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Contact Officer:

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6 July 2021

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** to be held in the Council Chamber on **WEDNESDAY, 14 JULY 2021 at 7.00 pm.**

Yours faithfully

James Whiteman  
Managing Director

**MEMBERS OF THE COMMITTEE**

Chairman: Councillor Fiona White  
Vice-Chairman: Councillor Colin Cross

Councillor Jon Askew  
Councillor Christopher Barrass  
Councillor David Bilbé  
Councillor Chris Blow  
Councillor Ruth Brothwell  
Councillor Angela Goodwin  
Councillor Angela Gunning

Councillor Liz Hogger  
The Mayor, Councillor Marsha Moseley  
Councillor Ramsey Nagaty  
Councillor Maddy Redpath  
Councillor Pauline Searle  
Councillor Paul Spooner

**Authorised Substitute Members:**

Councillor Tim Anderson  
Councillor Richard Billington  
The Deputy Mayor, Councillor Dennis Booth, The Deputy Mayor  
Councillor Graham Eyre  
Councillor Guida Esteves  
Councillor Andrew Gomm  
Councillor Steven Lee  
Councillor Nigel Manning  
Councillor Ted Mayne

Councillor Bob McShee  
Councillor Susan Parker  
Councillor Jo Randall  
Councillor Tony Rooth  
Councillor Will Salmon  
Councillor Deborah Seabrook  
Councillor Cait Taylor  
Councillor James Walsh  
Councillor Catherine Young

**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:

- |                     |  |
|---------------------|--|
| <b>Place-making</b> | 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   |
| <b>Community</b>    | Supporting older, more vulnerable and less advantaged people in our community  |
|                     | Protecting our environment   |
|                     | Enhancing sporting, cultural, community, and recreational facilities   |
| <b>Innovation</b>   | 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 - 20)**

To confirm the minutes of the meeting of the Committee held on 16 June 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 21 - 22)**

All current applications between numbers 20/P/01148 and 21/P/00978 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 **20/P/01148 - Land south of, Beech Lane, Normandy, GU3 2JH**  
(Pages 23 - 48)

5.2 **20/P/02067 - Manor Farm, East Lane, West, Horsley, Leatherhead, KT24 6HQ** (Pages 49 - 112)

5.3 **21/P/00978 - 9 Marlins Drive, Guildford, GU4 7LS** (Pages 113 - 120)

### **6 PLANNING APPEAL DECISIONS (Pages 121 - 132)**

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*.

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## PLANNING COMMITTEE

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

- |                                  |  |
|----------------------------------|--|
| * Councillor Jon Askew           | * Councillor Liz Hogger                |
| * Councillor Christopher Barrass | * The Mayor, Councillor Marsha Moseley |
| * Councillor David Bilbé         | * Councillor Ramsey Nagaty             |
| * Councillor Chris Blow          | * Councillor Maddy Redpath             |
| * Councillor Ruth Brothwell      | * Councillor Pauline Searle            |
| * Councillor Angela Goodwin      | Councillor Paul Spooner                |
| * Councillor Angela Gunning      |  |

\*Present

Councillor George Potter was also in attendance.

### **PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

An apology was received from Councillor Paul Spooner for whom there was no substitute.

### **PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

No disclosures of interest were declared.

### **PL3 MINUTES**

The minutes of the Planning Committee held on 20 May 2021 were approved and signed by the Chairman as a true record.

### **PL4 ANNOUNCEMENTS**

The Committee noted the procedures for determining planning applications.

### **PL5 WITHDRAWN: 18/P/02456 - LAND AT ASH MANOR, ASH GREEN ROAD, ASH GREEN, GUILDFORD, GU12 6HH**

The above application has now been withdrawn. Additional information was received from the Council's Tree Officer relating to the status of T67 and its possible categorisation as a veteran tree. This information will now need to be assessed by Planning Officers.

### **PL6 WITHDRAWN: 20/P/01461 - LAND AT ASH MANOR, ASH GREEN ROAD, ASH GREEN, GUILDFORD, GU12 6HH**

The above application has now been withdrawn. Additional information was received from the Council's Tree Officer relating to the status of T67 and its possible categorisation as a veteran tree. This information will now need to be assessed by Planning Officers.

**PL7 21/P/00039 - LAND AT STOKE AND DISTRICT HORTICULTURAL SOCIETY, CLUB HOUSE, BELLFIELDS ROAD, GUILDFORD, GU1 1QG**

The Committee considered the above-mentioned full application for proposed construction of a single storey temporary building (Use Class F2) for the "Aggie Club" along with associated servicing, drainage, storage, landscaping, access and car parking.

The Committee was informed by the planning officer that the application had been referred to the Planning Committee by the Head of Place, Tim Dawes owing to the fact that Guildford Borough Council was the applicant. The Committee noted the supplementary late sheets which outlined further correspondence received from the Agent.

The proposed building would serve as a replacement facility for the existing Horticultural Society until its long-term replacement building was delivered through the Weyside Urban Village redevelopment. To the east of the site was the Guildford Borough Council depot and the Thames Water treatment facility. Residential properties along Parsons Green were located close to the site. 24 parking spaces were to be provided and a new vehicular access provided from Bellfields Road with a pedestrian zone in front of the garages. Owing to the proximity of the building to residential properties, significant mitigation measures had been secured by condition in order to prevent any harmful impact on neighbouring amenities. This consisted of defensive planting including Hawthorn and Holly which would prevent people from gathering close to the boundary. A 2.4-metre-high acoustic fence was also proposed to be installed along the western boundary. A noise management plan was required and acoustic insulation would be incorporated into the building. The building would be comprised of modular construction. A small alleyway separated the residential properties from the application site with a site level difference of approx. 1 metre, meaning that the site sat higher than its surroundings to the west. From the property at 34 Parsons Green and due to the land level differences, it was possible to see into the dwelling and its private garden which would be partly alleviated by the acoustic fence to be installed. In conclusion, it was the planning officer's view that the application was recommended for approval subject to the package of mitigation measures to be put in place.

The Committee discussed the application and noted that the existing premises, known locally as the 'Aggie Club' was widely used by the community and was a real asset. However, it was unfortunately located in the way of the Weyside Urban Village redevelopment. The current building was of no architectural merit. The negative aspect of the building being used for community events was the prospect of loud music at anti-social hours which could harm the enjoyment of the amenities for the residents of Parsons Green. The Committee asked if more information could be provided regarding the acoustic fence, the hours of operation of the premises, particularly on Saturday nights and what parking provision had been allocated to staff.

The Senior Specialist for Environmental Control, Gary Durrant confirmed that in respect of the acoustic fence, this would only be effective for people in close proximity to it. It did provide a useful barrier and had been successfully used elsewhere. With regard to the opening hours, the controls on licensing did not cover outside areas and only covered the building itself. The effective controls on hours of operation were directed by good management of the premises ultimately. The planning officer also confirmed that the maximum number of parking spaces required was 21 and therefore an additional 3 parking spaces had been provided and staff parking was incorporated as part of that. The Development Management Lead, Dan Ledger also confirmed that the insulation of the building and acoustic fence were all part of a package of management controls and conditioned so to limit people's ability to congregate closely to the residential properties.

The Committee also queried how high the acoustic fence would be and if its height would cause an overbearing effect upon residential properties in terms of shadowing over their gardens. Also, the Committee wished to confirm what the purpose was of the small alleyway which separated the site from the residential buildings. What access requirements had been incorporated into the building such as provision of an accessible toilet in a modular building, what safety and security measures had been put in place and if there were plans to install an electric car charging point?

The planning officer confirmed that the acoustic fence would be 2.4 metres in height and whilst there was the potential for some over shadowing it was limited with the alleyway already in situ. The alleyway had been constructed some time ago to give residents access to their rear gardens. One disabled parking space had been provided and in terms of security measures, it was up to the occupiers to install CCTV and ensure its good management. An electric vehicle charging point had not been incorporated but could be raised with the applicant. In terms of accessibility, that detail had not been provided and was subject to separate legislation. The Committee also noted that the building was subject to a noise management plan as detailed in condition 6.

The Committee considered whether it would be possible to have hours of operation stated separately from the licensing requirements and to state those hours clearly as part of the conditions. This could help prevent people from congregating in the car park. In addition, the Committee was concerned that when large events like weddings were held, the parking provision proposed onsite would not be sufficient and in turn place pressure upon residents parking spaces.

The Development Management Lead, Dan Ledger confirmed that government guidance was strict in that planning controls should not be used in addition to licensing controls in terms of managing operating hours. The effective management of parking for large events could be controlled through the discharge of the condition related to that. However, in terms of the number of parking spaces, it was in excess of the parking standards and could not be increased any further.

The Committee expressed concern regarding the wording of the text included in the informative detailed on page 130 'Pre-application advice was not sought prior to submission and the Local Authority has worked with the applicant....'. When the applicant was the Local Authority, how could the Local Authority be seen to be working with itself and that this needed further clarification.

The Development Management Lead, Dan Ledger that handling arrangements were in place which meant that an agent had been employed rather than being directly handled through the council offices.

The Solicitor confirmed that that informative on page 130 was in his mind sufficient given that in the last paragraph it stated that there were two teams, the applicant, and the decision-making side of the authority. Case law had established that handling arrangements must be recorded as two separate teams which had been followed and applied.

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

| RECORDED VOTE LIST |                                |           |          |          |
|--------------------|--------------------------------|-----------|----------|----------|
|                    | COUNCILLOR                     | FOR       | AGAINST  | ABSTAIN  |
| 1                  | Pauline Searle                 | X         |          |          |
| 2                  | Angela Goodwin                 | X         |          |          |
| 3                  | Ruth Brothwell                 | X         |          |          |
| 4                  | Maddy Redpath                  | X         |          |          |
| 5                  | Liz Hogger                     | X         |          |          |
| 6                  | Angela Gunning                 | X         |          |          |
| 7                  | Chris Barrass                  | X         |          |          |
| 8                  | Ramsey Nagaty                  | X         |          |          |
| 9                  | Jon Askew                      | X         |          |          |
| 10                 | Fiona White                    | X         |          |          |
| 11                 | Chris Blow                     | X         |          |          |
| 12                 | The Mayor, Cllr Marsha Moseley | X         |          |          |
| 13                 | Colin Cross                    | X         |          |          |
| 14.                | David Bilbé                    | X         |          |          |
|                    | <b>TOTALS</b>                  | <b>14</b> | <b>0</b> | <b>0</b> |

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

RESOLVED to approve application 21/P/00039 subject to the conditions and reasons as detailed in the report.

**PL8 21/P/00470 - 50 CHARLOCK WAY, GUILDFORD, GU1 1XZ**

The Committee considered the above-mentioned full application for single storey side extension, and conversion of existing loft space to habitable accommodation, including roof alterations, changes to fenestration, 2 dormer windows and 1 roof light.

The Committee was informed by the planning officer that the application had been referred to the Planning Committee by Councillor George Potter who considered that the proposal may be out of character with the street scene and surrounding area and may result in an unacceptable impact on neighbouring amenity.

