impact of the development on the Thames Basin Heaths Special Protection Area

The application site is located within the 5 to 7km buffer zone of the Thames Basin Heaths Special Protection Area (TBH SPA). Within this zone large scale residential development may have the potential to impact on the integrity of the protected sites and may require avoidance or mitigation measures; large scale developments are identified as those that are more than 50 dwellings. The Councils TBH SPA Avoidance Strategy that development within this buffer zone will be considered on a case by case basis and in consultation with Natural England.

The main potential impact on the is that resulting from recreational pressure and urbanisation associated with residential development (e.g. cat predation, dog walking and general recreational use). In this instance the development proposes a care home providing 60 bed-spaces falling within Use Class C2. Given the use falls within Use Class C2 the bedspaces are not equivalent to dwellings, which would fall within Use Class C3, and therefore does not meet the indicative threshold for a likely impact as set out in the Avoidance Strategy. For the same reason the occupants of the development are likely to be less mobile, have limited access to private cars as a means of transport, and are relatively unlikely to access the TBH SPA for the purposes of recreation. It is also noted that the occupants would not be able to keep dogs which is one most common reason given by those who do visit the TBH SPA for their purpose of their visit. Natural England have raised no objection to the proposed development and have advised that the development would not have a likely significant adverse impact on the protected site and have advised that neither mitigation nor avoidance measures are required.

The development would therefore not have a likely significant adverse impact on the TBH SPA and no mitigation or avoidance measures are required. For these reasons the development meets the requirements of Policy NRM6 of the SEP and Policy P5 of the LPSS. For the same reasons an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

Legal agreement requirements

Planning obligations entered into in respect of development must meet the three tests set out in Regulation 122(2) of the Community Infrastructure Regulations. These are that obligations must be;

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development, and
- (c) fairly and reasonably related in scale and kind to the development.

The following obligations have been identified in the report and should be secured in the event that planning permission was to be granted.

Access Track Works

A contribution of £7,000 has been requested by the Councils Countryside Team towards the cost of works to reduce the width of the access track. These works are intended to prevent unauthorised parking along the access track and will ensure that vehicles, including refuse vehicles and ambulances, are not hindered in accessing the site. The works would also improve safety of this route for pedestrians travelling between the site and Kings Road / Christmas Hill.

The contribution is necessary to make the development acceptable in planning terms and is considered to be fairly and reasonably related to the development proposed. The obligation should ensure these works are completed prior to the first occupation of the new development.

Highway Safety Improvements

A contribution of £45,000 has been sought for road safety improvements which would include the creation of a pedestrian refuge and highway widening on Kings Road / Christmas Hill. The road safety improvement measures would result in reduced speed of vehicles within the vicinity of the site which in turn will increase safety for pedestrians and cyclists accessing the site and the local amenities.

The contribution is necessary to make the development acceptable in planning terms and is considered to be fairly and reasonably related to the development proposed. The obligation should ensure these works are completed prior to the first occupation of the new development.

Travel Plan Auditing

The application is supported by a Travel Plan which is intended to promote sustainable modes of transport and to reduce the number trips to and from the site by private car. The implementation of the Travel Plan is to be secured by a condition however a contribution of £4,600 is required towards the cost of Surrey County Council auditing and ensuring the continued development of the Travel Plan.

The contribution is required to ensure that the Travel Plan is implemented and developed in full and is necessary to ensure that the development makes best use of the sustainable transport choices available. The contribution is necessary to make the development acceptable in planning terms and is considered to be fairly and reasonably related to the development proposed.

Conclusion

The application site is located outside of the Green Belt and within the inset village of Shalford where the principle of development is generally considered to be acceptable. While the buildings to be removed have some historic and architectural interest they are not considered of sufficient quality to warrant statutory protection or inclusion on a local list of significant buildings. Accordingly, there are no reasonable grounds to resist the demolition of the existing building and there is no objection its replacement with a new building. The development would replace an outdated care home with a building which meets modern care and quality standards and would provide additional care home capacity to the local area for which there is an established need.

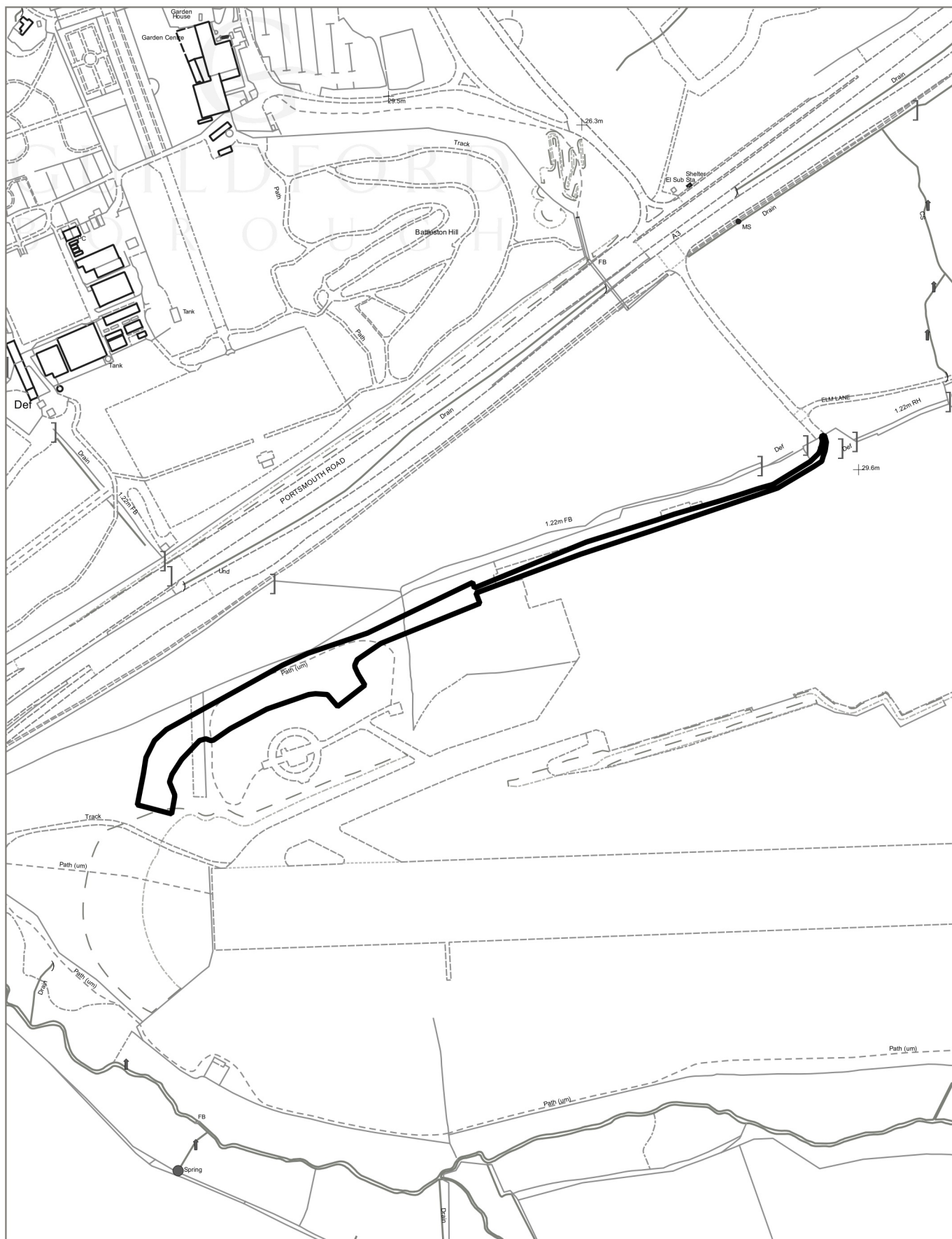
The proposed building is considered to be of a good quality of design which includes materials and architectural details which would be sympathetic to the character of the local area. While the building would be of greater scale than the existing, the design of the building is such that it would be accommodated on the site without causing harm to the character or the appearance of the locality and would not harm the special landscape character of the wider area.

The site is located in a sustainable location with good access to services and public transport. The development would not give rise to conditions prejudicial to highway or pedestrian safety and would not generate such significant vehicle movements as to have an adverse impact on the local highway network. The level of parking provided is appropriate for the scale of the development and its location and the development would support the principles of sustainable travel.

The development would not result in any material adverse impact on the amenities enjoyed by the occupants of the surrounding residential properties. It would not harm protected species on or adjoining the site and would give rise to a likely significant adverse impact on the Thames Basin Heaths Special Protection Area.

The development accords with the provisions of the Development Plan and relevant national planning policy and guidance and it is accordingly recommended that the application should be approved.

20/P/01708 - Land At Wisley Airfield, Hatch Lane, Ockham



© Crown Copyright 2021. Guildford Borough Council.
Licence No. 100019625.

This map is for identification purposes only and should
not be relied upon for accuracy.

Print Date: 12/05/2021

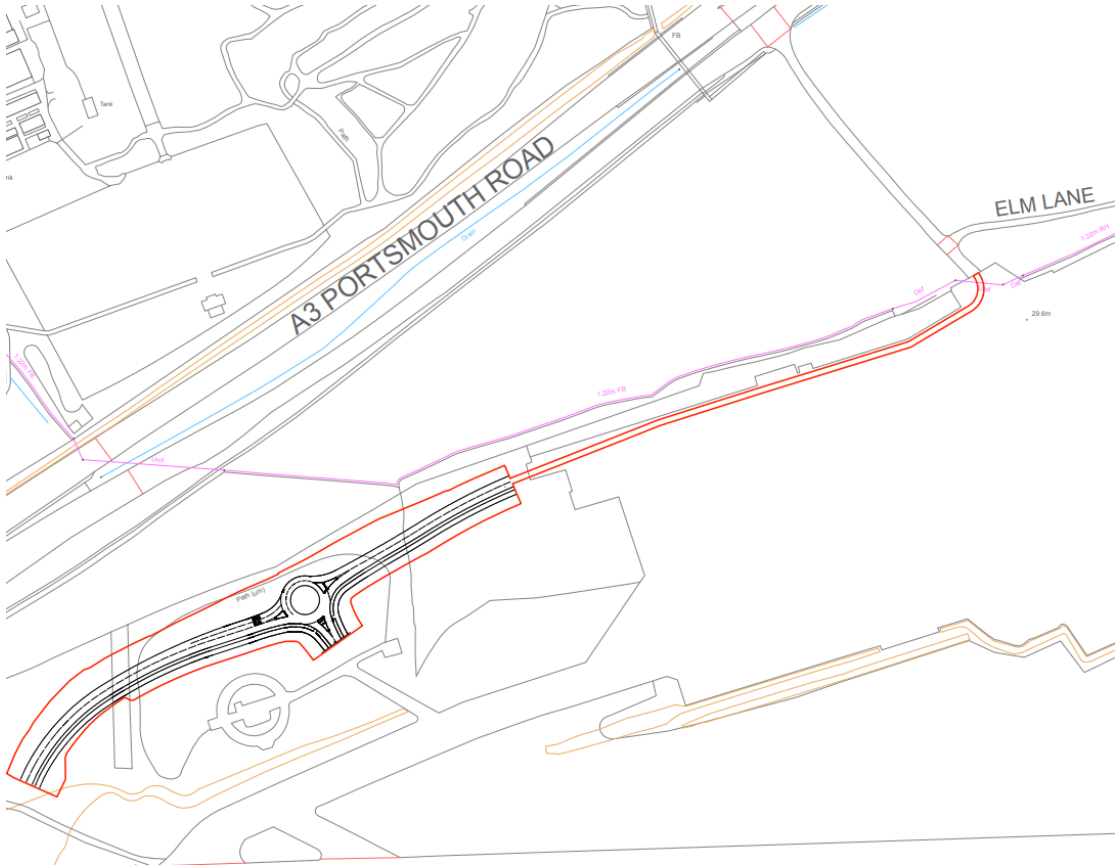


Page 125 Not to Scale



GUILDFORD
BOROUGH

20/P/01708 – Land at Wisley Airfield, Hatch Lane, Ockham



Not to scale

App No: 20/P/01708 **8 Wk Deadline:** 21/05/2021
Appn Type: Full Application
Case Officer: Hannah Yates
Parish: Wisley **Ward:** Lovelace
Agent : Miss Beckett **Applicant:** Camille Soor
Savills Taylor Wimpey UK Limited
244-246 High Street 20 Air Street
Guildford London
GU1 3JF W1B 5AN

Location: Land at Wisley Airfield, Hatch Lane, Ockham, GU23 6NU
Proposal: Detailed application for engineering operations to form a new roundabout and stub road.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

Key information

The application site sits to the north west of the Former Wisley Airfield (FWA), also known locally as Three Farms Meadow. The application site sits partly within and partly outside of the Local Plan allocated site A35, which is proposed to deliver a new settlement of approximately 2,000 dwellings and associated uses. However, the whole site is within the area inset from the Green Belt.