The application site was located in the urban area of Guildford and the existing dwelling was a detached bungalow. The surrounding area was comprised of a mix of dwellings with bungalows and two-storey properties of different designs and sizes. Number 48 Charlock Way had also been subject to a significant extension at first floor level. The proposed development would have a similar appearance from the front elevation and as such would remain in keeping with the character of the area. The application was therefore recommended for approval.

The Chairman permitted Councillor George Potter to speak for three minutes in his capacity as ward councillor. The Committee noted concerns raised regarding the potential impact upon the streetscene and loss of light caused by the proposed development and whether it had been adequately dealt with in the report. It was also noted that a significant part of the development would already be permissible under permitted development rights.

The Development Management Lead, Dan Ledger confirmed that the report did assess the effect of the proposed extension on the surrounding area, the streetscene and effect upon neighbouring amenities. Additional information in relation to planning harm could have been



provided if requested. The previous application refused on this site owing to its large dormer windows did not include a reason for refusal based on amenity grounds and therefore this new issue would have to be carefully considered if it were to be pursued.

The Committee considered points raised that the scheme proposed was consistent with the existing streetscene but to assist with concerns regarding the effects upon the neighbours enjoyment of their amenities it was recommended to amend condition 4 so that the dormer windows in the south-west elevation of the development were obscure glazed in perpetuity. The Committee noted that neighbouring properties had already been significantly extended and on that basis the extension proposed on this site was appropriate.

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

| RECORDED VOTE LIST |                                |           |          |          |
|--------------------|--------------------------------|-----------|----------|----------|
|                    | COUNCILLOR                     | FOR       | AGAINST  | ABSTAIN  |
| 1                  | Maddy Redpath                  | X         |          |          |
| 2                  | Ruth Brothwell                 | X         |          |          |
| 3                  | Colin Cross                    | X         |          |          |
| 4                  | Jon Askew                      | X         |          |          |
| 5                  | Angela Gunning                 | X         |          |          |
| 6                  | Fiona White                    | X         |          |          |
| 7                  | Pauline Searle                 | X         |          |          |
| 8                  | The Mayor, Cllr Marsha Moseley | X         |          |          |
| 9                  | Angela Goodwin                 | X         |          |          |
| 10                 | Chris Blow                     |           | X        |          |
| 11                 | Ramsey Nagaty                  | X         |          |          |
| 12                 | David Bilbé                    | X         |          |          |
| 13                 | Liz Hogger                     | X         |          |          |
| 14                 | Chris Barrass                  | X         |          |          |
|                    | <b>TOTALS</b>                  | <b>13</b> | <b>1</b> | <b>0</b> |

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

RESOLVED to approve application 21/P/00470 subject to the amendment to condition 4, conditions and reasons as detailed in the report.

**PL9      21/P/00819 - 24 THE STREET, SHALFORD, GUILDFORD, GU4 8BT**

The Committee considered the above-mentioned Listed Building Consent application for a new external side door, re-lay lean to roof adding three rooflights, and 3 obscured glazed lean-to windows, restore leaded light windows and internal works.

The application had been referred to the Planning Committee because the applicant was a Council employee. There had been no objections to the application. The Committee was informed by the planning officer that the dwelling was Grade II listed located in the Shalford Village area, inset from the Green Belt and was outside of the Area of Great Landscape Value (AGLV). The works proposed all fall under permitted development but as the building was Grade II listed building consent was required. The Council's Conservation Officer had assessed the scheme of works proposed and concluded that they had been sensitively

considered so not to undermine the historic significance of the building. A pre-commencement condition had been included to ensure that the details of the proposed windows, doors and re-roofing materials were submitted prior to installation. The roof lights were also required to be installed flush with the roof plan and for the boiler flue to be black coloured.

The Committee discussed the application and agreed that the proposed works had been sympathetically designed for the Grade II listed building and were content that the boiler flue which would be seen from the outside would blend in and had been conditioned to be painted black.

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

| RECORDED VOTE LIST |                                |           |          |          |
|--------------------|--------------------------------|-----------|----------|----------|
|                    | COUNCILLOR                     | FOR       | AGAINST  | ABSTAIN  |
| 1                  | Chris Barrass                  | X         |          |          |
| 2                  | Pauline Searle                 | X         |          |          |
| 3                  | Jon Askew                      | X         |          |          |
| 4                  | David Bilbé                    | X         |          |          |
| 5                  | Maddy Redpath                  | X         |          |          |
| 6                  | Fiona White                    | X         |          |          |
| 7                  | Angela Gunning                 | X         |          |          |
| 8                  | Liz Hogger                     | X         |          |          |
| 9                  | Ruth Brothwell                 | X         |          |          |
| 10                 | Chris Blow                     | X         |          |          |
| 11                 | The Mayor, Cllr Marsha Moseley | X         |          |          |
| 12                 | Angela Goodwin                 | X         |          |          |
| 13                 | Ramsey Nagaty                  | X         |          |          |
| 14                 | Colin Cross                    | X         |          |          |
|                    | <b>TOTALS</b>                  | <b>14</b> | <b>0</b> | <b>0</b> |

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

RESOLVED to approve application 21/P/00819 subject to the conditions and reasons as detailed in the agenda.

## **PL10 PLANNING APPEAL DECISIONS**

The Committee discussed the appeal decisions and noted comments from the Development Management Lead, Dan Ledger regarding the second appeal listed, Land to the west of the Street, Tongham. Two reasons for refusal were put forward by the Committee regarding the design of the scheme and sustainability measures. It was worth noting the Inspector's comments regarding the scale of the development being able to create its own identity and that the scheme did not therefore need to respond to the local vernacular. The second reason for refusal regarding the SPD and sustainability, the Inspector found that the scheme did in fact meet the requirements of policy DP2 and sustainability requirements. The policies put forward to refuse an application therefore needed to be robust owing to the significant costs involved with an appeal process and officer and councillor time.

The Committee also congratulated officers on the successful appeal win against The Casino regarding costs awarded to Guildford Borough Council.

The meeting finished at 8.03 pm

Signed .....

Chairman

Date .....



Agenda item number: 5

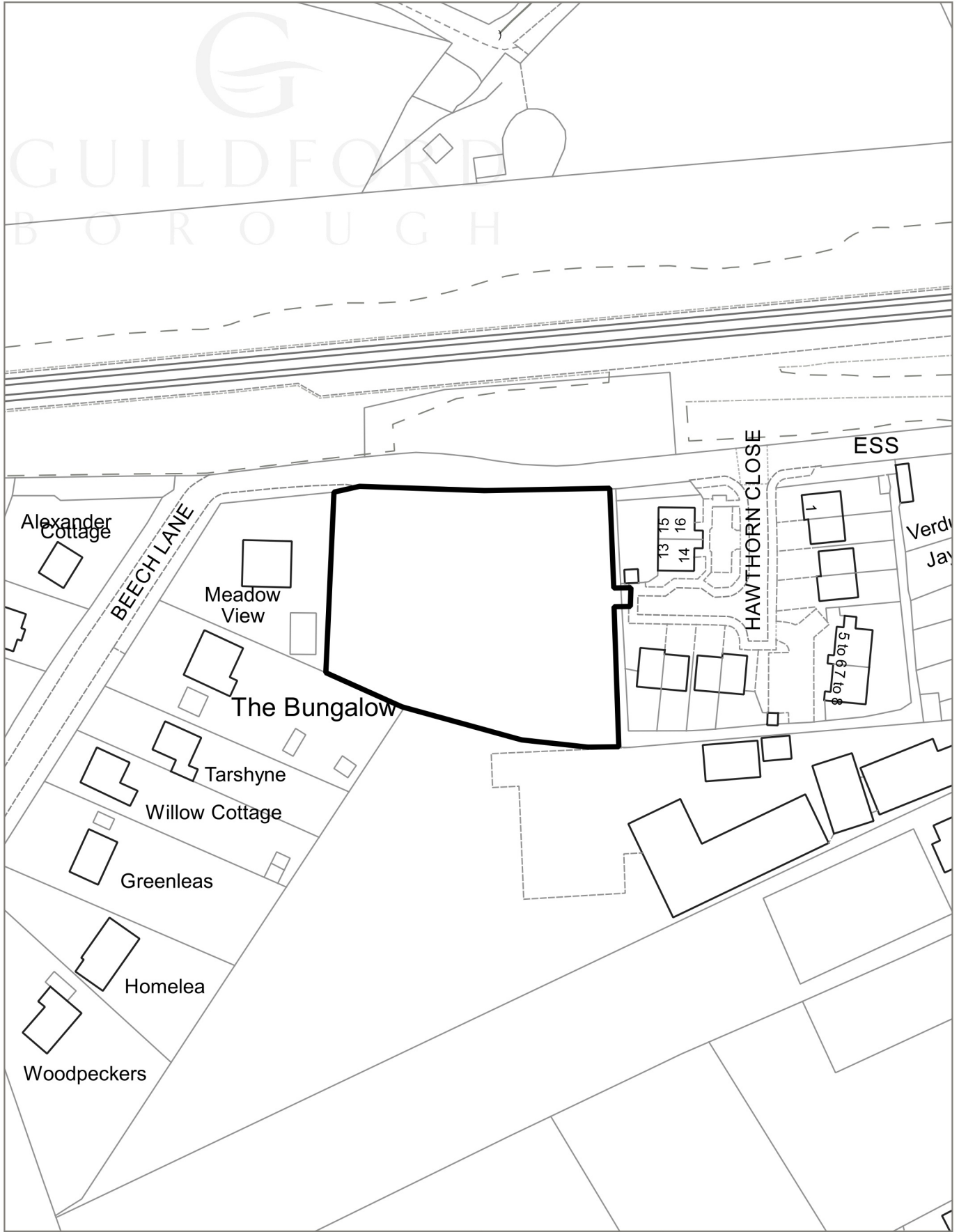
**GUILDFORD BOROUGH COUNCIL**  
**PLANNING COMMITTEE INDEX**  
**14/07/2021**

| <b>Item No.</b> | <b>Parish</b> | <b>Applicant</b>                                  | <b>Location</b>  | <b>App.No.</b> | <b>Rec.</b> | <b>Page</b> |
|-----------------|---------------|---|--|----------------|-------------|-------------|
| 5.1             | Normandy      | Hackwood Homes Ltd, Unit 6                        | Land at south of Beech Lane, Normandy, GU3 2JH             | 20/P/01148     | S106        | 23.         |
| 5.2             | West Horsley  | Thakeham Homes Ltd, Thakeham House, Summers Place | Manor Farm, East Lane, West Horsley, Leatherhead, KT24 6HQ | 20/P/02067     | S106        | 49.         |
| 5.3             | Burpham       | Mr & Mrs Mawson, 9 Marlyns Drive                  | 9 Marlyns Drive, Guildford, GU4 7LS                        | 21/P/000978    | APPC        | 113.        |

**Total Applications for Committee                    3**

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# 20/P/01148 - Land South Of, Beech Lane, Normandy



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Print Date: 01/07/2021



Page 23 Not to Scale



GUILDFORD  
BOROUGH

20/P/01148 – Land south of, Beech Lane, Normandy





**App No:** 20/P/01148 **8 Wk Deadline:** 30/07/2021  
**Appn Type:** Full Application  
**Case Officer:** Jo Trask  
**Parish:** Normandy **Ward:** Normandy  
**Agent :** Colette Harrsion **Applicant:** Hackwood Homes Ltd  
HF Architecture Ltd  
17 Lyndock Place  
Southampton  
SO19 9DJ  
Unit 6  
Hackwood Business Park  
Water End  
Basingstoke  
RG24 7BA

**Location:** Land south of, Beech Lane, Normandy, GU3 2JH  
**Proposal:** Proposed construction of 16 dwellings accessed via Hawthorn Close.