The site is solely within Flood Zone 1, however a very small area of the site around the access point from Elm Lane suffers from surface water flooding, as defined on the EA surface water mapping (1 in 30, 100 and 1000 years). The application site also contains part of the Wisley Airfield Site of Nature Conservation Importance (SNCI).

At its closest point (the access onto Elm Lane), the site is located approximately 175m from the Thames Basin Heaths Special Protection Area and Ockham and Wisley Commons Site of Special Scientific Interest (SSSI). The Ockham and Wisley Local Nature Reserve (LNR) covers the area designated as SSSI, and also extends southwards beyond the SSSI, directly adjacent to the site running along the north western boundary. This area adjacent to the site along the north western boundary is also part of the Elm Corner Woods SNCI, is identified as Priority Habitat deciduous woodland, is Green Belt and part of this area is designated as Ancient Woodland.

The site takes access off Elm Lane which is a Class D road. Elm Lane is directly accessed off the A3. Bridleway 544 runs from Elm lane southwards across the runway, connecting to Hyde Lane and eventually Ockham Lane. No other public rights of way are on the site.

The access portion of the site runs along the edge of the area of hardstanding that previous housed the aircraft hangers. The main body of the site contains a mosaic of scrub, tall ruderal vegetation and a number of trees.

1.15 ha of the application site falls within the proposed land take of the Highways England Development Consent Order (DCO) relating to improvements to M25 junction 10/A3 Wisley interchange. A decision on this project was originally due by 12 January 2021. However, a Ministerial Statement was laid in Parliament on that day which stated "the deadline for the decision is to be extended to 12 May 2021 to enable the Secretary of State to consult further on the application including on the question of appropriate provision of replacement land to compensate for the proposed special category land to be compulsory purchased under the development consent order". The proposed scheme therefore remains undetermined at the time of writing this report, however there is due to be an update prior to the application being heard at Committee which will be reported at the meeting.

This application proposes the construction of a new access to serve the Former Wisley Airfield strategic site allocated under policy A35 of the Local Plan: Strategy and Sites 2015 - 2034. The access is proposed to be taken from the proposed Wisley Lane Diversion, which forms part of the DCO.

The proposed works include:

- a 30m diameter three-arm roundabout with kerbed central island;
- a two-lane approach for north-east bound traffic, allowing segregation of right turning traffic into the development from traffic headed to RHS Wisley Gardens and Wisley village;
- a maximum 100m radius entry path deflection to comply with approach speed reduction requirements of the Design Manual for Roads and Bridges (DMRB);
- sufficient highway verges to accommodate the visibility requirements;
- continuity of cycle and pedestrian facilities along the southern side of the Wisley Lane Diversion is provided by way of crossing points to the southern splitter island.

The application also includes for all earthworks, drainage, landscaping, service diversions, signs and road markings, street lighting and other street furniture including vehicle restraint barriers as necessary.

Summary of considerations and constraints

This application proposes the roundabout and stub road as a stand-alone application at a time when there is no defined proposal for how the A35 allocation will be developed. This is for reasons of timing where the applicant is seeking to ensure that the stub road can be constructed at the same time as the M25 Junction 10 DCO works take place, so as to minimise disruption and to avoid the need to take up a recently made road. Each application must be determined on its own merits, and the approval of this application would in no way pre-determine any future application to develop the strategic site. If in the course of considering a subsequent application relating to the A35 allocation it becomes apparent that the stub road and roundabout proposed would in some way be unsuitable for meeting the needs of that development, this could be dealt with through the process of the determination of that application.

It is noted that the proposal would result in some harm to the amenities of neighbouring dwellings at Elm Corner and would lead to a loss of 0.53% of the Wisley Airfield SNCI. However, constructing the roundabout and stub road simultaneously with the Wisley Lane Diversion (which forms part of the DCO) would limit construction impacts on the local community and RHS Wisley and ensure that they are built at the same time to avoid digging up the Wisley Lane Diversion which will have only just been constructed. In addition, the application unlocks potential to develop the land covered by the A35 allocation, by delivering a key piece of infrastructure. The proposal also includes a new area of wildflower grassland and an overall biodiversity net gain.

The balancing exercise which has been undertaken concludes that the benefits of the proposal do outweigh the limited identified harm and therefore, planning permission should be granted.

RECOMMENDATION:

Approve - subject to the following condition(s) and reason(s) :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Stub Road Location Plan ref.1350-2-153 and Stub Road Red Line plan- Elm Lane One Way-Southern Roundabout 1350-2-152 Rev D received on 08/10/2020

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

3. The development hereby permitted is solely limited to the area shaded purple in plan ref. POTENTIAL ROUNDABOUT ACCESS ON THE PROPOSED WISLEY LANE DIVERSION 0934-SK-079 Rev A.

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

4. No development shall take place until written confirmation has been obtained from the Local Planning Authority (in consultation with Highways England and Surrey County Council) that the relevant part of the Highways England Investment Strategy (RIS) improvement to M25 Junction 10/A3 Wisley Interchange Development Consent Order (DCO), the Wisley Lane Diversion, has been implemented/commenced on site.

Reason: The proposed development is only acceptable as part of the diverted Wisley Lane.

5. The proposed roundabout and stub road access shall not be commenced unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to provide the following details;

- earthworks
- drainage
- service diversions
- signs and road markings
- street lighting and;
- other street furniture including vehicle restraint barriers as necessary.

The construction of the roundabout and stub road access shall then be undertaken in accordance with the approved scheme.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. It is considered necessary for this to be a pre-commencement condition because these measures need to be agreed prior to the development commencing to ensure they are acceptable.

6. No construction works shall commence until a Construction Transport Management Plan, to include details of;
- a) parking for vehicles of construction site personnel, construction site operatives and construction site visitors;
 - b) loading and unloading of plant and materials for the construction of the development;
 - c) storage of plant and materials for the construction of the development;
 - d) programme of construction works (including measures for construction traffic management);
 - e) HGV deliveries for construction and hours of construction operation;
 - f) construction vehicle routing;
 - g) measures to prevent the deposit of materials on the highway;
 - h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused by construction traffic;
 - i) on-site turning for construction vehicles;
 - j) safeguarding Bridleway users, particularly where they enter the airfield onto Public Bridleway 544 Wisley

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Construction Transport Management Plan.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. It is considered necessary for this to be a pre-commencement condition because the construction plans need to be agreed prior to the development commencing to the construction commences.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. This should include further details regarding the significance of the historic Wisley and Ockham Parish Boundary. Development shall then take place in accordance with the approved Written Scheme of Investigation.

Reason: To allow adequate archaeological investigation. It is considered necessary for this to be a pre-commencement condition to allow the investigation to take place before any archaeological remains are disturbed by the approved development.

8. The development hereby permitted shall not 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) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate to be agreed with SCC as LLFA.
 - b) 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.).
 - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - e) 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. It is considered necessary for this to be a pre-commencement condition because the satisfactory drainage of the site goes to the heart of the planning permission.

9. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.

10. Works shall be carried out in full accordance with Section 4 and 6 of the submitted Ecological Impact Assessment prepared by EPR October 2020.

Reason: To safeguard protected species.

11. Works shall be carried out in full accordance with the Ecological Working Method Statement as set out in Appendix 4 of the submitted Ecological Impact Assessment prepared by EPR October 2020. Prior to first use, a post completion ecology report shall be submitted to, and agreed in writing by Guildford Borough Council.

Reason: To safeguard protected species.

12. A detailed lighting strategy will be provided prior to the use of the new roundabout and stub road to ensure there are no adverse impacts to roosting and foraging bats within the area. The development shall be carried out in accordance with the approved Lighting Strategy.

Reason: To safeguard protected species.

13. No development shall take place, until an amended 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. In addition to the existing requirements, the Plan shall provide for:
- (a) An indicative programme for carrying out of the works
 - (b) The arrangements for public consultation and liaison during the construction works
 - (c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
 - (d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - (e) the parking of vehicles of site operatives and visitors
 - (f) loading and unloading of plant and materials
 - (g) storage of plant and materials used in constructing the development
 - (h) measures to control the emission of dust, dirt and run-off during construction
 - (i) further details on how the ancient woodland will be protected, and avoid risks by construction vehicles, storage of materials, etc.

Reason: To ensure that satisfactory measures are put in place for addressing occupiers of nearby land and the environment generally. 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.

14. The development hereby approved shall implement the Biodiversity Net Gain measures as detailed within Appendix 5 and map A5.1 of the submitted Ecological Impact Assessment prepared by EPR October 2020. All planting and seeding required as part of these measures shall be carried out in the first planting and seeding season following the completion of the development, or prior to the first use of the development, whichever is sooner.

Reason: To provide net gains in biodiversity.

15. The proposed offsite habitat creation as detailed on map A5.1 as set out in Appendix 5 of the submitted Ecological Impact Assessment prepared by EPR October 2020 shall include management for citation species, due to the loss of 0.53% of Wisley Airfield SNCI. Prior to the creation of this habitat, a report detailing this management will be submitted to and agreed in writing by the Local Planning Authority. The habitat will then be managed in accordance with the approved report.

Reason: To safeguard existing natural features.

16. No development shall take place until an Arboricultural Method Statement (AMS) and finalised Tree Protection Plan (TPP), in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction, are submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be adhered to in full, and may only be modified subject to written agreement from the Local Planning Authority.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the tree protection measures need to be agreed prior to the development commencing to ensure trees are not damaged by the development.

17. No development shall commence until tree protection measures, as set out in the approved Arboricultural Method Statement (AMS) and Tree Protection Plan(TPP), have been installed and a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the LPA Tree Officer. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of monitoring and compliance by the pre-appointed consulting arboriculturalist.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the tree protection measures need to be checked prior to the development commencing to ensure they are adequately installed.

18. Prior to commencement of development, the applicant must submit the following to the Local Planning Authority for its written approval:

(a) a method statement for removal of asbestos containing material from site, quantification of loose fibres in soil and detailed remediation scheme
(b) the approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Local Planning Authority. Following the completion of approved remediation measures identified in the scheme, a verification report must be submitted to the Local Planning Authority for approval in writing. This verification report must provide documented evidence of the remediation work carried out on site.

If monitoring of air borne asbestos fibres during the earthworks is identified as one of the control measures, this must be appended to the verification report on completion along with monitoring data and measures employed to control air borne asbestos fibres on site/at site boundaries.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the 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. It is considered necessary for this to be a pre-commencement condition because the how asbestos is dealt with needs to be agreed prior to development commencing.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation must be carried out to identify the extent, scale and nature of contamination, and where necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, and other sensitive receptors and is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the 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.

20. Prior to the first use of the development hereby approved, full details of the treatment of the stub road in relation to any fencing/barriers to prevent access to land beyond the stub road shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
- Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice has been sought regarding the wider Wisley Airfield site. As regards this proposal, further information and justification was provided during the course of the application. The application is now deemed to be acceptable.

2. Lead Local Flood Authority Informatives:

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

3. County Highway Authority Informatives:

The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

Officer's Report

Site description

This site measuring approximately 1.35ha sits to the north west of the Former Wisley Airfield (FWA), also known locally as Three Farms Meadow. The application site sits partly within and partly outside of the Local Plan allocated site A35, which is proposed to deliver a new settlement of approximately 2,000 dwellings and associated uses. However, the whole site is within the area inset from the Green Belt.

The site is solely within Flood Zone 1, however a very small area of the site around the access point from Elm Lane suffers from surface water flooding, as defined on the EA surface water mapping (1 in 30, 100 and 1000 years). The application site also contains part of the Wisley Airfield Site of Nature Conservation Importance (SNCI).

At its closest point (the access onto Elm Lane), the site is located approximately 175m from the Thames Basin Heaths Special Protection Area and Ockham and Wisley Commons Site of Special Scientific Interest (SSSI). The Ockham and Wisley Local Nature Reserve (LNR) covers the area designated as SSSI, and also extends southwards beyond the SSSI, directly adjacent to the site running along the north western boundary. This area adjacent to the site along the north western boundary is also part of the Elm Corner Woods SNCI, is identified as Priority Habitat deciduous woodland, is Green Belt and part of this area is designated as Ancient Woodland.

The site takes access off Elm Lane which is a Class D road. Elm Lane is directly accessed off the A3. Bridleway 544 runs from Elm lane southwards across the runway, connecting to Hyde Lane and eventually Ockham Lane. No other public rights of way are on the site.

The access portion of the site runs along the edge of the area of hardstanding that previous housed the aircraft hangers. The main body of the site contains a mosaic of scrub, tall ruderal vegetation and a number of trees.

1.15 ha of the application site falls within the proposed land take of the Highways England Development Consent Order (DCO) relating to improvements to M25 junction 10/A3 Wisley interchange. A decision on this project was originally due by 12 January 2021. However, a Ministerial Statement was laid in Parliament on that day which stated "the deadline for the decision is to be extended to 12 May 2021 to enable the Secretary of State to consult further on the application including on the question of appropriate provision of replacement land to compensate for the proposed special category land to be compulsory purchased under the development consent order". The proposed scheme therefore remains undetermined at the time of writing this report, however there is due to be an update prior to the application being heard at Committee which will be reported at the meeting.

Proposal

Detailed application for engineering operations to form a new roundabout and stub road.

This application proposes the construction of a new access to serve the Former Wisley Airfield strategic site allocated under policy A35 of the Local Plan: Strategy and Sites 2015 - 2034. The access is proposed to be taken from the proposed Wisley Lane Diversion, which forms part of the DCO.

The proposed works include:

- a 30m diameter three-arm roundabout with kerbed central island;
- a two-lane approach for north-east bound traffic, allowing segregation of right turning traffic into the development from traffic headed to RHS Wisley Gardens and Wisley village;
- a maximum 100m radius entry path deflection to comply with approach speed reduction requirements of the Design Manual for Roads and Bridges (DMRB);
- sufficient highway verges to accommodate the visibility requirements;
- continuity of cycle and pedestrian facilities along the southern side of the Wisley Lane Diversion is provided by way of crossing points to the southern splitter island.

The application also includes all earthworks, drainage, landscaping, service diversions, signs and road markings, street lighting and other street furniture including vehicle restraint barriers as necessary.

On 7 January 2021, the applicant submitted an additional plan ref. 0934-SK-079-A which highlights in purple the area where this application differs from the proposed DCO. This plan does not change the application in any way, hence re-consultation was not required, however it does make it clear what development is being sought consent for under this application.

Relevant planning history.

The site has a long and complex planning history. The following applications are most relevant to the consideration of this application:

Reference:	Description:	Decision Summary:	Appeal:
20/P/01709	Detailed application for enabling works (engineering operations in the form of landform alterations) to facilitate part phase 1 SANG works.	Pending	N/A
20/S/00004	Request for a screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in regards to the proposed development of permanent access through provision of a roundabout and stub road at the former Wisley Airfield	S c r e e n i n g D e c i s i o n : Planning (Environmental Impact Negative – EIA Assessment) Regulations 2017 (as not required. amended) in regards to the proposed development of permanent access 16/10/2020	N/A
15/P/00012	Outline planning permission for the phased development of a new settlement of up to 2,068 dwellings incorporating up to 60 sheltered accommodation units and associated infrastructure including accesses onto the A3 (Ockham Interchange), Ockham Lane and Old Lane and revised access to Elm Corner, a primary/secondary school, community provision, nursery provision, health facility, a local centre (incorporating food & drink, retail, a	Refuse 08/04/2016	Dismissed 13/06/2018

visitor centre and offices), employment area, 8 travellers pitches, sports and recreational facilities (incorporating a floodlit sports pitch and pavilion). Sustainable Drainage Systems and an area of Suitable Alternative Natural Greenspace (SANG) incorporating a landform feature and car parking. The erection of associated utilities infrastructure. The development proposal to incorporate the demolition/removal of the runway and VOR Beacon (and any associated outbuildings). Matter for determination is access (with matters of scale, appearance, landscaping and layout reserved).

- | | | | |
|------------|--|--|--|
| 12/P/00533 | <p>Consultation from Surrey County Council for a fully enclosed invessel composting facility with a new vehicular/pedestrian access from the A3 Ockham roundabout comprising a new site access road, with a bridge over the stream to a purpose-built enclosed composting building, ancillary staff building and vehicle parking for staff/visitors together with landscape mounding and planting, and an attenuation pond; without compliance with Condition 10 of Appeal decision APP/B3600/A/09/2098568 to allow the phased construction of the site access; alterations to the A3 southbound slip road; and the Ockham roundabout.</p> | <p>No objection raised</p> <p>19/04/2012, SCC approved</p> <p>01/08/2012</p> | <p>N/A</p> |
| 08/P/01472 | <p>Consultation from SCC for construction of a fully enclosed invessel composting facility for the reception and processing of green, kitchen and animal wastes on a site of approximately 16.75ha, comprising a composting building, control office, car parking facilities, landscaping, internal access roads, rainwater storage tank, leachate storage tank, package sewage treatment, diesel storage tank, attenuation pond, perimeter fencing, and new access off the A3 Ockham roundabout.</p> | <p>Objection raised</p> <p>03/10/2008</p> | <p>Allowed on appeal</p> <p>08/03/2010</p> |

Consultations

A summary of all the responses is contained below. This is not a verbatim report and full copies of all representations received are available on the electronic planning file, which is available to view online.

Statutory consultees

Highways England: Having examined the application Highways England (HE) do not offer an objection to the proposal. They support the applicant's intention to agree a Grampian style condition that restricts commencement until after the DCO has been made. [Officer Note: A Grampian style condition has been recommended which restricts the commencement of the development to after the implementation of the DCO works. This condition has been forwarded to HE who have raised no objections].

County Highway Authority: The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, raise no objection subject to the addition of conditions (approved plan; further details of earthworks, drainage, service diversions, signs, road markings street lighting and other street furniture including vehicle restraint barriers as necessary; stub road to remain closed until rest of the A35 allocation comes forward and a CTMP).

For the avoidance of doubt, the Highway Authority advise that this formal consultation response is based solely on an assessment of the technical design of the proposed roundabout and stub road access, to enable this infrastructure to be constructed in conjunction with the Wisley Lane Diversion. The proposal has been assessed on its own technical merits, and should not be construed as providing any endorsement by the Highway Authority on any future development proposals on the former Wisley Airfield, for which a separate planning application will be required and assessed by the Highway Authority on its own merits.

The above recommendation is made on the understanding that this form and scale of junction is necessary to serve the level of vehicular traffic that was based on work submitted for the recent planning appeal. The Highway Authority advise that if a Transport Assessment submitted in support of any future hybrid planning application on the former Wisley Airfield, demonstrated that these levels of vehicular traffic had changed for any reason, then Highway Authority would encourage the design of a more appropriately scaled and form of junction that could better provide for the levels and types of traffic proposed.

The Highway Authority have assessed the technical design of the proposed roundabout and stub road access, and is satisfied that it accords with the required highway design standards. A Stage 1 Road Safety Audit (RSA) has been undertaken which has not identified any major highway safety problems with the design of the roundabout and stub road access. Some minor safety recommendations have been made in the RSA report, which will be addressed at the detailed design stage, when a Stage 2 RSA is undertaken.

Additional comments provided by the County Highway Authority: The Highway Authority support the construction of the roundabout during the HE DCO construction works. Whilst the DCO application includes the Wisley Lane Diversion (WLD), there would not be any planning permission granted for the roundabout element of that new construction. Constructing the WLD and the roundabout at the same time would avoid significant abortive works, both in avoiding the need to break out a newly constructed road for a new roundabout, but also having to realign the newly laid road either side of the roundabout location. Constructing the WLD and the new roundabout access into Wisley Airfield at the same time, whilst traffic was not running over that

section, clearly makes sense for obvious reasons. None of this predetermines the assessment of a future planning application for the Wisley development, which would still be subject to the full planning application appraisal process.

Surrey County Council as Lead Local Flood Authority: Original objections have been overcome with the addition of additional information. We have reviewed the surface water drainage strategy for the proposed development and assessed it against the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems. We are satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and are content with the development proposed, subject to conditions the addition of conditions (SuDS Scheme and Verification Report).

Natural England: No objection. Based on the plans submitted, Natural England (NE) considers that the proposed development will not have significant adverse impacts on designated sites Ockham and Wisley Commons Site of Special Scientific Interest (SSSI) which forms part of Thames Basin Heaths Special Protection Area (SPA) and has no objection.

However, in regards to the Construction Environmental Environment Plan document (CEMP), Natural England are of the opinion as it currently stands, it requires more detail in relation to impacts on ancient woodland and a detailed lighting design. They advise the following:

- the CEMP must specify protective measures to avoid risks to the ancient woodland in terms of incursion into the woodland by construction vehicles, storage of materials, dumping of spoil, etc
- the new roundabout and stub road to have a good lighting design due to the presence of roosting natterer's bats in a tree in this area of woodland.

NE advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

This application does not appear to result in additional land take from the woodland adjacent which is a Local Nature Reserve. However, there are additional risks of impacts on the ancient woodland over and above those arising from the J10 improvement works from the construction of a new roundabout, from incursion into the woodland by construction vehicles, storage of materials, dumping of spoil, etc so the CEMP must specify protective measures to avoid those risks.

The protected species surveys carried out for the J10 improvement project identified the presence of roosting natterer's bats in a tree in this area of woodland. This tree will be lost as a result of construction of the new link road to Wisley RHS and mitigation will be proposed by Highways England. Those efforts could be undone if the new roundabout and stub road have a poor lighting design.[Officer Note: The conditions recommended by NE will be secured as part of any decision].

Thames Water: The proposed development does not impact Thames Water assets, as such they had no comments to make.

NATS (National Air Traffic Services): The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Historic England: On the basis of the information available to date, we do not wish to offer any comments. Seek the views of your specialist conservation and archaeological advisers, as relevant.

Internal consultees

Head of Environmental Health and Licensing: No objections raised. The proposed development is at low risk from any land contamination on site. However, due to presence of asbestos containing material and loose asbestos fibres in the area formerly for hangars and hardstanding for the airfield, there is a potential for asbestos fibres becoming airborne during the groundworks. Other issues raised include the impact of lighting and construction noise. [Officer Note: Conditions are recommended requiring a method statement for removal of asbestos and the reporting of unexpected contamination. As noted above, any lighting will also be controlled through condition. Construction noise is an unavoidable consequence of any major development. However, conditions are recommended which will ensure that any noisy activity is limited to business hours].

Non-statutory consultees

Archaeological Officer, Surrey County Council: No objection subject to a condition to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation.

Countryside Access Officer, Surrey County Council: Notes the affect of the proposed development to Public Bridleway 544 Wisley. This office has no objection to the application subject to a Construction Design Management Plan being conditioned to safeguard Bridleway users particularly where they enter the airfield onto Public Bridleway 544 Wisley. Standard informatives are also recommended.

Parish Councils

Ockham Parish Council: Object. We would like to put on record that we consider this planning application, submitted by Taylor Wimpey, is premature as it relies on the approval of the Secretary of State for Transport to the Development Consent Order application made by Highways England to make changes to M25J10/A3 interchange. In addition, the applicant has not submitted a planning application to develop the Former Wisley Airfield which again is another factor for our statement that the application is premature as it is inextricably linked with development of FWA.

- condition required: very thorough data showing the anticipated effects on Ockham Park roundabout and local road network should be provided
- condition required: temporary closure of bus stop during the construction process
- condition required: protection for all users of the PROW, alternatively a safe diversion must be instated for the duration of the construction process.
- condition required: limited working hours (weekdays and daylight only). No artificial lighting used at any time including on the construction compound
- condition required: no work at all, without exception, to take place prior to full approval of the DCO by the Secretary of State, to include determination by the courts if a judicial review of the decision takes place
- conditions required: greater clarity for mitigation measures for prevention of release of asbestos fibres when disturbed. Compound is moved to no closer than 100m from residential boundaries

Effingham Parish Council: Object, concern that this application is premature. It is premature both as there is no planning permission yet granted for the site and secondly the Secretary of State has not yet made a decision on J10 of the M25 and related decisions that might affect the A3 in the area. If permission were to be granted ahead of the decisions on any future planning application and decisions on highways, then Wisley Airfield could end up with an unusable and abandoned road.