### **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**

This application seeks permission for 16 affordable residential dwellings

The agreed mix of units is as follows:

4 x 1 bed  
6 x 2 bed  
6 x 3 bed

28 parking spaces would be provided  
secure cycle parking within the rear curtilages

The dwellings would be 2 storey in height, ranging from 8.7m, 9.1m and 9.6m

The development would form an extension to the existing Hawthorn Close housing development to the east of the site. Vehicular and pedestrian access is to be provided through this adjacent housing development. An existing field gate access to Beech Lane would be closed.

#### **Summary of considerations and constraints**

The site is in the Green Belt. Outline planning permission (extant) granted the principle of the site as a rural exception in meeting an affordable housing need. The proposed development is considered to be acceptable under rural exception policy.

There is no net gain in biodiversity which weighs against the development.

The provision of 16 affordable housing units weighs in favour of the development.

No objection is raised by SCC Highways regarding the proposed access to the site.

Subject to a s.106 to secure appropriate mitigation for the Thames Basin Heaths Special Protection Area, financial contributions towards primary and secondary education, to secure the housing nominations and to secure the housing to be 'affordable' in perpetuity, the proposal appears to be acceptable and would go some way to meeting the identified need for affordable housing in Normandy.

**RECOMMENDATION:**

**(i) Subject to a Section 106 Agreement securing:**

- **provision of 100% affordable housing in accordance with the Council's approved tenure split**
- **nomination rights of housing in agreement with the Housing and Strategy Manager**
- **provision of SANG mitigation in accordance with the Thames Basin Heaths SPA Avoidance Strategy 2017;**
- **a contributions towards SAMP;**
- **a contribution towards early years, primary and secondary education.**
- **a contribution towards open space in accordance with the tariff.**

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

**(ii) That upon completion of the above, the application be determined by the Director of Service Delivery.**

**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 location plan 001 rev a received 13 July 2020, Reptile presence/absence survey report by The Ecology Co-op and Preliminary Ecological Appraisal by The Ecology Co-op received on 27 July 2020, SuDS Assessment and Drainage Strategy by Motion received on 10 September 2020, materials list received 19 October 2020, construction transport management plan dated 9.11.20 and Construction Environmental Management Plan received on 9 November 2020, site plan 709-003 rev c, street elevations 709-008 rev b, floor plans plots 7 & 8 709-019 A, elevations plots 7 & 8 709-020 rev b, floor plans plots 5, 6, 9, 10, 13 & 14 709-021 rev A, elevations plots 5, 6, 9, 10, 13 & 14 709-022 rev b, floor plans plots 3, 4, 11, & 12 709-023 rev b, elevations plots 3, 4, 11, & 12 709-024 rev b, floor plans plots 1 & 2 709-025, elevations plots 1 & 2 709-026 received on 22 June 2021.

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 occupation an Exterior Lighting Strategy for this development shall be submitted to and approved in writing by the Local Planning Authority. The exterior lighting strategy should be designed in line with the Bat Conservation Trust guidelines on artificial lighting and wildlife (Bat Conservation Trust 2018) to minimise adverse impacts on bats in the surrounding area.

The lighting shall be installed in accordance with the approved details.

Reason: In the interests protected species.

4. Prior to commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Planning Authority. The content of the LEMP should include the following:
  - a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan should also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To increase the biodiversity of the site and its long term management and mitigate any impact from the development. This pre commencement condition goes to the heart of the planning permission.

5. Prior to first occupation a plan showing a Road Safety Scheme comprising of advanced warning signs on the approach of the Beech Lane junction with Westwood Lane shall be provided in accordance with a scheme to be 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.

6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with Drawing No. 709,03,B, 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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. The development, including any works of demolition or preparation, shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) by Hackwood Homes Ltd and the Construction Transport Management Plan submitted on 9 November 2020.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This pre commencement condition goes to the heart of the planning permission.

8. The development hereby approved shall not be occupied unless and until each of 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 to the satisfaction of the Local Planning Authority.

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

9. 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) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) 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. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.9 l/s.
  - c) 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.).

- d) If infiltration is unfeasible, details of the downstream connectivity of the watercourse.
- e) 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.
- f) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- g) 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. This pre commencement condition goes to the heart of the planning permission.

10. 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 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.

11. The development shall only be constructed in accordance with the external materials noted below:

windows: white uPVC  
Rainwater pipes: Black uPVC  
Bricks: Ibstock Capital Multi stock  
Roof tiles: Redland antique  
Weatherboarding: Marley C08 Cedral Beige Yellow  
Block paving for vehicular circulation: Marshalls Tegular Traditional  
Block paving for parking bays: Marshalls Tegular Harvest

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.

12. No residential development shall take place until written confirmation has been obtained from the Local Planning Authority that the Council has secured Suitable Alternative Natural Green Space (SANG) 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.

13. The development shall be carried out in strict accordance with the recommended actions in section 4 of the PEA by the Ecology Co-Op dated 16th August 2017 and the supervised mitigation strategy detailed in section 4 of the Reptile Presence/Absence Survey Report dated 8th September 2017.

Reason: To ensure the development does not adversely affect legally protected species.

14. The windows in the first floor side elevations of plots 1, 6 and 14 of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s 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.

15. No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. 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 retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality. This prior to commencement condition goes to the heart of the planning permission.

16. 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.

17. Prior to the commencement of development, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:
- i) how energy efficiency is being addressed, including benchmark data, and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements; and,
  - ii) 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 technology and fabric improvements shall be achieved for each dwelling.

The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's Climate Change, Sustainable Design , Construction and Energy SPD 2020. This pre commencement condition goes to the heart of the planning permission.

18. Prior to occupation, the development shall achieve a Secure by Design Accreditation through discussion with Surrey Police. Proof of the Secured by design Accreditation is to be submitted to the Local Planning Authority and approved in writing.

Reason: To ensure crime prevention is taken into account.

19. 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 5837:2012 (or any later revised standard) 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. This pre commencement condition goes to the heart of the planning permission.

**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](mailto: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.

This application followed an earlier outline application. Minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes.

3. Highways informatives:

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](http://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 conditions, 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.

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.



4. Drainage

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 their website.

5. The developer is advised that Guildford Borough Council charge for the purchase of all recycling and refuse bins at new builds and re-developments. They should provide 3-4 weeks' notice, prior to the first resident moving in, to process bin orders.

**Officer's Report**

**Site description.**

The application site, measuring 0.38 hectares, comprises a roughly rectangular parcel of land to the south of Beech Lane. The site is flat, rough pasture with no buildings. The site falls within the Green Belt. It lies outside the Flexford settlement boundary which is inset from the Green Belt. To the east lies a relatively new residential development of 16 affordable residential units and associated parking (Hawthorne Close) a mix of one and a half and two storey high properties. Access to the site is shown to be located from Hawthorne Close. To the west lies single storey residential properties. Land to the north, beyond Beech Lane, rises up to the raised embankment railway line. To the south the site abuts buildings and structures associated with Lynwood.

An existing field access point lies on the boundary with Beech Lane in the north east corner of the site.

The site is within 400m to 5km of the Thames Basin Heaths Special Protection Area.

**Proposal.**

Proposed construction of 16 houses accessed via Hawthorn Close. The proposal is for 100% affordable housing.

The access is proposed to be a continuation of the road within the adjacent Hawthorne Close development.

Following consultation with the Housing strategy manager the proposal has been amended from 10 x 2 bed and 6 x 3 bed to the following mix of housing:

4 x 1 bed  
6 x 2 bed  
6 x 3 bed

**Building Heights**

Max ridge height of 8.7m  
Plots 1 & 2

Max ridge height 9.6m and 9.1m for:  
Plots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14

Mix of units:

1 bed : plots 1 & 2 (maisonettes)

2 bed : plots 3, 6, 7, 10, 11 & 14

3 bed : plots 4, 5, 8, 9, 12 & 13

Parking

A total of 28 vehicle parking spaces (includes 1 visitor space)

Each 3 bed unit is provided with 2 parking spaces, three of the 2 bed units are provided with 2 spaces and three are provided with one parking space. Each one bed is provided with one parking space.

Secure cycle parking is provided within each curtilage.

**Relevant planning history.**

| <b>Reference:</b> | <b>Description:</b>   | <b>Decision Summary:</b> | <b>Appeal:</b>   |
|-------------------|---|--------------------------|--|
| 18/P/01591        | Outline application for residential development for 15 affordable housing units with access via Hawthorn Close.   | Approve<br>20/08/2019    | N/A  |
| 13/P/01777        | Proposed residential development comprising nine dwellings, including two affordable dwellings, with associated new access and car parking arrangements.  | Refused                  | Dismissed (case officer note: This was a mixed market and affordable housing scheme, the proposed scheme is for 100% affordable housing) |
| 12/P/00303        | Construction of 8 semi-detached houses and 8 flats, on a rural exception site. (Amended layout submitted 16/04/2012 showing change in orientation of units 5-8 and associated parking area together with additional visitor parking provision). | Approve<br>04/04/2013    | N/A  |

**Consultations.**

Statutory consultees

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, recommends conditions regarding: a road safety scheme; parking and turning of vehicles; a Construction Transport Management Plan; and electric vehicle charging. The submitted CAMP is acceptable.

Surrey County Council Education: request contributions towards early years, primary and secondary education

Surrey LLFA: satisfied that the proposed options for the drainage scheme meet the requirements set out in the NPPF, its accompanying PPM and the Non-statutory Technical Standards for sustainable drainage systems. recommend conditions to ensure SuDS scheme is properly implemented and maintained. Following amended plans, no change to drainage strategy or surface water system, no further comments.

Natural England: No objection subject to appropriate mitigation being secured.

Thames Water: No objection to foul water sewerage network infrastructure capacity. Water supply covered by South East Water Company.

Surrey Wildlife: Both the Preliminary Ecological Appraisal (PEA) August 2017 and the Reptile Absence Survey Report September 2017 provide useful information but are 3 years old. Advise the lpa to ascertain from the applicant that their ecological survey findings and recommendations are still relevant. On 30 September 2020 comments: the Repeat Walkover report dated 10th September 2020 together with the Preliminary Ecological Appraisal (PEA) Report dated 16th August 2017 and the Reptile Presence/Absence Survey Report dated 8th September 2017 provides sufficient information to determine the application. Recommend conditions: to ensure the applicant undertake all the recommended actions in section 4 'Ecological Constraints and Opportunities of the PEA Report to help protect badgers, bats, nesting birds and hedgehogs from adverse effect arising from proposed development works and to provide artificial nesting/roosting opportunities for bats and wild birds and also the supervised 'Habitat Manipulation and 'Destructive Search' Mitigation Strategy detailed in section 4 of the Reptile Survey Report; secure external lighting strategy; Landscape and Ecological Management Plan. The development can offer opportunity to restore or enhance biodiversity through provision of bat and bird boxes, creation of 'wild areas', log pile, man made refuges for animals, native species planting preferably of local provenance, replace cypress tree hedging, use of native species hedgerows and nectar rich flowers. Require further details to demonstrate that a measurable net gain in biodiversity secure for the lifetime of the development will be achieved. 15 October 2020 the proposed development will result in a net loss of habitat units, NE advise that any net gain should be fully secured and funded for the lifetime of the development. To achieve measurable gain it may be possible to secure biodiversity offsetting through a third party. (Officer note: whilst the developer is willing to enter into a legal agreement to secure biodiversity net gain through a third party, the lpa does not have the mechanism in place to secure this).