West Horsley Parish Council: Object. Insufficient transport assessment and information in order to assess if the application is acceptable. We are of the opinion that the present application is premature and until the Highways England proposals for the M25 Junction 10/A3 improvements are confirmed this application should be withdrawn.

[Officer Note: As regards the concerns raised by the Parish Councils about prematurity it is noted that this is not the case. There is no reason to prevent the Local Planning Authority from determining this application before the formal decision on the DCO is known. If the planning application is approved, it will include a condition which restricts the commencement of the development for which the application seeks planning consent for until after the implementation of the DCO proposal, if it is approved. Further detail on both prematurity and pre-determination are found below in the principle of development section].

Amenity groups / Residents associations

Ockham and Hatchford Residents Association: Object. Put on record that we consider this planning application, submitted by Taylor Wimpey, is premature as it relies on the approval of the Secretary of State for Transport to the Development Consent Order application made by Highways England to make changes to M25J10/A3 interchange. In addition, the applicant has not submitted a planning application to develop the Former Wisley Airfield which again is another factor for our statement that the application is premature as it is inextricably linked with development of FWA.

- condition required: very thorough data showing the anticipated effects on Ockham Park roundabout and local road network should be provided
- condition required: temporary closure of bus stop during the construction process
- condition required: protection for all users of the PROW, alternatively a safe diversion must be instated for the duration of the construction process.
- condition required: limited working hours (weekdays and daylight only). No artificial lighting used at any time including on the construction compound
- condition required: no work at all, without exception, to take place prior to full approval of the DCO by the Secretary of State, to include determination by the courts if a judicial review of the decision takes place.
- conditions required: greater clarity for mitigation measures for prevention of release of asbestos fibres when disturbed. Compound is moved to no closer than 100m from residential boundaries

Wisley Action Group: Object to the application for the formation of a stub road and roundabout for eleven reasons (in no particular order of significance) which include, but are not limited to the following issues:

- prematurity
- predetermination
- inconsistencies in the documents supporting the application
- lack of robust transport modelling and failure to address sustainable transport
- impact on the safety of other road users
- impact on the environment, ecology, biodiversity, wildlife habitats
- impact on flooding
- impact on neighbouring amenity
- impact on public rights of way (PROWs)
- impact on heritage
- failure to consult statutory bodies - specific mention of proximity of a gas pipeline [Officer Note: The nearest Gas Pipeline is shown as being located over 2km from the site, and at this distance the proposed development will not impact on this existing infrastructure, therefore no consultation is required on this basis]

Third party comments

A summary of all the responses is contained below. This is not a verbatim report and full copies of all representations received are available on the electronic planning file, which is available to view online

55 letters of representation have been received raising the following objections and concerns:

- application is premature - both in relation to the site allocation and the decision on the DCO
- pre-determination of any development at the wider site
- the proposed roundabout and stub road has no purpose in its own right
- very dangerous access from Elm Lane
- inadequate traffic data to assess the application - the full data showing the anticipated effects on Ockham Park roundabout and local road network has not yet been provided
- keeping the bus stop nearby on the A3 open would compromise highway safety
- failure to address sustainable transport
- Ockham Park roundabout will be over capacity if the proposed development goes ahead
- existing traffic issues exacerbated
- out of character with the existing landscape, proposal is visually unattractive
- negative impact on neighbouring amenity - properties to the north and south in relation to noise and disturbance
- asbestos has been found on site, this is not adequately addressed in the application
- increased pollution
- no air quality or noise assessment provided with the application
- harm to health and wellbeing of nearby residents
- negative impact on ecology - inclusive of all sensitive sites on and adjacent to the site
- insufficient ecological surveys
- negative impact on the Conservation Area and other heritage assets inclusive of listed buildings
- out of scale with the existing historic settlement of Ockham
- impacts on use of the site for recreation and exercise
- impacts to users of public rights of way
- increase to flood risk
- the application contradicts the aims of the Local Authority's Commitment to the Climate Change and Environmental Crisis
- due to COVID – 19, UK public finances are under considerable pressure, resulting in road projects scaled back or dropped
- Three Farms Meadow has always been a protected area and never been a commercial working airfield
- economic costs of destroying the area's natural habitat and woodlands would vastly outweigh any benefit from unnecessary roads
- negative impact on the adjacent Green Belt
- the site should be returned to Green Belt, and the allocation in the Local Plan is not required
- there is no explanation of what has changed since the last time a planning application was determined on the Former Wisley Airfield and was refused
- there are a number of erroneous and misleading statements in the application documents
- a number of letters reiterating the objections raised in the Ockham Parish Council objection
- a number of letters reiterating the objections raised in the Wisley Action Group objection

One letter of support has been received from the Surrey Chambers of Commerce raising the following comments:

- important to get the correct infrastructure and ensure access is as effective as possible. These works also often take a great deal of time, causing delays to traffic, much of which is business related. If this pre-work can be combined with other planned work it will be hugely appreciated by all concerned and I am sure will also make economic sense.

Planning policies

National Planning Policy Framework (NPPF):

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Make an efficient use of land

Chapter 12. Achieving well-designed places

Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

Planning Practice Guidance

Manual for Streets and Design for Roads and Bridges

South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and Sites 2015-2034:

The Guildford Borough Local Plan: Strategy and Sites 2015-2034 was adopted by the Council on 25 April 2019. The policies considered relevant to this proposal are set out below.

S1 Presumption in favour of sustainable development

S2 Planning for the borough - our spatial strategy

P4 Flooding, flood risk and groundwater protection zones

P5 Thames Basin Heaths Special Protection Area

D1 Place shaping

D2 Sustainable design, construction and energy

D3 Historic environment

ID1 Infrastructure and delivery

ID2 Supporting the Department for Transport's "Road Investment Strategy

ID3 Sustainable transport for new developments

ID4 Green and blue infrastructure

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

Although the Council has now adopted the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), some policies of the saved Local Plan 2003 continue to be relevant to the assessment of planning applications and carry full weight. The extant policies which are relevant to this proposal are set out below.

G1 (non superseded parts) General standards of development
HE12 Historic Parks and Gardens
NE4 Species protection

Lovelace Neighbourhood Plan:

The Lovelace Neighbourhood Plan has been passed at Referendum on Thursday 6 May. It now forms part of the Development Plan, and carries full weight in planning decisions.

LNPEN2 Biodiversity and Natural Habitats
LNPEN3 Flooding
LNPEN4 Light pollution
LNPEN5 Air Quality and Traffic
LNP11 Infrastructure
LNPI3 Cycling and Walking

Supplementary planning documents:

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD
Climate Change, Sustainable Design, Construction and Energy SPD
Strategic Development Framework SPD

Planning considerations

The main planning considerations in this case are:

- background
- the principle of development
- highway considerations
- the visual impact and impact on the character of the area
- the impact on neighbouring amenity
- impact on ecology and trees
- the impact on flood risk and the proposed surface water drainage strategy
- the impact on heritage assets
- the planning balance

Background

It is useful to provide a brief summary of the more recent history relating to this site and the surrounding land, and what, if any relevance this has to the current application before Committee.

In December 2014, the Department for Transport (DfT) published the Road Investment Strategy (RIS) for 2015-2020. The RIS identifies improvements to M25 J10/A3 Wisley Interchange as one of the key investments in the Strategic Road Network (SRN) for the London and South East region. The proposals include: “improvement of the Wisley interchange to allow free-flowing movement in all directions, together with improvements to the neighbouring Painshill interchange on the A3 to improve safety and congestion across the two sites”. This scheme is also identified in the Infrastructure Schedule found at appendix 6 of the LPSS.

The DCO will provide for a diverted Wisley Lane (“the Wisley Lane Diversion”). The Wisley Lane Diversion is proposed on the western part of A35 allocation, prior to it crossing over the A3 connecting onto Wisley. Part of the transport requirements of policy A35 require primary vehicular access to the site allocation be via the A3 Ockham interchange, with a through vehicular link between the Ockham Interchange and Old Lane. The applicant has stated that the purpose of the submission of the planning application at this time (pre the submission of further applications for the development of the A35 allocation and pre the decision on the DCO), is to construct the roundabout and stub road simultaneously with the Wisley Lane Diversion avoiding the need for separate construction of the site access on a newly built Wisley Lane Diversion, and to ensure the works can tie in with the construction program of Highways England.

An outline planning application was submitted in December 2014 (Ref: 15/P/00012) for the development of a new settlement at land at the FWA for up to 2,068 dwellings and associated infrastructure including accesses onto the A3 (Ockham Interchange), Ockham Lane and Old Lane and revised access to Elm Corner, a primary/ secondary school, health facility, employment area, and an area of Suitable Alternative Natural Greenspace (SANG). This application was refused by the Council in May 2016 and subsequently dismissed at appeal in June 2018.

Subsequently the site has been removed from the Green Belt and is now included in a wider landholding allocated in the adopted LPSS – A35 for approximately 2000 homes, 100 sheltered / extra care homes, eight gypsy and traveller pitches, 4,300sqm of employment floorspace, 1,100m of retail, 1050 of community uses and services in a new Local Centre, and two schools (one primary and one secondary). As indicated above, it is a requirement of A35 for primary vehicular access to the site allocation will be via the A3 Ockham interchange.

Since the appeal was dismissed in June 2018, the new Local Plan has been adopted and carries full weight as part of an up to date development plan. This is clearly a material change in circumstances since the appeal was decided.

The principle of development

The site sits partly within and partly outside of the A35 allocation, however the large majority of the area for which planning permission is sought (the area shaded purple on plan reference 0934-SK-079-A), is within the allocation. The whole site is within the area inset from the Green Belt. Therefore the principle of development is acceptable subject to accordance with the relevant policies identified above.

A large number of the objections from the Parish Councils, residents groups and individual third parties raise prematurity and pre-determination of the wider site allocation as issues. Addressing these in turn:

Paragraph 014 (Reference ID: 21b-014-20140306) of the Planning Practice Guidance highlights in what circumstances it might be justifiable to raise prematurity as an issue. It states that in the context of the NPPF and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

It is clear in relation to the assessment of this application, prematurity cannot be an issue. The LPSS has been adopted and carries full weight as part of an up to date development plan, therefore the application cannot undermine the plan-making process in any way.

It is also noted that the development could be restricted from commencing until such time that the DCO has been implemented, through a Grampian style condition. In relation to Grampian conditions, the PPG notes that: *'conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission'.*

Even a limited or some prospect of the action being performed within the time-limit of the permission (in this case the implementation of the DCO scheme), then a Grampian condition could be appropriate in principle. While it is acknowledged that there is still some uncertainty about the DCO application and what the decision may be, the application is at an advanced stage in the process. Given this, it cannot be argued that *'there is no prospect at all'* of the DCO scheme coming forward during the life of the permission. Therefore, the use of the Grampian condition would only see works commencing, when the DCO scheme has been implemented.

This application proposes the roundabout and stub road as a stand-alone application at a time when there is no defined proposal for how the A35 Allocation will be developed. As discussed above this is for reasons of timing where the applicant is seeking to ensure that the stub road can be constructed at the same time as the DCO works take place, so as to minimise disruption and to avoid the need to take up a recently made road. Each application must be determined on its own merits, and the approval of this application would in no way pre-determine any future application to develop the strategic site. If in the course of considering a subsequent application relating to the A35 allocation it becomes apparent that the stub road and roundabout proposed would in some way be unsuitable for meeting the needs of that development, this could be dealt with through the process of the determination of that application.

The proposal is in accordance with the specific site access requirements of policy A35, as well as the Strategic Development Framework Supplementary Planning Document which recognises that the access for the Airfield will be from the realigned Wisley Lane. Therefore, it is in accordance with an up to date development plan in this regard.