Surrey Police: request a condition that development achieve a Secure by Design Accreditation

#### Internal consultees

Head of Environmental Health and Licensing: No known historic contamination. The proposed site is located to the north of an existing industrial/commercial location and approximately 35m from a railway line. Concerns over potential dis-amenity due to noise. Recommend a condition regarding design, ventilation and insulation to ensure the internal noise attenuation standard is maintained.

Refuse and Recycling: No objection following vehicle tracking information.

Housing and Strategy manager: support housing mix. If a policy compliant scheme within the terms of a legally binding Section 106 agreement, including making adequate provision for some homes at or close to 'Social Rent' as described within the NPPF definitions (Affordable housing for rent) no objection to development on this rural exception site to enable additional affordable

housing in the borough.

### Parish Council

Normandy Parish Council: Object

- Recognise smaller properties are required in Normandy.
- Highway safety, no resolution has been provided to hazardous exit from Beech Lane onto Westwood Lane, no pavement. (officer note: as before SCC Highways have requested a condition regarding a road safety scheme)
- Separate access needed to Beech Lane
- Flooding on Beech Lane. (officer note: no objection from the LLFA)
- Project should be moved to Elm Centre site. (officer note: the lpa needs to consider the application before them).

Following amended plans, Object due to the following concerns:

- Flooding, drainage and sewage
- increased traffic and highway safety.

### **Third party comments:**

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

- site located in Green Belt, inappropriate development
- loss of openness
- already allowed development under RE2 now seeking development on remainder of site
- Outline permission was for 15 dwellings this is for 16 and should be considered as a new application - (officer note: This is a new full planning application)
- loss of meaningful gap in development
- housing needs of Normandy residents is out of date and therefore unknown (Officer note: Housing and strategy manager has confirmed a need for affordable housing in Normandy)
- other alternative sites within the village -(officer note: this is the site being put forward by the applicant, unable to comment on whether alternative sites may exist)
- out of character with lane
- height out of proportion
- detract from rural character
- Two storey dwellings will result in urbanisation
- increased traffic road safety concerns
- noise and danger during and after construction
- increase existing drainage and sewage problems
- exacerbate parking issues
- limited bus service, long walk to rail station
- no facilities in walking distance
- 13/P/0177 for development on this site was refused and dismissed at appeal (officer note: a subsequent outline permission was granted under reference 18/P/01591)
- request alternative access from Beech lane and not via Hawthorn Close
- damage to Hawthorn road surface (block paving)
- special needs of existing residents
- loss of newly planted trees
- not identified as a candidate for housing development site in the local plan

## **Planning policies.**

### National Planning Policy Framework (NPPF):

Chapter 5: Delivering a sufficient supply of homes

Chapter 12: Achieving well designed spaces

Chapter 13: Protecting Green Belt land

Chapter 15: Conserving and enhancing the natural environment

### South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

### Guildford Borough 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 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.

D1 Place shaping

D2 Climate Change, sustainable design, construction and energy

H1 Homes for all

H3 Rural exception homes

ID1 Infrastructure and delivery

ID4 Green and Blue infrastructure

P2 Green Belt

P5 Thames Basin Heaths Special Protection Area

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

G1 General Standards of Development

G5 Design Code

### Supplementary planning documents:

Thames basin Heaths Special Protection Area Avoidance Strategy SPD 2017

Residential Design Guide SPD 2004

Climate Change, sustainable design, construction and energy SPD 2020

Vehicle parking SPD 2006

## **Planning considerations.**

The main planning considerations in this case are:

- Outline planning permission
- the principle of development and impact on the Green Belt
- affordable housing

- living environment
- the impact on the character of the area
- the impact on neighbouring amenity
- highways and parking considerations
- refuse and recycling
- sustainable design and construction
- ecology and biodiversity
- trees
- Thames Basin Heath Special Protection Area
- drainage
- planning contributions and legal tests
- balancing

#### Outline Planning permission 18/P/01591

The outline planning permission is a material consideration. This granted outline consent for 15 affordable homes. Granted on 19 August 2019, condition 2 requires the submission of reserved matters within three years of the date of the outline permission. The outline is therefore still extant and subject to the submission of and approval of reserved matters could be implemented.

This application in seeking one additional residential unit requires a full planning application.

#### Principle of development and impact on the Green Belt

The site lies within the Green Belt. To the east lies Hawthorn Close and further east is the boundary to land now inset from the Green Belt in the local plan. The NPPF para 143 states 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Para 144 states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Para 145 identifies exceptions to inappropriate development. One exception is the limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exceptions sites).

Policy H3 of the local plan deals with rural exceptions. This makes provision for small scale affordable housing developments in the Green Belt to meet local affordable housing needs provided that the site adjoins or is closely related to and in safe and reasonable walking distance of a rural settlement and the number, size and tenure of homes would be appropriate to meet, or to contribute to meeting the identified affordable needs of the local community, and the affordable homes are all secured in perpetuity.

The sites location is appropriate, directly adjacent to and joining up with Hawthorn Close. Hawthorn Close directly adjoins the inset boundary. A Rural Exception Site does not need to be within or adjoining a defined settlement boundary under policy H3 as long as it is 'within safe and reasonable walking distance of a rural settlement, which this site is. For a rural site, it is also reasonably well-served by bus stops and a railway station, as per NPPF para. 108.

The site would be accessed through the relatively new residential development of 16 affordable residential units at Hawthorne Close, infilling between Hawthorn Close properties to the east and Beech Lane properties to the west. A natural point exists within the layout of Hawthorne Close to continue vehicular access into the application site. The application site directly adjoins residential development to the east and west, with Lynwood to the south, to the north lies Beech Lane with the railway embankment beyond. The site is closely related to and in safe and reasonable walking distance of the rural settlement.

The proposed development would provide 100% affordable housing. There is an ongoing need for affordable housing across the borough. The housing and strategy manager has advised that the latest available figures show 28 households in Normandy currently registered on the Council's housing register and applying for social rented housing. On 31 December 2020 the GBC register (excluding transfers) had 2007 households of which 1087 were in need of a maximum of 1 bedroom accommodation. Of these households, 17 were requiring 1 bedroom accommodation being resident in Normandy.

The principal of securing affordable housing on this site as a rural exception has been established in the granting of outline planning permission under reference 18/P/01591. This permission is extant and weight is afforded to it.

During the course of the outline application consultation with the Council's housing team identified a need for smaller affordable units in Normandy. The scheme the subject of this application proposes a mix of 1, 2 and 3 bedroom units. Tenure would be secured through the S106 in agreement with the Housing and strategy manager to ensure the proposed development meets the identified affordable housing need for Normandy and makes adequate provision for some homes at or close to 'Social Rent' (NPPF definition for affordable housing for rent).

A s106 is sought to secure the affordable homes and tenure mix in perpetuity.

The proposal subject to a S106, for the reasons set out above comprises development which meets the criteria of the rural exceptions policy. The proposal as a rural exception development would not result in inappropriate development in the Green Belt. As with the outline planning permission, although increased by one unit the scheme remains an appropriate form of development in the Green Belt.

### Affordable Housing

The scheme following discussion with the Housing and Strategy Manager has been amended. The proposed mix is set out in the table below against SHMA need for comparison. However it is important to recognise that in this instance compliance with the SHMA is not what is desirable. Instead it is a mix which meets local need.

|       | Proposed | Proposed | SHMA mix | SHMA mix |
|-------|----------|----------|----------|----------|
| 1 bed | 4        | 25%      | 6        | 40%      |
| 2 bed | 6        | 37.5%    | 5        | 30%      |
| 3 bed | 6        | 37.5%    | 4        | 25%      |
| 4 bed | 0        | 0%       | 1        | 5%       |

The development proposes a mix of 1, 2 and 3 bed properties whilst deviating from the SHMA mix of housing, it is important to recognise that the SHMA mix is a borough wide need. Policy H3 rural exceptions criteria 1 (b) states that small scale housing developments will be permitted to meet identified local affordable housing needs provided that the number, size and tenure of homes would be appropriate to meet or to contribute to meeting the identified affordable housing needs of the local community. The local need may deviate from the SHMA need.

The housing and strategy manager has advised that the scheme as now proposed presents a more compliant mix with the requirements of the SHMA. The Housing Service has advised that they can support the mix of housing proposed in terms of its distribution of different bedroom numbers across the units proposed. Subject to a S106 securing adequate provision for some of the homes at or close to 'Social Rent' as described within the NPPF definitions (Affordable Housing for rent) the proposed mix and tenure of housing would provide affordable housing that

meets an identified local affordable housing need in accordance with policy H3.

Subject to a S106 to secure the mix and tenure of housing to meet the identified local need for affordable housing, the proposal would comply with the criteria of policy H3, and qualify as a rural exception. The proposal in meeting a local affordable housing need would provide much needed affordable housing in Normandy.

### Living environment

The development is accompanied by a Nationally Described Space Standards table:

| Plot No.s            | No. of Beds | No. of persons | No. of storeys | Min gross internal floor area and storage (m2) | Proposed minimum area (m2) |
|----------------------|-------------|----------------|----------------|--|----------------------------|
| 1, 2                 | 1           | 2              | 1              | 50   | 50*                        |
| 3, 6, 7, 10, 11 & 14 | 2           | 4              | 2              | 79   | 83                         |
| 4, 5, 8, 9, 12 & 13  | 3           | 5              | 2              | 93   | 93                         |

\* excluding staircase and entrance hall for first floor units.

The development would provide homes in accordance with the Nationally Described Space Standards.

The proposal is unique in so far as it comprises 100% affordable housing in the form of two storey dwelling houses and four maisonettes. Each dwelling house would be provided with their own front door, allocated parking space and private amenity in the form of rear gardens measuring 10m in depth. Each maisonette would be afforded their own front door, allocated parking space and amenity space shared between 2 units.

Secure cycle parking and bin storage for all dwellings is shown to be accommodated within the rear gardens.

### Impact on character of area

The area is rural in character. To the east of the site development comprises 1.5 and two storey scale, to the west residential development is predominately single storey in scale. The proposal would infill an existing area between built development. The proposed access would be gained through a natural point in Hawthorn Close.

The proposed road layout forms an extension of Hawthorn Way and runs east west across the site, terminating in a turning head. The proposed layout, with development fronting the road north and south is linear in form, with the exception of two units to the south west set at right angles to the internal road. The building line to the southern part of the site will observe the existing gentle stagger of the adjacent units in Hawthorn Way. Building footprints and private rear amenity gardens will be commensurate with the surrounding development within Hawthorn Way.



The development would comprise pitched roofs and part-hipped roofs, with elevations comprising cedar weather boarding and stone lintel and brick detailing, open sided porches are to be provided to front doors. Plots 1 and 2 provide two ground floor and two first floor one bedroom flats, in a maisonette relationship. The first floor flats will be accessed via their own external front door to each side elevation.

The following materials have been submitted for consideration:

Bricks: Ibstock Capital multi Stock, roof tiles redland antique red, Cedar weatherboarding, marshalls tegular traditional and harvest for the vehicular and parking areas, eaves white PVCu, rainwater goods black PVCu. These are considered to be appropriate to the setting. A condition is recommended that the development be carried out in accordance with the submitted details.

Each dwelling would be afforded a private rear garden, of comparative size to those approved in Hawthorn Close.

The development would be read as a natural extension of Hawthorn Close, with plot 14 observing the gentle stagger within the existing building line of Hawthorn Close.

Some concern is raised regarding the maximum building heights of 9.1m and 9.6m within the rural setting. The maximum height of 9.6m is attached to a dwelling with a max height of 9.1m. The roof design is pitched with no flat roof sections proposed. Within the locality there are a mix of building heights. As a result the proposed maximum building height would not lead to any specific planning harm. Furthermore the roof form, scale, height, open sided porches and material palette adopt that of the existing properties within Hawthorne Close.

#### Neighbouring amenity

##### Hawthorn Close

No.12 Hawthorn Close is located directly to the east of the proposed development. Plot 14 would observe the gentle stagger in the building line and would consequently be stepped back from no. 12 Hawthorn Close. The orientation and siting of plot 14 would not give rise to any loss of light, over looking or loss of privacy to the immediate neighbouring property.

Plot no.1 would observe a side to rear relationship with no.s 13 & 14 Hawthorn Close. A separation of 14.1m would be maintained between the walls of the existing and proposed properties. It would be reasonable to condition the proposed first floor side window, serving a bathroom, in the side elevation of plot 1 to be obscure glazed and fixed shut below 1.7m (measured internally), to protect against overlooking and loss of privacy.

##### Meadow View and The Bungalow, Beech Lane

Plot 6 would observe a side to side relationship with Meadow View, Beech lane. Adequate separation would be observed. The first floor window side facing window is shown to be obscure glazed. It would be reasonable to condition this to be obscure glazed and fixed shut to protect residential amenity.

Plots 7 & 8 would observe a rear facing relationship to the common boundary with Meadow View. Adequate separation would be maintained to prevent unreasonable loss of privacy or overlooking.

Plot 8 would share a common boundary with The Bungalow. Due to the orientation of the plots the proposed development would not have direct back to back views, only oblique views towards the neighbouring property would be possible.

No unacceptable harm is identified on the residential amenities of residents of Hawthorn Close and Beech Lane. No harm was previously identified in the consideration of the outline application regarding the location of the access point on residents of Hawthorn Close. This application would result in a net increase of one dwelling.

#### Highway and parking considerations

The proposal as approved under outline planning permission, identifies the vehicular access as being provided through, and becoming a continuation of Hawthorn Close.

Regarding highway safety, the County Highway Authority has advised that a road safety scheme condition is necessary, requiring the implementation of new signage at the approach to the junction where Beech Lane meets Westwood Lane, to improve driver awareness and safety concerning the priority traffic flow under the railway bridge on Westwood Lane.

The County Highway Authority has advised that the proposed new access is off Hawthorn Close which is a private road. The proposed development will not result in a significant increase in vehicular traffic on the surrounding highway network. Overall, it is not considered that the proposal will give rise to any significant highway issues.

In terms of parking provision 28 spaces are provided within the site. This is in accordance with the parking standards. A condition requiring electric vehicle charging points is recommended.

Secure cycle parking is provided within each curtilage.

During the course of the application a Construction Transport Management Plan (CAMP) was submitted. Surrey Highway Authority have reviewed this and confirmed it is acceptable. A suitably worded condition is proposed to ensure development is carried out in accordance with the CAMP.

#### Refuse vehicle tracking

Following comments from the refuse and recycling officer, vehicle tracking has been submitted. Based on the vehicle tracking provided no objection is raised on refuse and recycling grounds.

#### Sustainable design and construction

Policy D2 sets out the requirements for sustainable design and construction. The recent adoption of the Climate Change, sustainable design, construction and energy SPD 2020 goes into detail of what is expected. A fabric first approach is sought. The proposed development shows the use of solar panels to the roof slopes. A suitably worded condition is proposed to secure a 20% reduction in carbon emissions.

#### Ecology and Biodiversity

A preliminary Ecological Appraisal dated August 2017 by the ecology co-op accompanied the application -

Nesting bird hand searches by a suitably qualified ecologist will be required if vegetation is to be removed between 1st March and 31st August. The site supports suitable habitat for reptiles and a reptile presence/absence survey is recommended. A reptile survey was carried out in August and September 2017 concluding that the site supports a low residual population. Mitigation is necessary, the survey recommended the site be strimmed in two passes north to south to encourage reptiles to habitat to the south. A search of earth piles, brash and rubble in south west corner to be overseen by a qualified ecologist. Three willow trees on site should be retained of possible.

The report recommends entrance to the site is gained from the east and not through the native species rich hedge along the northern boundary, which under the NPPF is a National Biodiversity Plan Priority Habitat. The proposal would result in the closing off of the existing field gate access in the northern boundary, with sole access to the site taken from the east (Hawthorn Way). This provides opportunity for replacement planting of native hedgerow species. External lighting plan to be conditioned to safeguard foraging bats. In addition to the placement of 2 bat boxes by a suitable qualified ecologist to be hung on suitable mature trees within the northern boundary of the site, facing south easterly. The report also recommends two 1B Schwegler Nest boxes and one 1SP Schwegler Sparrow Terrace be installed.

A Reptile Presence/Absence Survey Report dated 8th September 2017 identified no reptiles, however a survey by Middlemarch Environmental in September 2013 identified a single juvenile common lizard, concluding that the site supports a very low residual population of the species. Mitigation is necessary and in this instance the ecologist recommends habitat manipulation.

Following comments from Surrey Wildlife Trust and the time lapse of 3 years following the PEA survey and the Reptile Presence/Absence Survey a Walk Over Survey was conducted by The Ecology co-op in September 2020. Concluding whilst the grassland has been allowed to grow up, the habitats present at the site have not significantly changed since the PEA was undertaken in 2017. Results from the past surveys therefore remain valid. The prescribed mitigation and enhancement measures outlined in the PEA and Reptile Presence/Survey Reports are still considered valid and appropriate. A condition is proposed to secure the mitigation measures set out in the PEA and Reptile Presence/Absence Report.

Following a request from Surrey Wildlife Trust a Biodiversity Impact Calculation (BIC) was undertaken by The Ecology co-op for the site, to provide a measure of the losses and gains in biodiversity resulting from the proposed layout and to determine whether the development will provide a measurable net gain for biodiversity, and whether any offsetting is required through further habitat creation or off site through a payment contribution. The BIC identifies the site as a field comprising neutral grassland, with piles of earth, rubble, brash and general waste in the south-western boundary of the site. A species rich hedgerow with trees marks the northern boundary, a species poor tree line marks the southern boundary, with wooden fences to the east and western site boundaries. Heavily shaded dry ditches are also located along the northern and part of the southern boundaries of the site.

A Biodiversity Impact Calculation Report has been provided as part of the application to quantify the net change in biodiversity. This concluded that the development would result in a net loss and advises to achieve measurable net gain, biodiversity offsetting would be possible through a third party, such as the Environment Bank through which a financial contribution would be used to secure an area of land off site. In addition to native tree planting further net gains can be achieved through the planting of native hedgerows to the eastern boundary, enhancement to the southern boundary and infilling the gap in the northern boundary.

Policy ID4 of the LPSS criteria 2 states: 'New development should aim to deliver gains in biodiversity where appropriate. Where proposals fall within or adjacent to a Biodiversity Opportunity Area (BOA), biodiversity measures should support that BOA's objectives. The forthcoming SPD will set out guidance on how this can be achieved.

The NPPF para 174 (b) states plans should: promote 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'. Para 175 states the following principles should be applied: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) , adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The applicant is willing to enter into a legal agreement to secure off site biodiversity net gain, however, the council does not currently have a mechanism in place to collect monies towards biodiversity net gain to secure a net measurable gain off site. The applicant has also approached the Environment Bank to try to secure off site net biodiversity gain. The applicant has advised that they don't have anything, even nationwide for the development to secure net biodiversity gain to. The applicant has also approached The Land Trust regarding the use of SANG to deliver net biodiversity gain. The SANG officer has been contacted to comment and members will be updated. Some landscaping enhancement can be achieved through planting 20m of native species hedge to eastern boundary and additional hedgerow planting to the southern boundary, to be secured by condition.

The net loss in bio diversity is identified as a harm.

#### Trees

The Council's arboricultural officer has assessed the site and has limited arboricultural concerns. A condition is recommended to secure an arboricultural report and tree protection plan. Opportunity exists for landscape tree planting across the site. No arboricultural concerns subject to condition.

#### Thames Basin Heaths Special Protection Area

The application site is located within the 400m – 5km buffer zone of the TBHSPA. Natural England advise that new residential development in this 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. Natural England have raised no objection subject to appropriate mitigation being secured. The applicant has subsequently confirmed their agreement to enter into a S106 agreement. This application, would result in a net increase of 16 dwellings. As such it has the potential, in combination with other development, to have a significant adverse impact on the protected sites. The Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD in July 2017 which provides a framework by which applicants can provide or contribute to the delivery, maintenance and management of Suitable Alternative Natural Green Space (SANGS) within the borough and to Strategic Access Management and Monitoring (SAMM) which can mitigate the impact of development. In this instance based on the development proposed a SANG contribution of £90,522.38 and a SAMM contribution of £12,057.84 is required which should be secured by a Legal Agreement.

Currently the lpa does not have sufficient SANG to provide mitigation for this development. The development is only acceptable if the impact on the TBHSPA can be mitigated, which is reliant on the provision of SANG. A grampian style condition is therefore proposed requiring SANG to be secured prior to residential development taking place.

An appropriate assessment has been undertaken by the Council as the competent authority. It is therefore concluded that subject to the completion of a legal agreement and the grampian condition to secure SANG, the development impact on the TBHSPA would be mitigated and would meet the objectives of the TBHSPA Avoidance Strategy and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

#### Drainage

The Lead Local Flood Authority has reviewed the submitted SuDS Assessment and Drainage Strategy, Motion, September 2020, Revision - Final document reference 1hffle/2007058. The LLFA has advised that whilst the final drainage strategy has not been determined due to lack of information including ground conditions, specifically infiltration rates and ground water levels the applicant has proposed alternative drainage strategies, option one infiltration based SuDS techniques, Option 2 Discharge into the ordinary watercourse along the north boundary. The LLFA are satisfied that the proposed options for the drainage scheme meet the requirements of the NPPF, its accompanying PPG and the Non-statutory technical standards for sustainable drainage systems. Conditions are recommended to secure the SuDS scheme is properly implemented and maintained throughout the lifetime of the development.