Highway considerations

The proposed roundabout would be located on the proposed Wisley Lane Diversion and would facilitate the primary access to the strategic site allocation. The proposed works include:

- a 30m diameter 3-arm roundabout with kerbed central island;
- a two-lane approach for north-east bound traffic, allowing segregation of right turning traffic into the development from traffic headed to RHS Wisley Gardens and Wisley village;
- a maximum 100m radius entry path deflection to comply with approach speed reduction requirements of the Design Manual for Roads and Bridges (DMRB);
- sufficient highway verges to accommodate the visibility requirements;
- continuity of cycle and pedestrian facilities along the southern side of the Wisley Lane Diversion is provided by way of crossing points to the southern splitter island

The works would be subject to detailed design and technical approval prior to construction, at which time details would be provided of all earthworks, drainage, landscaping, service diversions, signs and road markings, street lighting and other street furniture including vehicle restraint barriers as necessary. A condition will require the submission and agreement of these details prior to the commencement of development. The applicant has stated the works would be offered up for adoption and /or maintenance by the local highway authority, Surrey County Council (SCC).

Conformity with the DCO

The DCO scheme in the vicinity of the site includes:

- an enlarged signalised roundabout junction with the M25;
- free-flow left turn lanes at the new roundabout;
- improved slip road layouts;
- widening of the A3 north of Ockham Interchange to 4 lanes in both directions;
- signalisation of the Ockham Interchange and improvements to its slip roads onto the A3; and
- improvements to pedestrian and cycling facilities.

In addition, the DCO scheme proposes the closure of the Wisley Lane and Elm Lane Junctions onto the A3. The Wisley Lane junction would be replaced with a new road called the Wisley Lane Diversion. That would form a new arm off the Ockham Interchange and run north-east through the northern fringe of the Wisley Airfield site then turn north over the widened A3 via a new bridge for traffic, pedestrians and cyclists. Elm Corner would be accessed via Old Lane and an improved Elm Lane.

The alignment of the roundabout has been based on the latest plans submitted by Highways England to the DCO Examination, which closed in June 2020.

The Wisley Lane Diversion has been designed as a 40mph design speed road and the roundabout has also been designed for this speed, specifically in terms of visibility requirements.

The proposal would only be appropriate if the DCO is approved, and therefore, and as set out above, the applicant has proposed the use of a Grampian style condition which would ensure development on this current application could not commence until development on the Wisley Lane Diversion element of the DCO had commenced on the site. This is considered to be an appropriate way to control the development, and would meet all the relevant conditions tests set out in the PPG.

Traffic impacts

The proposed roundabout and stub road will not generate any traffic, or additional movements on the highway network. Delays to traffic caused by the roundabout are not expected to be significant as there will be no opposing flows of turning traffic in and out of the stub road to the Airfield.

Construction impacts

The submitted Construction Environment Management Plan and Construction Transport Management Plan state that it is currently anticipated that all construction vehicles will access the stub road and roundabout site from the north off Elm Lane, accessed directly from the A3, and that all site traffic will access and egress Elm Lane via the A3. All vehicles will turn left onto Elm Lane from the A3 when accessing the site, and turn left onto the A3 from Elm Lane when egressing the site.

It is noted that the existing Elm Lane is signposted as unsuitable for HGVs, however Highways England have confirmed it is proposed to be used as one of the access points for the construction of the DCO if approved. As this application is controlled by a Grampian condition, if the access will be used for the DCO, it would also be appropriate to be used for the current application. To ensure the two tie together, it is considered to condition the submission of both the CEMP and CTMP for submission and agreement, to ensure the details remain tied into the DCO construction access plans. On this basis, over and above the DCO scheme, the proposal would not result in any greater harm to highway safety in terms of construction vehicles accessing or existing the site.

Consultation responses

Highways England have raised no objection to the application. They are supportive of the use of a Grampian condition, that would prevent the implementation of this development until the DCO is made.

Surrey County Council have commented on this application twice, raising no objection. In their most recent comment the Highway Authority stated their support for the construction of the roundabout as part of the Highways England DCO construction works. They consider that constructing the Wisley Lane Diversion and the roundabout at the same time would avoid significant abortive works, both in avoiding the need to break out a newly constructed road for a new roundabout, but also having to realign the newly laid road either side of the roundabout location. It is their view that to carry out these works prior to the road being open to traffic has clear benefits to the smooth operation of this road.

The Highway Authority have also undertaken an assessment of the technical design of the proposed roundabout and stub road access in relation to the level of traffic generated by the previous appeal scheme at the adjacent site, which in relation to what was proposed is comparable to the allocation in the LPSS. They are satisfied that the application accords with the required highway design standards. A Stage 1 Road Safety Audit (RSA) has been undertaken which has not identified any major highway safety problems with the design of the roundabout and stub road access.

Both Highways England and Surrey County Council have been consulted on the wording of the Grampian condition proposed as requested.

Location and type of junction

The applicant has sought to demonstrate they are proposing the best type of junction, in the best location to provide a suitable access into the FWA. The precise location chosen for the roundabout was based on the following engineering considerations:

- locating it away from the adverse topography in the western part of the Wisley Lane Diversion and thus avoiding unnecessary additional engineering works;
- locating it away from the southern approach embankment to the new Wisley Lane/A3 over bridge, also to avoid unnecessary additional engineering works;
- locating the carriageway no closer to the Ancient Woodland area between the Wisley Lane Diversion and the A3;
- locating the stub road away from the line of the existing north-south hedgerow in this area;
- locating the roundabout away from the works compound planned to be formed by Highways England's contractor while building the DCO scheme works.

A priority T-junction was discounted early as not having sufficient capacity to accommodate the likely traffic flows from the former Wisley Airfield and RHS Wisley. Whilst both traffic signal-controlled and roundabout options were put forward for consideration, officers at SCC favoured a roundabout as being appropriate as the primary form of access required by the site allocation. A roundabout in this location strikes a better balance between performing a speed control function on the Wisley Lane Diversion and not impeding the free-flow of traffic to RHS Wisley and the village of Wisley further north on Wisley Lane.

Both the Transport Statement and supplementary Technical Note produced by the transport consultant for the applicant state that the proposal would have sufficient capacity, with headroom, to serve the FWA. This would maximise potential at the FWA allocation.

The proposals would facilitate a potential suitable access into the FWA from the Wisley Lane Diversion, which would be in conformity with LPSS policies ID3 and A35 and the SDF SPD. The proposals are also in compliance with neighbourhood plan policies LNP11 and LNP13.

The visual impact and impact on the character of the area

Policy D1 (place shaping) of the LPSS states that as an over-arching principle, 'all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set. Essential elements of place making include creating economically and socially successful new places with a clear identity that promote healthy living; they should be easy to navigate, provide natural security through layout and design with attractive, well enclosed, and overlooked streets, roads and spaces with clear thought given to the interrelationship of land use to external space'.

Policy LNPEN1B of the Lovelace Neighbourhood Plan states developments should be designed to respect the existing landscape character set out in the Guildford Landscape Character Assessment and the important local views across the Lovelace landscape from within or from outside the area. This proposal would not directly impact on view point 10 - Elm Corner at Ockham.

The main body of the site contains scrub, tall ruderal vegetation and a number of trees, and is located in the Ockham and Clandon Wooded Rolling Claylands Character Area as defined by the Guildford Landscape Character Assessment (GLCA) and Guidance. As detailed above, the proposal cannot be built unless the Wisley Lane Diversion element of the DCO is commenced. This DCO scheme will result in significant changes to the landscape and views in this area, changing the baseline significantly.

On its own, this proposal would create a 'floating' piece of road infrastructure which would be an incongruous addition, out of character with the existing site. However, the use of a Grampian condition would ensure this proposal does not come forward unless the DCO comes forward. Considering the proposal alongside the DCO is therefore an appropriate way to assess the impacts.

The roundabout proposed is quite large in size, so the application will result in considerably more hardstanding and other operational development associated with the road than would be provided by the Wisley Lane Diversion. The stub road will form a dead end, and a road which doesn't lead to a destination will have the potential to appear unsightly, however in the context of the DCO this is not considered to result in any significant harm to the character of the site and wider area beyond that caused by the DCO due to the change in character brought about by the heavily engineered road. A condition will be added requiring further details of the treatment of the stub road in relation to any fencing/barriers to prevent access to land beyond the stub road, to ensure this is done in a way that is as considered and visually appropriate as possible.

Whilst some limited harm has been identified in relation to the visual impact of the stub road, there is no specific conflict with the design policies identified above. In addition, the proposal would not result in any conflict with the overall design aims of the A35 allocation.

The impact on neighbouring amenity

During construction works the proposal has potential to result in some loss of amenity to some neighbouring properties from noise, possible vibration and light pollution. The nearest neighbour is RHS Wisley. As this is separated by the A3 the likely impact of the proposed development on this property is limited.

The residential properties most likely to be impacted are those situated to the north west at Elm Corner. Saved policy G1(3) requires that "the amenities enjoyed by occupants of buildings are protected from un-neighbourly development in terms of privacy, access to sunlight and daylight, noise, vibration, pollution, dust and smell". The impacts arising from the construction of the proposal would be of a temporary nature and could be reduced and controlled through a condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP). The CEMP would include details of the construction processes, the routing of HGVs and mitigation measures such as limiting construction hours and controlling noise and vibration. These measures would be required to be undertaken to ensure the amenity of existing residents is protected in accordance with policy G1(3). A requirement for HGVs to access and egress via the A3 would ensure that no construction vehicles would be required to travel through Ripley Village centre, Ockham Road North, Ockham Lane, Old Lane or the existing Wisley Lane, thereby protecting the amenities of residents in those areas.

As regards light pollution, policy G1(8) of the saved Local Plan and policy LNPEN4 of the Lovelace Neighbourhood Plan require that the impact of artificial lighting is designed to minimise the ecological impact and the spillage of light from the site. The objectives of these policies during the construction phase can be secured through the CEMP and this will limit any harm to the amenity of surrounding residents.

Finally on construction impacts it is noted that the Council's Environmental Health Officer has commented that the site may include asbestos material remanent from the previous use of the site as an airfield. While the control, treatment and disposal of asbestos is primarily a matter covered by legislation outside of the planning system, a condition has been recommended which requires the applicant to provide further details on this matter, including how any asbestos material will be removed from the site and safely disposed of and how the site will be remediated. As an aside, it is also noted that a condition is also recommended to control the presence of any unknown contamination which may be present on the site.

Operational effects

The stub road and roundabout would only become operational if and when the DCO is made and the wider Highways England RIS improvements to the Strategic Road Network are implemented. Ongoing light pollution would be controlled by that process. However, it is noted that modern highway lighting is unlikely to result in significant light spillage and in any case, this could be controlled by condition. While road traffic using the stub road and roundabout would generate additional noise, this would be no greater than that resulting from the DCO proposal.

Given the low sensitivity of the identified receptors and the limited period during which any impacts would be felt it is not considered that any moderate or significant adverse effects are likely as a result of the proposal. Any adverse effects which might occur during the construction process have to be weighed against the benefits of ensuring that the construction of the Stub Road and roundabout takes place at the same time as the construction of the Wisley Land Diversion, thereby avoiding the need to dig up recently constructed roads with its attendant disruption and environmental and energy wastage. It would also avoid, as far as reasonably possible, any further disruption to users of the highway network by carrying out additional or extended road works.

Impact on ecology and trees

Habitats

At its closest point the application site lies approximately 175m to the south-west of Ockham and Wisley Commons SSSI, which is a component site within the wider Thames Basin Heaths SPA network of protected heathland sites. The SPA and SSSI are important features at the International and National levels respectively. However they are considered to fall outside of the zone of influence of the proposals due to the nature of the works and the physical separation between the SPA/SSSI and the works area.

The Ockham and Wisley Local Nature Reserve (LNR) covers the area designated as Ockham and Wisley Commons SSSI, and also extends southwards beyond the SSSI to within 4m of the northern boundary of the application site. It is noted that Local Nature Reserves are described by Natural England as being "for both people and wildlife" and owing to their designation type are considered to be of importance at the County level.

In terms of non-statutory designated sites Wisley Airfield SNCI falls partly within the wider FWA boundary. The SNCI as a whole was selected for the variety of habitats it supports, plus species criteria including its assemblage of rare or notable vascular plants, foraging areas for bats and amphibians and reptile populations. The majority of the application site (1.23 ha) is located within the Wisley Airfield SNCI. The SNCI habitats are in an unfavourable condition due to lack of management and the influence of the neighbouring intensive arable operations. As a whole, Wisley Airfield SNCI is of County level importance.