#### Planning contributions and legal tests

The three tests 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. As stated above the lpa does not have sufficient SANG to provide mitigation for this development. The development is only acceptable if the impact on the TBHSPA can be mitigated, which is reliant on the provision of SANG. A grampian style condition is therefore proposed requiring SANG to be secured prior to residential development taking place. Once available SANG comes on line the S106 would secure the appropriate amount of SANG prior to commencement of development. The Strategic Access Management and Monitoring (SAMM) contribution would also be secured through the legal agreement. This accords with the TBHSPA Avoidance Strategy SPD 2017. Without securing the SANG and SAMM through the s.106 agreement, 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 legal agreement would secure the provision of 16 affordable units as well as their tenure, mix and the nomination rights 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 justification for the contributions sought, and areas these would be allocated to. The contributions have been calculated based on the pupil yield from the housing mix. The contributions are considered to be necessary, reasonable and directly related to the development.

A contribution of £10,769 would be secured towards additional early years provision in the local area, the location of which would be determined prior to the commencement of the development.

A contribution of £34,869 would be secured towards primary education infrastructure to provide additional school provision within the local area, the location of which would be determined prior to commencement of the development.

A contribution of £38,888 would be secured towards secondary education infrastructure in the Farnham & Ash planning area. The contribution would be applied to a project at Ash Manor School, the nearest secondary school to the development. The school is located within 3 miles of the development and it is reasonable to assume children from the development would apply for a place at this school.

The total education contribution is £84,526. As these contributions are required to mitigate the impact of the proposal on the local education system, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Open space

The development would result in additional pressure on existing open space provision locally.

Open space contributions would be secured in accordance with the tariff.

As the contributions are required to ensure adequate provision of open space, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Regulation 123 of the Community Infrastructure Levy Regulations 2010 as amended

Regulation 123 of The Community Infrastructure Levy Regulations 2010, as amended, states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into. The development is required to mitigate its impact on the TBHSPA; this would be through a financial contribution to SANGS and SAMM. This would accord with the TBHSPA Avoidance Strategy and the Planning Contributions SPD. Without this contribution the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The contribution is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Regulation 123 of the CIL Regulations seeks to prevent the pooling of financial contributions from planning obligations this relates only to an obligation which "provides for the funding or provision of relevant infrastructure". In this instance the contributions are required to improve existing SANGs and ensure they are maintained in perpetuity; the SANGS are existing infrastructure

which is to be improved to ensure that they have suitable capacity to mitigate the impact of the residential development. Accordingly the contributions are not for the provision of infrastructure and therefore Regulation 123 does not prevent collecting these contributions or having regard to the obligation in decision making. The SAMM contribution does not relate to infrastructure and this also falls outside the scope of Regulation 123

#### Balancing

Some harm arises from the loss of biodiversity on site with no mechanism in place to secure net gain through offsetting through a third party. Through a landscaping condition the lpa will seek to secure biodiversity enhancement measures through native planting and other biodiversity measures.

The scheme in providing 100% affordable housing in the form of 16 affordable housing units, of a mix that will meet an identified local affordable housing need and to be secured in perpetuity, provides significant benefit. This identified benefit is sufficient to outweigh the identified harm through .

#### **Conclusion.**

The proposed development in providing 16 much needed affordable housing units, of a mix and tenure that meets an identified local housing need, falls within the criteria for development which can be considered under the rural exceptions policy. The development comprising a rural exception development falls within the exceptions to inappropriate development in the Green Belt. The provision of 16 affordable homes of a suitable mix and tenure is a significant benefit which outweighs the harm identified through the loss of biodiversity. The proposal subject to a S106 agreement to secure mix and tenure of housing in perpetuity, SANG and contributions towards Thames Basin Heaths SPA mitigation, education and open space is recommended for approval.

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# 20/P/02067 - Manor Farm, East Lane, West Horsley, Leatherhead



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20/P/02067 - Manor Farm, East Lane, West Horsley



|                      |                         |                       |                         |
|----------------------|-------------------------|-----------------------|-------------------------|
| <b>App No:</b>       | 20/P/02067              | <b>8 Wk Deadline:</b> | 16/07/2021              |
| <b>Appn Type:</b>    | Hybrid Application      |                       |                         |
| <b>Case Officer:</b> | John Busher             |                       |                         |
| <b>Parish:</b>       | West Horsley            | <b>Ward:</b>          | Clandon & Horsley       |
| <b>Agent :</b>       | Mrs L Probyn            | <b>Applicant:</b>     | Thakeham Homes Ltd      |
|                      | Thakeham Homes Ltd      |                       | Thakeham House, Summers |
|                      | Thakeham House, Summers |                       | Place                   |
|                      | Place                   |                       | Stane Street            |
|                      | Stane Street            |                       | Billingshurst           |
|                      | Billingshurst           |                       | West Sussex             |
|                      | West Sussex             |                       | RH14 9GN                |
|                      | RH14 9GN                |                       |                         |

**Location:** Manor Farm, East Lane, West Horsley, Leatherhead, KT24 6HQ  
**Proposal:** Hybrid application for a) Outline planning application for 7 self-build/custom build dwellings with access from Long Reach and b) Full planning application for the erection of 132 dwellings alongside provision of Suitable Alternative Natural Greenspace (SANG), together with new Junior Sports Hall, two Padel Tennis Courts and Nursery School Facility with associated accesses, car parking, refuse/re cycling storage, landscaping, earthworks and infrastructure following demolition of existing bungalow and agricultural buildings.

### **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 14.4 (approx) hectare parcel of land that is located to the north of East Lane and to the east of Long Reach in West Horsley.

The application site is split into three distinct parts. The northern part of the site is accessed from Long Reach via an existing track which runs along the northern most boundary of the land. The adjoining woodland is also a distinct element of the site. It is located towards the end of the track and is rectangular in shape and extends north. The woodland is currently in private use, however, it contains a number of made paths and ponds and is accessible for dog-walking and amenity. The southern portion of the site is accessed from East Lane, between two existing dwellings. This track leads to an existing bungalow (which would be demolished as part of this proposal) as well as a collection of other buildings towards the middle of the site.

There is one Tree Preservation Order (TPO) on the site (TPO 4 of 2016) which protects four Oak trees which are located roughly in the middle of the site. The site is also within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. Manor Farmhouse which is a Grade II listed building is located close to the centre of the site (but outside of the red line).



The application is a hybrid proposal for a) Outline planning application for 7 self-build/custom build dwellings with access from Long Reach and b) Full planning application for the erection of 132 dwellings alongside provision of Suitable Alternative Natural Greenspace (SANG), together with new Junior Sports Hall, two Padel Tennis Courts and Nursery School Facility with associated accesses, car parking, refuse/re cycling storage, landscaping, earthworks and infrastructure following demolition of existing bungalow and agricultural buildings.

The mix of the proposed housing is provided below.

| <b>Proposed Mix</b>    |              |              |              |               |              |
|------------------------|--------------|--------------|--------------|---------------|--------------|
|                        | <b>1-bed</b> | <b>2-bed</b> | <b>3-bed</b> | <b>4+-bed</b> | <b>Total</b> |
| <b>Total dwellings</b> | <b>28</b>    | <b>42</b>    | <b>47</b>    | <b>22</b>     | <b>139</b>   |
|                        |              |              |              |               |              |
| <b>Of which...</b>     |              |              |              |               |              |
| <b>Houses</b>          | 0            | 26           | 47           | 22            | 95           |
| <b>Apartments</b>      | 28           | 16           | 0            | 0             | 44           |
| <b>Affordable</b>      | 24           | 19           | 12           | 1             | 56           |

As part of the development the applicant proposes the formal public use of the woodland. This would involve the future maintenance of the woodland as well as its paths etc. The applicant also intends to use this area of open space as the SANG (Suitable Alternative Natural Greenspace) for the development which will mitigate its impact on the Thames Basin Heath SPA. The proposal would also include a small car park with four spaces which would be used by visitors to the open space.

At the centre of the site the proposal includes a sports hall. The applicant notes that this will 'be a multi-purpose hall, primarily for junior sports, but with scope to be used by any groups for a range of sports including, for example for badminton, short mat bowls and table tennis. Alongside the sports hall, there would be full changing facilities, seating / viewing area, a small kitchen with coffee bar and a separate studio which could offer bicycle spinning classes, Pilates and yoga classes. There would be also a small office / therapy room which could offer physiotherapy or consulting space for sports healthcare practitioners. Further information on these facilities will be provided below. In addition to this, two outdoor padel tennis courts are also proposed.

A requirement of the allocation of this site is that the existing nursery must be retained. No only is the applicant retaining this facility, but it would also be extended to provide two new classrooms, providing additional capacity. The nursery will also be able to utilise the proposed sports hall.

### **Executive summary and recommendation**

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 Green Belt. The LPSS has allocated this site under policy A37, for approximately 135 homes, including self-build and custom house building plots. As noted above, 139 dwellings are proposed through this application (138 gross given the demolition of the existing bungalow on the site), which is slightly more than the figure set out in the allocation. While the additional dwellings and the development as a whole will need to be in compliance with the development plan as a whole, in general terms, the principle of approximately 135 dwellings on this site is deemed to be acceptable. The non-residential uses have also been assessed and are also deemed to be acceptable in principle.

The site will make an important contribution to the Council's ability to maintain a five year land supply going forward and as the site is completed would also make a significant contribution to ensure that the Housing Delivery Test remains greater than 75% of housing required. Achieving

both of these would ensure that the 'tilted balance'/presumption in favour of sustainable development would not apply.

The proposed layout and design follows a lengthy pre-application process (including design review) and further changes have been made through the course of the formal assessment. The design of the outline units will be tied to the parameters set out in the Design and Access Statement. The Council's Urban Design Officer is of the opinion that the proposal is acceptable in this regard. It is noted that both the applicant and the Council's Conservation Officer are of the opinion that the proposal results in less than substantial harm (at the lower end of the scale) to the significance and setting of the Grade II listed building. This harm has been carefully considered in the report and in summary, the public benefits of the proposal are considered to outweigh it.

No objections have been raised by the County Highway Authority and a package of highways improvements totalling over half a million pounds has been agreed. The Lead Local Flood Authority have also raised no objections to the proposal and Officers are satisfied that the proposal would not lead to an increased risk of flooding to any neighbouring land or property.

With conditions and taking into account the changes which have been secured by Officers, there would be no harm to neighbouring properties resulting from the proposal.

In terms of ecology, the proposal would result in a 13 per cent biodiversity net gain and no objections have been raised by the Council's Ecology Consultant. Natural England have confirmed that the proposed SANG is acceptable and its management and long term retention will be secured through the s.106 agreement.

The proposal will reduce its carbon dioxide emissions by 31 per cent compared to the regulatory baseline standard, which exceeds the policy requirement for at least a 20 per cent reduction. In addition, no dwelling will fail to achieve at least a 20 per cent reduction in emissions, an aim that will also be met for the new sports facilities and nursery. Furthermore, in addition to these, the applicant has embraced the aspirations within policy D2 and the current context of a 'climate emergency' by providing five net zero carbon homes as part of the development.

Planning contributions of £2.31 million have been secured to mitigate the impacts of the development on community, education, highways, healthcare infrastructure in the area.

In all, the application is deemed to be acceptable and for the reasons which will be outlined in the report, the recommendation is to approve planning permission.

**RECOMMENDATION:**

**(i) Subject to a Section 106 Agreement securing:**

- **provision of 40% affordable housing in accordance with Council's approved tenure split;**
- **provision of 5% self / custom build plots;**
- **provision of the sports uses (sports hall and padel tennis courts) and arrangements for their management and maintenance for the lifetime of the development;**
- **provision of SANG mitigation in accordance with the Thames Basin Heaths SPA Avoidance Strategy 2017;**
- **a contribution towards SMM;**
- **a contribution for travel plan auditing fee;**
- **a contribution towards an enhanced bus service payable upon first occupation of the development.**

- a contribution is required in order to improve passenger accessibility at and to Horsley Station.
- a contribution to amend the existing TRO and extend the 30mph speed limit north on Ockham Road North to the point where Green Lane and Ockham Road North.
- a contribution to install traffic calming measures for approximately 750m on Ockham Road North.
- a contribution to improve pedestrian facilities on Station Parade, on the east side of the zebra crossing.
- a contribution to provide two road tables in Ockham Road South on either side of its junction with Forest Road.
- a contribution to install a raised table for the existing zebra crossing south of the train station.
- a contribution to provide signs, road markings and VASs on Ockham Road North from the point where School Lane and Ockham Road North meet up until the A3 junction.
- retention of the pedestrian / cycle access which runs between the two parcels of the development (i.e. between Manor Farmhouse and Barnside Cottage) in perpetuity.
- a contribution to early years, primary and secondary education.
- provision of the expanded facilities for the existing nursery school.
- a contribution towards primary healthcare.
- a contribution towards secondary healthcare.
- a contribution towards policing infrastructure.
- provision and maintenance of public open spaces for the lifetime of the development.
- a contribution towards improvements to the Parish Council owned tennis court.
- a contribution towards improvements to West Horsley Village Hall.
- a contribution towards improvement to the toilet facilities and waiting room at Horsley train station.

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

(ii) That upon completion of the above, the application be determined by the Director of Service Delivery.

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

**Conditions 1 to 4 - Outline Permission for 7 self build residential dwellings**

1. The self-build units hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act

2004.

2. Details of the appearance, landscaping, layout, and scale, hereinafter called "the reserved matters" shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

4. The outline development hereby permitted shall be carried out in accordance with the design parameters set out in Section 8 of the Design and Access Statement as well as the following approved plans:

| <b>Drawing No.</b> | <b>Title</b>         |
|--------------------|----------------------|
| 19105 - S201       | Site Location Plan   |
|                    |                      |
|                    | <b>Site Layouts</b>  |
| 19105 - C201 Rev A | Coloured Site Layout |
| 19105 - P201 Rev C | Site Layout          |
| 19105 - P202 Rev A | Site Layout - South  |
| 19105 - P203 Rev A | Site Layout - North  |

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

**Conditions 5 to 20 - Full Permission**

5. 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.

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

| <b>Drawing No.</b> | <b>Title</b>                                   |
|--------------------|--|
| 19105 - S201       | Site Location Plan                             |
|                    |  |
|                    | <b>Site Layouts</b>                            |
| 19105 - C201 Rev A | Coloured Site Layout                           |
| 19105 - P201 Rev C | Site Layout                                    |
| 19105 - P202 Rev A | Site Layout - South                            |
| 19105 - P203 Rev A | Site Layout - North                            |
|                    |  |
|                    | <b>House Type Floor Plans &amp; Elevations</b> |
| 19105 - P210       | Plot 1   |
| 19105 - P211       | Plots 2-3                                      |
| 19105 - P212       | Plots 4-5, 56-57                               |
| 19105 - P213       | Plots 6-9, 10-13 - Buildings 1 & 2 Plans       |
| 19105 - P214       | Plots 6-9 - Building 1 Elevations              |
| 19105 - P215       | Plots 10-13 - Building 2 Elevations            |
| 19105 - P216       | Plots 14-16                                    |
| 19105 - P217       | Plots 17-18                                    |
| 19105 - P218       | Plots 19, 31                                   |
| 19105 - P219       | Plot 20  |
| 19105 - P220       | Plots 21, 30, 35                               |
| 19105 - P221       | Plots 22, 29                                   |
| 19105 - P222       | Plots 23-24                                    |
| 19105 - P223       | Plots 25-26                                    |
| 19105 - P224       | Plots 27-28                                    |
| 19105 - P225       | Plot 32  |
| 19105 - P226       | Plot 33  |
| 19105 - P227       | Plot 34  |
| 19105 - P228       | Plots 36, 37                                   |
| 19105 - P229 Rev B | Plot 38  |
| 19105 - P230       | Plot 39  |
| 19105 - P231       | Plot 40  |
| 19105 - P232 Rev B | Plot 41  |
| 19105 - P233       | Plot 42  |
| 19105 - P234       | Plots 43, 47                                   |
| 19105 - P235       | Plots 44, 53                                   |
| 19105 - P236       | Plot 45  |
| 19105 - P237       | Plot 46  |
| 19105 - P238       | Plot 48  |
| 19105 - P239       | Plot 49  |
| 19105 - P240       | Plots 50-51                                    |
| 19105 - P241       | Plots 52, 58                                   |
| 19105 - P242       | Plot 54  |



|                    |  |
|--------------------|--|
| 19105 - P243       | Plot 55  |
| 19105 - P244 Rev C | Plots 59-64 - Building 3 Plans                 |
| 19105 - P245 Rev A | Plots 59-64 - Building 3 Elevations            |
| 19105 - P246 Rev A | Plots 65-68                                    |
| 19105 - P247 Rev A | Plots 69-74 - Building 4 Plans                 |
| 19105 - P248 Rev A | Plots 69-74 - Building 4 Elevations            |
| 19105 - P249 Rev A | Plots 75-80 - Building 5 Plans                 |
| 19105 - P250 Rev A | Plots 75-80 - Building 5 Elevations            |
| 19105 - P251       | Plots 81-83                                    |
| 19105 - P252       | Plots 84-87                                    |
| 19105 - P253       | Plot 88  |
| 19105 - P254       | Plots 89-90, 132-133                           |
| 19105 - P255       | Plots 91-93                                    |
| 19105 - P256       | Plots 94-95                                    |
| 19105 - P257       | Plots 96-97                                    |
| 19105 - P258 Rev A | Plots 98-103 - Building 7 Plans                |
| 19105 - P259 Rev B | Plots 98-103 - Building 7 Elevations           |
| 19105 - P260       | Plot 104                                       |
| 19105 - P261 Rev B | Plot 105                                       |
| 19105 - P262       | Plot 106                                       |
| 19105 - P263 Rev A | Plot 107, 109                                  |
| 19105 - P264       | Plot 108                                       |
| 19105 - P265       | Plot 110                                       |
| 19105 - P266       | Plot 111                                       |
| 19105 - P267       | Plots 112-113                                  |
| 19105 - P268 Rev B | Plot 114                                       |
| 19105 - P269 Rev A | Plots 115-120 - Building 8 Plans               |
| 19105 - P270 Rev B | Plots 115-120 - Building 8 Elevations          |
| 19105 - P271       | Plots 121-122 - Building 9 Plans & Elevations  |
| 19105 - P272       | Plots 130-131 - Building 10 Plans & Elevations |
| 19105 - P273       | Plot 134                                       |
| 19105 - P274       | Plots 135-138                                  |
| 19105 - P275 Rev B | Plot 139 - Farmhouse Plans                     |
| 19105 - P276 Rev A | Plot 139 - Farmhouse Elevations                |
| 19105 - P277 Rev C | Nursery Plans & Elevations                     |
| 19105 - P278       | Sports Hall Proposed Plans                     |
| 19105 - P279       | Sports Hall Proposed Elevations                |
| 19105 - P280       | Ancillary Buildings - Sheet 1 of 3             |
| 19105 - P281       | Ancillary Buildings - Sheet 2 of 3             |
| 19105 - P282 Rev B | Ancillary Buildings - Sheet 3 of 3             |
| 19105 - P283       | Padel Courts                                   |

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

7. 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.

8. 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.

9. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the accesses) until details of all boundary treatments within and around the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance 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 (excluding ground works and construction up to damp proof course (dpc) and the construction of the accesses) until full details of both hard and soft landscape proposals, including a landscape phasing and implementation plan and 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 proposed scheme shall also include details regarding the treatment and improvement of the pedestrian / cycle access which runs between the two parcels of the development (i.e. between Manor Farmhouse and Barnside Cottage). The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented in accordance with the phasing and implementation plan 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.

11. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the first occupation of the relevant phase of the development, in accordance with the landscape phasing and implementation plan 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.

12. Before the first occupation of the development hereby approved, detailed plans for the LEAP and LAPs shall be submitted to and approved in writing by the Local Planning Authority. This shall include the equipment to be installed, as well as a ten year Management Plan for the facilities. The LEAP and LAP accessed via Long Reach shall be fully installed and made operational on or before the 50th residential unit is occupied and the LAP accessed via East Lane shall be fully installed and made operational on or before the final residential unit is occupied. The approved facilities shall be retained in good working order in perpetuity.

Reason: To ensure that the LEAP and LAP are delivered to an acceptable standard.

13. The approved sports facilities (sports hall and padel tennis courts) shall not be first used until a Community Use Agreement has been submitted to and approved in writing by the Local Planning Authority. The Agreement shall set out how West Horsley clubs and residents will be able to access and utilise the approved facilities and will include details regarding any fees which may be payable. The sports facilities shall only be managed in full accordance with the approved Community Use Agreement.

Reason: To ensure that adequate public access is provided for the approved sports facilities.

14. The approved padel tennis courts shall not be illuminated at any time.

Reason: To protect the amenity of surrounding properties and the ecological value of the site and its surrounds.

15. 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

16. Before the occupation of the 139th 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.

17. Notwithstanding the approved drawings or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no additional above ground floor windows or other form of openings shall be inserted in the southern elevations of plots 88 to 104 inclusive (for the avoidance of doubt also including Building 7 (plots 98 to 103)). In addition, any first floor windows in the southern elevation of these dwellings (plots 88 to 104 inclusive (for the avoidance of doubt also including Building 7 (plots 98 to 103) which serve either a bathroom or en-suite shall be fitted in full with obscure glazing. The obscure glazing shall remain in place in perpetuity.

Reason: In the interests of protecting the amenity of the existing dwellings to the south of the plots noted above.

18. The sports hall building hereby permitted shall not operate other than between the hours of 0630 to 2200 Monday to Saturday (inclusive) and between 0900 to 2000 on Sunday.

Reason: To safeguard the residential amenities of neighbouring properties.

19. The sports hall building hereby approved shall only be used for the purposes of indoor sports and local community uses (including ancillary café and physio consulting room as shown on approved drawing P278) and use by the Footprints Nursery School and for no other purpose (including any other purpose in Class E or F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The use of the sports hall for alternative uses may not be compatible with the surrounding land uses and as such, the Local Planning Authority wishes

to have the opportunity of exercising control over any subsequent alternative use.