Elm Corner Woods SNCI runs parallel to the north-west of the Application site boundary and is part of the Ockham and Wisley LNR. Part of Elm Corner Woods is shown on Natural England's Provisional Ancient Woodland Inventory as ancient semi-natural woodland. This SNCI is open access and consists of mixed woodland. As well as forming part of the Ockham and Wisley LNR, the SNCI is well connected to other designated nature conservation sites, including Ockham and Wisley Commons SSSI and the Thames Basin Heaths SPA. It is therefore considered to be of County importance.

The proposals will not cause the direct loss of any part of Elm Corner Woods. In total, 0.17ha of the application site area falls within the 15m buffer zone that is typically implemented to protect ancient woodland. This 0.17ha sits fully within the proposed permanent land take of the Highways England DCO scheme, and as such the proposals will not affect any additional areas of the buffer zone beyond that to be impacted by the DCO works. In the absence of targeted mitigation the earthworks associated with the proposals have the potential to cause damage to the woodland through accidental pollution, dust generation, damage to tree roots and hydrological changes. This could be reversible or permanent depending on the nature of the damage, however any impacts of this nature would be unlikely to undermine the structure and function of the woodland completely and would therefore be significant at the zone of influence level only. The applicant notes that with mitigation, no significant residual impacts on Ockham and Wisley LNR or Elm Corner Woods SNCI and Provisional Ancient Woodland are predicted.

As regards the Wisley Airfield SNCI the only part that will be directly affected by the proposals beyond that already impacted by the DCO is an area of tall ruderal and scrub measuring 0.15 ha in size. This represents 0.53% of the total SNCI area. The applicant notes that the area to be affected is unlikely to support any of the vascular plants for which the SNCI was selected (these plants are associated with disturbed acid grassland and arable margins). The change of 0.53% of the SNCI from tall ruderal and scrub to hardstanding is unlikely to compromise the structure or function of the SNCI or the species it supports. As such, the applicant concludes that this impact is not significant.

Protected species

In terms of protected fauna, the applicant's Ecological Impact Assessment notes that the closest active badger sett (an outlier) is over 170m from the application site boundary. The Badger population is therefore unlikely to be significantly affected by the proposals and falls outside of the zone of influence.

As regards bats, walked transect surveys carried out by the ecologists in 2016, 2018 and 2019 recorded very low numbers of bats foraging in the vicinity of the application site. The most commonly recorded species were Common Pipistrelle. In both 2016 and 2019, an automated detector was positioned on the edge of the dense scrub and secondary woodland within the application site. In both years, this detector recorded the lowest number of bat passes out of the four detectors positioned around the wider FWA site. Common and Soprano Pipistrelle accounted for the majority of passes. The applicant also notes that Chapter 7 of the Environmental Statement for the Highways England DCO scheme, walked transect surveys

carried out by Atkins in 2017 and 2018 produced similar results, with Common and Soprano Pipistrelle representing over 75% of all bat passes. Pockets of Serotine activity were also recorded in Elm Corner woods to the north. No bat roosts or high potential trees have been identified by either the applicant or Atkins within the application site boundary. However, it is acknowledged that there are a number of bat roosts within close proximity of the site boundary. The applicant notes that the bat assemblage within the zone of influence of the proposals is considered to be of local ecological importance. The applicant notes that impacts on bats during construction can be managed through the Construction Environmental Management Plan and for instance, ensuring construction takes place in daylight hours. As the development will only come forward as part of the DCO, the impact from the actual operation of the new road will be assessed and controlled through the DCO. As such, the impacts on bats can be managed and mitigated effectively.

In terms of Great Crested Newts, surveys carried out by the ecologists in 2015, 2019 and 2020 for the wider FWA scheme confirmed the presence of four GCN breeding ponds off-site within the surrounding landscape. All four of these are located around 1km to the east and south-east of the application site boundary, and support 'small' populations of GCN. The applicant notes that it is possible that GCN use the scrub and woodland habitats within the application site during their terrestrial phase, although given the distance to the breeding ponds, numbers are likely to be very small. The applicant notes that given the distance from the application Site to the nearest known breeding ponds (1km), the risk to GCN is considered to be very low and a European Protected Species Mitigation Licence (EPSML) should not be required, providing that works proceed under a precautionary Environmental Working Method Statement (EWMS).

As regards other reptiles presence/likely absence surveys carried out by the ecologists in 2015, 2016 and 2019 recorded Grass Snake, Slow-worm and Common Lizard within the vicinity of the application site. Surveys carried out by Atkins in 2017 (Highways England, 2019a) also recorded all three species in the same general area. It is noted that Adder have been recorded historically, but no evidence of this species has been found in any surveys since 2015. It is noted that the clearance of tall ruderal and scrub vegetation has the potential to cause direct harm to reptiles, however, this will be avoided through the implementation of the applicant's EWMS. The precautionary working methods for GCN will also apply to reptiles. Adherence to these measures will reduce the risk of harm to reptiles to a negligible level.

The submitted Ecological Impact Assessment notes that subject to the implementation of the proposed impact avoidance and mitigation measures, the proposals will not have any residual significant negative effects on important ecological features, and will conform to all applicable nature conservation related legislation and policy. This will be secured through conditions.

Trees

For the majority of the site, the proposed layout has minimal impact on trees and the Arboricultural Officer does not raise an objection subject to conditions requiring tree protection measures. The roundabout element of the application does project within the 15m buffer zone allocated to the Ancient Semi-natural Woodland that lies to the north, outside the site. The intrusion is directly as a result of the need for the roundabout to lie within the DCO land take and the road arrangement being brought forward under that Order. The implementation of the roundabout need not result in direct harm to the retained trees and nor does it place a form of new land use proximate to the Ancient Semi natural Woodland that would give rise to its harm above that already created by the DCO land use.

Policy LNPEN2 of the Lovelace Neighbourhood Plan states at point e) that any trees removed or lost as a result of development, other than those that are dead, dying or dangerous and of no ecological importance, should be replaced at a ratio of 2:1. Development affecting ancient trees should follow standing advice on ancient woodland and veteran trees. The tree removal required is also required for the DCO, and the area which contains the roundabout and stub does not require the removal of any further trees. As the application doesn't require further tree removal beyond that of the DCO, it would not be considered reasonable in this case to require the replacement tree planting.

Biodiversity net gain

Applying the DEFRA Metric 2.0 biodiversity net gain tool the proposed works would result in a loss of 2.12 biodiversity units using the post DCO 'future baseline'.

This loss would be offset, and a net gain provided offsite, on land to the east of the application site, in the applicant's ownership. An area of 0.4 ha of arable land would be converted to wildflower grassland and managed for biodiversity to achieve a 20% net gain.

Ecology assessment

The Council's ecology consultant states that the applicant's Ecological Impact Assessment has provided a full suite of surveys and has identified the likely impacts to arise on site to both habitats and protected species. They note that a detailed mitigation strategy has been provided which will ensure the favourable conservation status and protection of these species and habitats. As such, no objection is raised in this regard. The Council's consultant also acknowledges that the development will lead to a loss of 0.53% of the Wisley Airfield SNCI. Although it is in agreement that the habitat to be lost does not contain the citation features, the DCO application will also impact upon this SNCI. There will be a cumulative impact through these proposals as well as the recent planning application 20/P/01709, and the emerging application for the wider strategic site. The loss of any SNCI habitat will need to be mitigated for. It is noted that 0.43ha of wildflower grassland will be created to offset the loss of biodiversity. It is therefore considered that this habitat should include citation features from the Wisley Airfield SNCI (if soil conditions permit), and include management prescriptions for the citation species including bats, reptiles and amphibians. While the loss of some of the SNCI is of course regrettable, with conditions to secure the mitigation, it is noted that no objections have been raised in this regard by the Council's ecology consultant.

Finally, regarding biodiversity net gain it is noted that the NPPF requires a net gain in biodiversity on all development sites. Policy ID4 of the LPSS requires that new development must aim to deliver gains in biodiversity. The accompanying Ecological Impact Assessment submitted by the applicant and the Biodiversity Metric 2 Calculations demonstrate that the development can achieve this. The calculation tool was assessed in accordance with details provided through the training provided by CIEEM on the Metric 2 and it is noted that the calculation will achieve the 20% net gain as identified.

Natural England have also been consulted on the application and raised no objection but did ask that the submitted CEMP be updated to specify protective measures to avoid risks to the Ancient Woodland in terms of incursion into the woodland from construction vehicles and the storage of materials etc as well as a lighting design to protect roosting natterer's bats in a tree in the Woodland. A condition is recommended to ensure that the stub road and roundabout would not become operational until a detailed lighting scheme is approved by the Local Planning Authority.

Habitats Regulations Assessment

The Council has undertaken a Habitats Regulations Assessment (HRA) as part of its assessment of the application. The proximity of the proposed development site to the Thames Basin Heaths SPA triggers the need for a HRA for potential significant effects of this designated site. The site lies within 175 metres and therefore this project should be subject to HRA screening in combination with other projects. The *HRA for Guildford Borough Proposed Submission Local Plan: Strategy and Sites (2017 update)*, which includes details on allocation A35 of the Local Plan, states that there is a requirement for an application level HRA. The two potential impacts identified include recreational disturbance and air quality. Although this application will not result in recreational impacts there is potential for reduction in air quality and therefore this needs to be addressed.

The applicant has submitted additional information in this regard which concludes that the stub road scheme is unlikely to result in significant adverse effects on the TBH SPA due to changes in air quality during the operational phase, either alone or in-combination with other plans and projects, including the DCO or scheme to come forward as part of the LPSS allocation. The additional information received from the applicant has been forwarded to the Council's consultant. They note that the information provided is considered to be sufficient to inform the HRA with the conclusion that there are no likely significant effects on the Thames Basin Heaths SPA from a reduction in air quality.

In conclusion, the proposal will lead to a loss of 0.53% of the Wisley Airfield SNCI which is regrettable. This harm will be assessed in the final section of this report. However, the loss is compensated for through the provision of a wildflower grassland on another part of the wider FWA site and the applicant's assurance that the proposal will deliver net gain in biodiversity of 20%. The impacts on other habitats and species can be mitigated. A benefit of the proposed application is that, having been designed to enable access to the proposed A35 allocation site, it could be constructed in conjunction with the Wisley Land Diversion element of the DCO scheme, such that any impacts associated with the construction phase would only arise once instead of twice. This is in accordance with the principle of mitigation hierarchy which is to design a scheme which avoids ecological impacts in the first instance.

The impact on flood risk and the proposed surface water drainage strategy

A Flood Risk Assessment and Drainage Plan form part of this application submission.

The application site lies entirely within Flood Zone 1 which is defined as land assessed as having a less than 1 in 1,000 annual probability of flooding. The NPPF and Planning Policy Guidance (PPG) confirm that all types of development are appropriate within this Zone in terms of flood risk.

In terms of Surface Water, the Environment Agency's online mapping shows the site of the roundabout and stub road is not affected by any predicted flow pathways or ponding areas.

A drainage strategy has been identified which draws on the Wisley Lane Diversion drainage strategy. Only preliminary design information is available from Highways England at present, as the details will come at a later stage. The Flood Risk Assessment and the additional information submitted detail a drainage strategy which demonstrates that a viable and deliverable means of surface water attenuation can be achieved.

This strategy can be summarised as follows:

- HE drainage proposals will be retained with alignments adjusted as required to accommodate the deflection for the roundabout;
- runoff from the additional impermeable areas created by the stub road and roundabout (0.036ha over and above the DCO scheme) will be managed with a new soakaway trench;
- if soak away test rates prove to be slow, an overflow to the adjacent existing ditch will be provided with flows limited.

The Flood Risk Assessment and additional flood risk information has been considered by the Lead Local Flood Authority who have advised that they have no objection, subject to conditions to secure the detailed design and future maintenance of the SuDS scheme.

The submitted FRA and Drainage Plan demonstrate that the proposal would not increase surface water run-off. The proposal there complies with policy P4 of the LPSS which requires that “all development proposals are required to demonstrate that land drainage will be adequate and that they will not result in an increase in surface water run-off” and LNP policy LNPEN3 which requires developers to provide a surface water plan for major proposals.

The impact on heritage assets

Conservation areas and listed buildings

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that ‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’ Section 72 of the same Act calls for special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty under section 72 applies only to development within a conservation area.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraphs 189 - 199 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs. Paragraph 190 sets out that ‘local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’. Paragraph 193 of the NPPF states that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’. Paragraph 194 goes on to note that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’. This applies to all designated heritage assets, including conservation areas.

Historic England (HE) have been consulted on the application. They did not wish to offer any comments and suggested that the views of the Council’s specialist conservation and archaeological advisers were sought.

There are a total of seven listed buildings, one Registered Park and Garden, and three conservation areas within a 1km radius of the site. These are:

- walls and gates to Ockham Park (Grade II) – Listed Building
 - RHS Wisley Gardens offices (Grade II) – Listed Building
 - Chimneys (Grade II) – Listed Building
 - Park Cottage (Grade II) – Listed Building
 - Millwater (Grade II) – Listed Building
 - Millstream House (Grade II) – Listed Building
 - barn 30m NE from Bridgefoot Farm House (Grade II) – Listed Building
 - RHS Wisley – Grade II* - Registered Park and Garden
-
- Ockham – Conservation Area
 - Ockham Mill – Conservation Area
 - Ripley – Conservation Area

These are sited approximately 830m (NW), 830m (S) and 980m (SW) from the application site, respectively.

The Council's Conservation Officer raises no objection and raises the following comments.

In approaching an assessment of the impact (if any) of the proposed development on the setting of the listed building there are two principal factors to be taken into account. First, the architectural quality or interest of the listed building itself is a material consideration in assessing the setting of that building. The nature and character of the listed building is clearly an important factor in judging its setting. Secondly, it is necessary not only to consider the listed building itself but also the nature and appearance of the existing surroundings of the listed building immediately prior to the proposed development being carried out.

It is not considered that any of these heritage assets would be affected by direct physical change rather any likely affect would be to their setting. Therefore, it is necessary to assess the nature, extent and importance of the significance of a heritage asset and the contribution of its setting.

The heritage asset mostly likely to be affected by such matters is the Registered Park and Garden of RHS Wisley. Although physically close at approximately 130m to the north west of the site, RHS Wisley has no real relationship with the application site which falls outside its setting, by virtue of intervening A3 in particular and also from existing mature trees. The gardens are already subject to significant levels of road traffic noise from the A3 which impacts on its character and how the asset is experienced. It is not considered that any additional noise, vibrations and light spill from the proposed development would be that significant to distinguish amplified harm. Any impacts in this regard from the construction phase would be of a temporary nature and hard to distinguish from the construction phase of the DCO. Ockham Mill and Ripley Conservation Areas as well as Millwater, Millstream House are also separated from the proposed development by the A3.

The listed barn at Bridgefoot Farm, approx. 1km to the south west of the application site draws its significance from its historic fabric and its close association with other listed buildings on Bridgefoot Farm. It is not considered that the application site makes any contribution to the setting and the proposed development would not result in harm to the asset.

The wall and gates to Ockham Park, being sited approximately 700m to the south of the application site, draw their significance from their architectural form and association with Ockham Park. The Ockham Conservation Area, Chimneys and Park Cottage also draw their significance from their fabric, form and setting within the historic core of the settlement of Ockham and Ockham Park and it is not considered that these contributing factors would be affected by the proposal.

In conclusion it is considered that there would not be any harm caused to the setting of the identified heritage assets as a result of the proposed development.

Archaeology

In accordance with the policy requirement the application is accompanied by a desk-based assessment. This considers the site to have a generally low-moderate potential for archaeological remains dating from the earlier prehistoric and Bronze Age periods with a low potential for later periods based on the fact that there are few recorded archaeological sites or finds listed on the Historic Environment Record (HER) within the vicinity.

However, the County Archaeologist suggests that with recent archaeological work carried out in the vicinity the potential for prehistoric archaeology is moderate rather than low. It is therefore considered that there is the need for further archaeological work, in line with the National Planning Policy Framework and Local Plan policy. The application site forms part of the planned Junction 10/A3 interchange scheme for which a detailed programme of archaeological evaluation would be required. As the current proposal would not be implemented except as part of the wider DCO scheme a condition would be necessary to ensure that the required evaluation work is conditioned to be carried out prior to the commencement of development.

The report also notes that the historic Parish boundary between Wisley and Ockham runs through the site and appears to survive as an earthwork within an area of dense vegetation. This feature will need to be archaeologically recorded but the report suggests that this feature may be considered as an Important Historic feature under the 1997 Hedgerow Regulations and so further expert advice will be required as to the significance of this feature and whether further work is required to satisfy the regulations. The further investigation work, and any appropriate recording of this information can be captured under the archaeological condition.

No harm has been identified to any heritage assets, and therefore the proposal is in accordance with policy D3 of the LPSS and HE12 of the Local Plan 2003.

Planning balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. This requires a broad judgement regarding whether the development accords with the plan read as a whole.

Paragraph 11 of the NPPF also states that 'plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means...approving development proposals that accord with an up-to-date development plan without delay'.

The proposal is in accordance with the specific site access requirements of policy A35, as well as the Strategic Development Framework Supplementary Planning Document which recognises that the access for the Airfield will be from the realigned Wisely Lane. No significant conflict with relevant Development Plan policies arise, and so it can be concluded that the development accords with the plan when read as a whole.

Notwithstanding this, it is noted that the all the harms identified above must be considered and balanced against the benefits of the proposal. For clarity, weighting is used in the following order, with the highest level of weight at the top and the lowest level of weight at the bottom:

- substantial
- considerable
- significant
- moderate
- modest
- limited
- little

Harm

The proposal would result in some harm to the amenities of neighbouring dwellings at Elm Corner. However, this would be mainly during the construction phase, when there will also be activity present on the site from the work associated with the DCO. As such, the impacts resulting from this proposal will be limited. Due to the limited nature of this harm as set out above, this is afforded **modest weight** against the proposal.

The development will lead to a loss of 0.53% of the Wisley Airfield SNCI. However, it is noted that Natural England do not object to the proposal and the Council's ecology consultants also raise no concerns. In addition, it is noted that the loss of a small section of the SNCI would be somewhat offset by the 0.43ha of wildflower grassland that will be created as part of the development. **Moderate weight** is afforded to this harm.

Benefits

Constructing the roundabout and stub road simultaneously with the Wisley Lane Diversion (which forms part of the DCO) would limit construction impacts on the local community and RHS Wisley and ensure that they are built at the same time to avoid digging up the Wisley Lane Diversion which will have only just been constructed. This accords with the economic objective of coordinating the provision of infrastructure set out in NPPF paragraph 8. This benefit is afforded **significant weight**.

The application unlocks potential to develop the land covered by the A35 allocation, by delivering a key piece of infrastructure. This would help to bring forward development in accordance with the spatial strategy outlined in the LPSS. This benefit is afforded **moderate weight**.

It is noted that the proposal includes a new area of wildflower grassland and an overall biodiversity net gain. **Moderate weight** is afforded to this matter.

Conclusion

The proposal is in accordance with the specific site access requirements of policy A35, as well as the Strategic Development Framework Supplementary Planning Document which recognises that the access for the Airfield will be from the realigned Wisely Lane. Therefore, it is in accordance with an up to date development plan in this regard and benefits from the statutory presumption in section 38(6) of the Planning and Compulsory Purchase Act 2004, and from the presumption in favour of sustainable development paragraph 11(c) of the NPPF, as well as according with the plan-lead approach to planning decision making (NPPF para. 15).

The balance which has been undertaken concludes that the benefits of the proposal do outweigh the limited identified harm and therefore, planning permission should be granted.

This page is intentionally left blank

21/P/00293 - Lot 4, Westwood Lane, Wanborough, Guildford



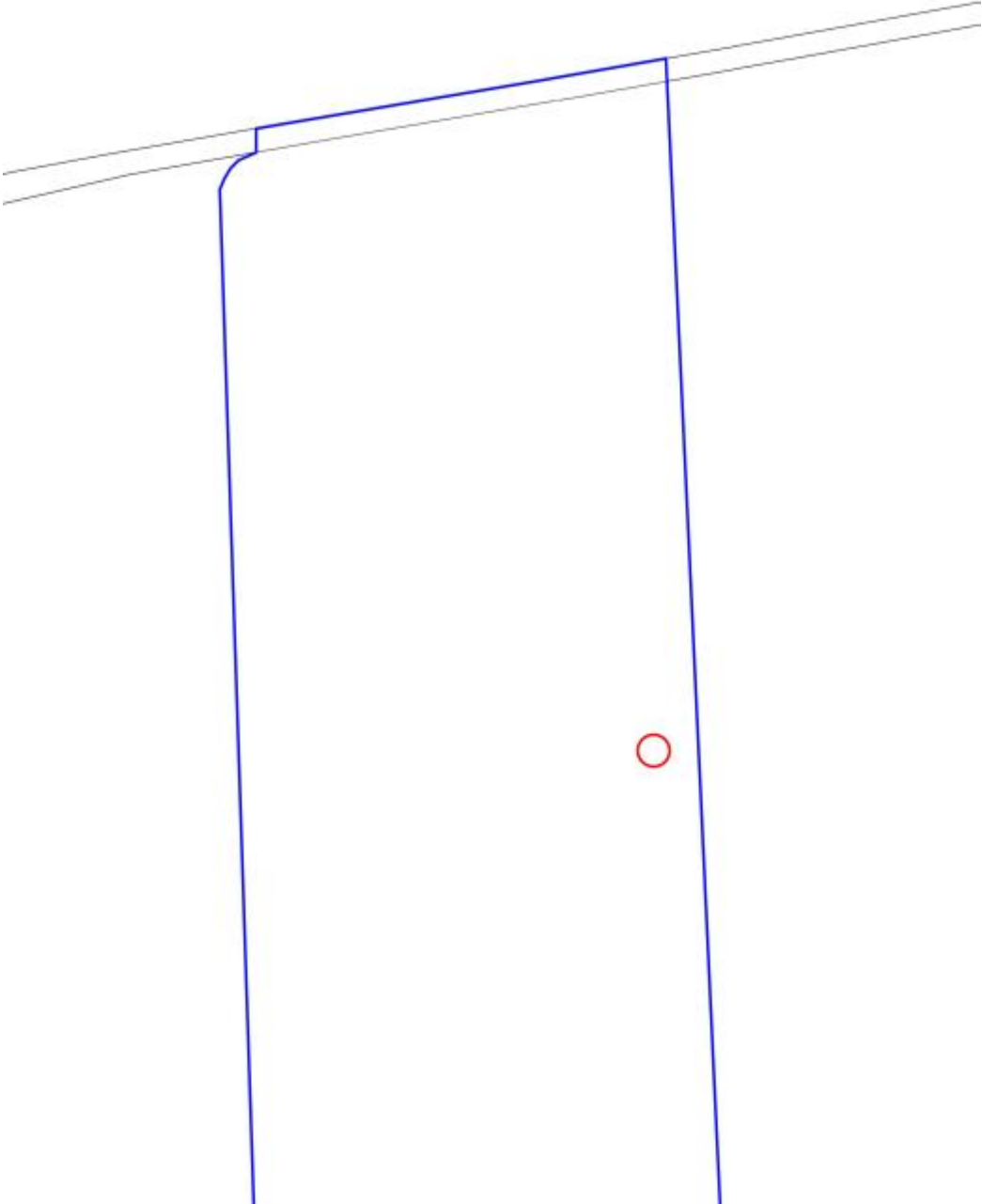
© Crown Copyright 2021. Guildford Borough Council.
Licence No. 100019625.

This map is for identification purposes only and should
not be relied upon for accuracy.

Print Date: 05/05/2021



21/P/00293 - Lot 4, Westwood Lane, Wanborough, Guildford



Not to scale

App No: 21/P/00293 **8 Wk Deadline:** 09/04/2021
Appn Type: Full Application
Case Officer: Katie Williams
Parish: Wanborough **Ward:** The Pilgrims
Agent : Miss Gascoigne **Applicant:** Mrs Javaherizadeh
Pike Smith and Kemp Rural C/O Pike Smith and Kemp
Hyde Farm Rural
Marlow Road Hyde Farm
Maidenhead Marlow Road
SL6 6PQ Maidenhead
SL6 6PQ

Location: Lot 4, Westwood Lane, Wanborough, Guildford, GU3 2JR
Proposal: Provision of a water tap to facilitate water for the purposes of agriculture and a manhole to gain access to the metre and stop tap.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

Key information

The proposal is for the provision of a water tap to facilitate water for the purposes of agriculture and a manhole to gain access to the metre and stop tap.

The proposal consists of a standalone water tap on a wooden post which will be no more than 1m above ground level and the manhole will have a cover measuring 600mm by 450mm which will be flush to the ground, positioned centrally along the eastern boundary of the plot.

Summary of considerations and constraints

There is no in-principle objection to the proposed development which would be in keeping with the character of the area and would conserve and enhance the AONB and would not harm the distinctive character of the AGLV. Furthermore, it would not result in any adverse impact on neighbouring amenity. The proposal is therefore recommended for approval.

RECOMMENDATION:

Approve - subject to the following condition(s) and reason(s) :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'site plan' and 'location plan' received on 12 February 2021.

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

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice pre-application advice was not sought prior to submission and the application was acceptable as submitted.

Officer's Report

Site description.

The site comprises part of an agricultural field located to the west of Westwood Lane. The land is within the Green Belt and part of the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). There is an Article 4 Direction covering the site.

The area is rural in nature and is defined by a small cluster of dwellings further to the east, open fields immediately to the east, west and north. The site itself is a narrow strip of land accessed via a track running to the north of the application site towards Westwood Lane to the east. The land is currently a field and remains undeveloped, sloping up southwards to the Hogs Back.

Proposal.

Provision of a water tap to facilitate water for the purposes of agriculture and a manhole to gain access to the meter and stop tap in order to facilitate the supply of water for the purposes of agriculture.

The application states that the land did have 100 walnut trees on site, however these dried up. The applicant's supplier informed the applicant that they had not been watered enough and needed irrigation. The applicant therefore intends to replant English walnut, hazelnut and almond trees. The application states that while the trees are self-sufficient in the long run, they require to be watered every once or twice a week for the first two growing seasons to ensure that they survive and as advised by the supplier, an irrigation system is required to do this. The provision of a water tap will ensure that the new trees can be watered regularly. In the future, the applicant intends to graze sheep alongside the growing of the trees, of which the sheep need a water trough to drink from and this is another reason as to why a water supply is required.

Relevant planning history.

19/P/02128 - Proposed erection of fencing around site and gate (retrospective). Refused (19/02/2020); Appeal Dismissed (07/01/2021)

Consultations.

Non-statutory consultees

Surrey Hills Area of Outstanding Natural Beauty Officer:

- would enable a parcel of land to be used for a purpose that conflicts with the wide open agricultural nationally protected landscape.
- the various nut trees intended to be planted here and requiring irrigation are not considered to be native to this landscape and would contrast with the open surroundings of this plot.
- two other applications at Wanborough Fields for water taps (20/P/01445 and 20/P/02015) having been permitted. However, they are in the AGLV and not the AONB as is this site which enjoys a higher status of protection.
- concern regarding the growing damage to the character of this landscape from the sale of many plots of sub-divided fields

[Officer note: We can only consider the application in front of us which is for the tap and manhole only, not potential future uses.]

Wanborough Parish Council:

Objects

- The installation of a water tap would be detrimental to the landscape as it would be visible from the A31, the B3000 and the public footpath a few metres away.
- It would neither conserve nor enhance the landscape and scenic beauty of the AONB.
- Applications 20/P/01448 and 20/P/02015 are both for land in the AGLV, and therefore of lesser value, and so should not be considered as relevant precedents.
- Following a refused Appeal, there is an Enforcement Order on this plot for the removal of a fence which has yet to be complied with. This planning application should remain undecided until the Enforcement Order is fully complied with. *[Officer note: The application must be determined on its own merits, we cannot hold pending action on a separate development]*

Third party comments:

45 letters of representation have been received raising the following objections and concerns:

- proposal is unnecessary [*Officer note: There is no requirement for the applicant to demonstrate that it is 'necessary'*]
- would damage the AONB & AGLV
- previous appeal dismissed on same plot
- the proposed use of the site for cultivation of trees with mains irrigation goes against the open AONB / AGLV landscape
- the proposal is trying to establish grounds for further development
- will set a precedent for a proliferation of similar inappropriate developments
- will allow small piecemeal developments to occur
- do not understand how livestock can be kept on land where fencing is not permitted
- no parking proposed
- no specialist tree report provided to show that trees can be grown / survive here
- clearly visible from road and public footpath

[Officer note: This application is for a water tap and manhole only. Planning permission is not being sought for the use of the land which is currently in agricultural use and would remain so should this application be approved.]

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 13: Protecting Green Belt land

Chapter 15: Conserving and enhancing the natural environment

The Guildford Borough Council Local Plan: Strategy and Sites 2015 - 2034

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

S1	Presumption in favour of sustainable development
P1	Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value
P2	Green Belt
D1	Place Shaping

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

- G1(12) Safeguarding and enhancement of the landscape and existing natural features
- G1(3) Protection of amenities enjoyed by occupants of buildings

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- impact on character, AGLV and AONB
- impact on neighbouring amenity

Principle of development

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 145 of the NPPF, certain forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such exception is engineering operations. This policy stance is echoed by Policy P2 of the Local Plan. The proposal is for a minor engineering operation and there will be no detrimental impact on the openness of the Green Belt.

The application states that the land would be used initially for the planting of trees and then to keep sheep alongside the growing of the trees. The applicant states that the trees will need to be watered once or twice a week for the first two growing seasons to ensure their survival and the proposed livestock will also require access to water. Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including: 'horticulture, fruit growing, seed growing, dairy farming; the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land. As such the proposed use of the land would fall within the definition of agriculture and no change of use of the land is sought.

Policy RE13 of the saved Local Plan relates to proposals for new agricultural buildings within the Green Belt. However, this is not considered relevant in this case as the proposal is for an engineering operation and not a new agricultural building. There is therefore no requirement to establish whether the proposed works are 'reasonably necessary' for the purposes of agriculture.

The principle of the development is therefore considered acceptable.

Impact on character, AGLV and AONB

The proposal consists of a standalone water tap on a wooden post which will be no more than 1m above ground level and the manhole will have a cover measuring 600mm by 450mm which will be flush to the ground. The proposed development would therefore be minimal in terms of its scale and would therefore not be a prominent feature in the landscape. Furthermore, the provision of taps within the countryside to meet the water needs of livestock would not be out of character in this rural landscape. It is considered that the proposed development would continue to conserve and enhance the AONB and would not result in any harm to the distinctive character of the AGLV. The proposed development is therefore considered to be acceptable in this regard.

Impact on neighbouring amenity

The proposed development would be located at a distance of over 100m to the nearest residential dwelling. Taking into consideration the nature of the proposal and the significant distance between the development and the neighbouring property, no concern is raised with regard to any adverse impact on neighbouring amenity.

Conclusion.

There is no in-principle objection to the proposed development which does not cause any change of use of the land away from an agricultural use. Furthermore, it would be in keeping with the character of the area and would conserve and enhance the AONB and would not harm the distinctive character of the AGLV. Furthermore, it would not result in any adverse impact on neighbouring amenity. The proposal is therefore recommended for approval.

There is no in-principle objection to the proposed development which would be in keeping with the character of the area and would conserve and enhance the AONB and would not harm the distinctive character of the AGLV. Furthermore, it would not result in any adverse impact on neighbouring amenity. The proposal is therefore recommended for approval.

Planning Committee

20 May 2021

Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

Sophie Butcher (sophie.butcher@guildford.gov.uk)

1.	<p>Mr Tahir Mahmood 36 Underwood Avenue, Ash, Aldershot, GU12 6PP</p> <p>20/P/01315 – The development proposed is described as a rear ground floor 6.00 metre extension with side habitable space and addition of a door from front to side passage giving access to rear garden.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the proposed development on the living conditions of the occupiers of No 34 Underwood Avenue, having regard to outlook and daylight, and on the living conditions of the occupiers of No.38 Underwood Avenue, having regard to outlook. • Viewed from the road, the appeal property forms the left-hand half of a pair of two-storey, linked semi-detached houses. These houses are typical of the residential development in the surrounding area and include ground floor habitable room windows and doors facing towards reasonably long and wide rear gardens. • The proposed development includes a flat roof single storey rear extension. It would be 3m high, 7.4m wide and 6m in depth. • On one side it would be positioned next to the rear garden boundary fence with No.34 with a 0.1m gap and the other side there would be a 1m gap to the rear garden boundary fence with No.38. Both of these timber close boarded boundary fences are about 1.8m high. • A majority of the vertical side elevation of the rear extension would be screened by the boundary fence. However, a significant part would nonetheless project a substantial distance in height above the fence by 1.2m and would maintain this height for a substantial distance of 6m very close next to and along this boundary. • The scale and massing of this part of the extension would therefore be overly dominant and overbearing and as a result unduly restrict views out of and light into this habitable room via this door and these windows. • The extension would harm the living conditions of the occupiers of No.34, having regard to outlook and daylight. I give substantial weight to this harm. It would not harm the living conditions of the occupiers of No.38, having regard to outlook. • Consequently, the proposed development would not accord with saved policies G1 and G5 of the Guildford Borough Local Plan, January 2003 or with Policy D1 of the Guildford Borough Local Plan: strategy and sites, April 	DISMISSED
----	---	-----------

	<p>2019. These policies include that the scale and height of development should protect the amenity of occupants of buildings, including in terms of daylight, and achieve high quality design to promote healthy living.</p> <ul style="list-style-type: none"> • It would conflict with the Council’s Residential Extensions and Alterations supplementary planning document, 2018 (SPD) as well as paragraphs 117 and 127 of the National Planning Policy Framework. • The appeal therefore does not succeed. 	
<p>2.</p>	<p>St Patrick’s (Potter Lane) Limited 90 Potters Lane, Send, Woking, GU23 7AL</p> <p>20/P/01248 – The development proposed is demolition of existing dwelling and erection of 3 dwellings with associated vehicular and pedestrian access and parking.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the development on the character and appearance of the area. • Potters Lane is characterised by a linear form of development with many detached dwellings fronting the lane with long rear gardens. At the rear of the frontage development there are occasional dwellings, accessed by private drives from Potters Lane. • These dwellings are generally larger than those fronting the lane and are situated in much more spacious grounds. Their gardens, together with small lakes and paddocks run down to the River Wey. • Policy G11 of the Guildford Borough Local Plan 2003 seeks to protect and improve the special character of the corridor of the River Wey, including views both within and from the corridor which contribute to this special character. • The two houses proposed on the rear part of the appeal site would be on smaller and narrower plots than those others that make up the scattered development to the rear of Potters Lane. • Given the size of the buildings and the limited spacing between them, this layout would appear cramped and out of character with the more spacious, open settings of the other dwellings. • While the buildings themselves would stand outside the corridor of the River Wey as shown on the Local Plan Policies Map, their upper storeys and roofs would be visible in views from the River Wey and nearby public footpaths. • I reach that view notwithstanding the changes that have been made from a previous unsuccessful scheme on the site. The reduction in size and height of the proposed dwellings do not, in my view, overcome the cramped nature of the development when compared to the layout and spacing of the scattered dwellings to which they would relate. • The replacement dwelling at the front of the site would conform with the general size and design of the other dwellings fronting Potters Lane. I also consider that the revised design of the private drive has overcome the concerns expressed on the previous scheme by increasing the space at the side of the replacement house. In this revised form, the access and driveway would be similar in many respects to other private drives serving dwellings behind Potters Lane and would not have a harmful effect on the street scene. • The site is not large enough to create its own identity in the sense proposed 	<p>DISMISSED</p>

	<p>by paragraph 5 of Policy D1 of the current Local Plan. I conclude that the proposed development on the rear part of the site would fail to achieve those aims as a result would harm the character and appearance of the area.</p> <ul style="list-style-type: none">• The proposal would consequently conflict with policies G5 and G11 of the Guildford Borough Local Plan 2003, policy D1 of the current Local Plan and policy Send 1 of the emerging Neighbourhood Development Plan which seek to reflect the distinct local character.• The provision of a net additional two dwellings is of modest benefit in helping to meet housing demand. However, this is outweighed by the harm to the character and appearance of the area. The development would therefore conflict with the development plan when taken as a whole. There are no other material considerations which outweigh the conflict with the development plan.	
--	---	--

This page is intentionally left blank