20. No dwelling hereby approved shall be occupied until its associated refuse and recycling storage facilities, as set out on drawing number P201 C, have been provided 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.

**Conditions 21 to 42 - General (apply to both Outline and Full Permissions)**

21. No development shall commence 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.

22. The part of the development hereby approved served from East Lane shall not be first occupied unless and until the proposed vehicular access to East Lane, including the provision of a 2m footway, has been constructed and provided with visibility zones in accordance with drawing number ITB14556-GA-001 Rev E. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

23. The part of the development hereby approved served from Long Reach shall not be first occupied unless and until the proposed vehicular access to Long Reach has been constructed and provided with visibility zones in accordance with drawing number ITB14556-GA-002 Rev C. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

24. Prior to the first occupation of the development hereby approved, bus stops shall be provided near the site access on East Lane, these should include accessible kerbing, new bus stop poles, new bus shelters with seating, lighting and compatible with RTPI displays, and provision of electronic RTPI displays, in accordance with drawing number ITB14556-GA-017. The works shall be retained in perpetuity.

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

25. No dwelling hereby approved shall be first occupied unless and until car parking spaces have been laid out for the dwelling in accordance with the drawing number 19105/C201 Rev A, 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 in perpetuity and maintained for their designated purposes.

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

26. No dwelling hereby approved shall be first occupied unless and until secure cycle parking has been provided for the dwelling in accordance with the plans to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved parking for bicycles shall be retained in perpetuity 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.

27. No dwelling hereby approved shall be first occupied unless and until the dwelling has been provided with a fast charge socket (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 to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be retained in perpetuity and maintained to the satisfaction of the Local Planning Authority.

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

28. 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) vehicle routing

- h) measures to prevent the deposit of materials on the highway
- a) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- b) 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.

29. Prior to the first occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide". The duly approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development. Thereafter the Travel Plan shall be maintained and developed to the satisfaction of the Local Planning Authority.

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

30. 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 to and approved in writing by the Local Planning Authority.

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

31. 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. 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 **1.8 l/s/ha**
- 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.), additionally details of the watercourse diversion should be submitted.
- 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.

32. Prior to the first occupation of each phase 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 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 constructed to the National Non-Statutory Technical Standards for SuDS.

33. The development hereby approved shall only be carried out in full accordance with the recommended 'further actions' set out on page viii of the Ground Appraisal Report (prepared by Geo-Environmental, reference GE18207-GAR-SEPT19, dated 09.09.19).

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.

34. 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.



35. Prior to the commencement of development above the damp proof course (dpc) level, details shall be submitted to and approved in writing by the Local Planning Authority that demonstrate that each new building will achieve a carbon emission rate that is at least 20 percent lower than the building's Target Emission Rate (TER), and that five dwellings will achieve a net zero carbon emission rate, assessed against Part L:2013, as set out in the Energy and Sustainability Statement (reference SEC/cs/dc/ES-3619/B, dated 24.06.21). The carbon emission reduction figures must be supported by SAP and SBEM assessment sheets (or similar) that show the TER and Building Emission Rate (BER) or Dwelling Emission Rate (DER) for Part L:2013 as applicable. The carbon reduction achieved using low and zero carbon energy generating technologies may be included within the SAP and SBEM assessment or provided as an additional set of calculations. The approved details shall be implemented prior to the first occupation of that building and maintained as operational thereafter.

Reason: To ensure that the development takes sustainable design and construction principles into account, including climate change adaption and reducing carbon emissions.

36. Prior to the commencement of the development hereby approved, a Biodiversity Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be based on the recommendations within section 4 of EclA (prepared by ead Ecology, dated 31.10.19, reference 191031\_P550\_EclA\_Final02.docx ), and section 6.2 of the EclA (prepared by Derek Finnie Associates, dated November 2020, reference DFA20098V3)). All approved details shall be implemented in full and in accordance with the approved Biodiversity Mitigation Strategy and shall be retained in perpetuity.

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

37. Prior to the commencement of the development hereby approved a Landscape and Ecological Management Plan including schedule of works, and how the Biodiversity Net Gain will be achieved, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be based on the recommendations within both the Ecological Assessment prepared by Derek Finnie Associates (November 2020) and the Ecological Impact Assessment prepared by EAD Ecology (October 2019). All approved details shall then be implemented in full and in accordance with the agreed timings and details and thereafter shall be retained in perpetuity.

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

38. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details on how the retained habitats will be protected, and risks from construction vehicles, storage of materials, etc will be avoided. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

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

39. 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 and current guidelines established for rural areas by the Institute of Lighting Professionals) 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. In addition, to ensure that excessive light pollution does not result in harm to the character of the area.

40. 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.

41. 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.

42. 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 and 1330 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.

**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 and the proposal is now deemed to be acceptable.

2. 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](mailto:buildingcontrol@guildford.gov.uk).
3. 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-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).

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 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](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/flooding-advice](http://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.

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: [www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html](http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html) for guidance and further information on charging modes and connector types.

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.

## Officer's Report

### **Site description**

The application site is a 14.4 (approx) hectare parcel of land that is located to the north of East Lane and to the east of Long Reach in West Horsley.

The land within the red line boundary has a number of existing land uses. These include:

- a residential bungalow which is accessed from East Lane;
- a children's nursery (kindergarten);
- a number of modern agricultural barns;
- a equestrian sand-school;
- an area of woodland which is informally available for the public as an amenity space for dog-walking etc;
- a number of paddocks which are laid to grass.

The application site is split into three distinct parts. The northern part of the site is accessed from Long Reach via an existing track which runs along the northern most boundary of the land. This track leads to the centre of the site and provides access to the woodland, nursery, barns and sand school. The woodland is also a distinct element of the site. It is located towards the end of the track and is rectangular in shape and extends north. The woodland is currently in private use, however, it contains a number of made paths and ponds and is accessible for dog-walking and amenity. However, this is an informal arrangement and in this sense the woodland could not currently be described as an area of public open space. The southern portion of the site is accessed from East Lane, between two existing dwellings. This track leads to an existing bungalow (which would be demolished as part of this proposal) as well as a collection of other buildings towards the middle of the site. These buildings are not within the red line boundary, but for information they include two residential dwellings, one of which is Grade II listed (known as Manor Farm House), and a number of commercial buildings.

There is one Tree Preservation Order (TPO) on the site (TPO 4 of 2016) which protects four Oak trees which are located roughly in the middle of the site. The site is also within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area.

In terms of surrounding adjoining land uses it is noted that to the north-west of the site is Horsley Football Club. This local facility includes a club house and a number of pitches which bound the northern boundary of the development site and the western boundary of the woodland. The football club is located within the Green Belt. Also to the west of the site are a range of residential properties. These include detached properties which are accessed directly from Long Reach, as well as a number of terraced, detached and semi-detached dwellings which are either accessed from Long Reach or arranged around a cul-de-sac (e.g. Farleys Close and Woodside). To the south of the site are further dwellings which front onto East Lane or are also arranged around a cul-de-sac (Greta Bank). These properties are mostly detached and are a mix of two storey dwellings, bungalows and chalet bungalows. To the east of the site is Northcote Road and Northcote Crescent which are characterised mainly by detached two-storey residential dwellings.

## **Proposal**

Hybrid application for a) Outline planning application for 7 self-build/custom build dwellings with access from Long Reach and b) Full planning application for the erection of 132 dwellings alongside provision of Suitable Alternative Natural Greenspace (SANG), together with new Junior Sports Hall, two Padel Tennis Courts and Nursery School Facility with associated accesses, car parking, refuse/re cycling storage, landscaping, earthworks and infrastructure following demolition of existing bungalow and agricultural buildings.

It is noted that the applicant has made a number of amendments to the scheme during the assessment. These include:

- reducing the height of apartment buildings seven and eight;
- reducing the height of apartment building three;
- improvements to the design of the farmhouse;
- altering the southern elevation of building seven to reduce overlooking impacts; and
- improvements to the design of some of the dwellings in the courtyard setting.

As noted above, the proposal contains a number of distinct elements:

Housing

The proposal includes a total of 139 units (138 net, taking into account the demolition of the existing bungalow off East Lane). The mix is set out in the table below. A total of 56 affordable dwellings would be provided, as well as seven self / custom build properties. The dwellings would be delivered in two distinct parcels. Access to the northern parcel would be from Long Reach in the same position as the existing access into the nursery, barns etc. This would lead to a total of 81 dwellings which would be a mix of detached, semi-detached and terraced dwellings, as well as a number of apartment buildings. The rectangular paddock immediately adjacent to Long Reach would include a total of 50 dwellings. The access road would then continue east through the site leading to a collection of smaller terraced properties and apartments which are to be arranged around a number of courtyards. This is to reflect the previous agricultural use of part of the site. Access to the southern parcel would be from East Lane and would contain a total of 57 dwellings. Again, these would be a mix of dwellings and apartments. There would be no vehicular access between the two parcels, however, a number of pedestrian routes are provided.

| <b>Proposed Mix</b>    |              |              |              |               |              |
|------------------------|--------------|--------------|--------------|---------------|--------------|
|                        | <b>1-bed</b> | <b>2-bed</b> | <b>3-bed</b> | <b>4+-bed</b> | <b>Total</b> |
| <b>Total dwellings</b> | <b>28</b>    | <b>42</b>    | <b>47</b>    | <b>22</b>     | <b>139</b>   |
|                        |              |              |              |               |              |
| <b>Of which...</b>     |              |              |              |               |              |
| <b>Houses</b>          | 0            | 26           | 47           | 22            | 95           |
| <b>Apartments</b>      | 28           | 16           | 0            | 0             | 44           |
| <b>Affordable</b>      | 24           | 19           | 12           | 1             | 56           |

Public open space

As part of the development the applicant proposes the formal public use of the woodland. This would involve the future maintenance of the woodland as well as its paths etc. The applicant also intends to use this area of open space as the SANG (Suitable Alternative Natural Greenspace) for the development which will mitigate its impact on the Thames Basin Heath SPA. The proposal would also include a small car park with four spaces which would be used by visitors to the open space. Further information on the open space, its use as a SANG and its management will be provided in the report.

Sporting and community facilities

At the centre of the site the proposal includes a sports hall. The applicant notes that this will 'be a multi-purpose hall, primarily for junior sports, but with scope to be used by any groups for a range of sports including, for example for badminton, short mat bowls and table tennis. Alongside the sports hall, there would be full changing facilities, seating / viewing area, a small kitchen with coffee bar and a separate studio which could offer bicycle spinning classes, Pilates and yoga classes. There would be also a small office / therapy room which could offer physiotherapy or consulting space for sports healthcare practitioners. Further information on these facilities will be provided below.

In addition to this, two outdoor padel tennis courts are also proposed.

A requirement of the allocation of this site is that the existing nursery must be retained. No only is the applicant retaining this facility, but it would also be extended to provide two new classrooms, providing additional capacity. The nursery will also be able to utilise the proposed sports hall.

**Relevant planning history**

| <b>Reference:</b> | <b>Description:</b>   | <b>Decision Summary:</b> | <b>Appeal:</b> |
|-------------------|---|--------------------------|----------------|
| 19/P/01909        | Erection of 139 (138 net) residential homes alongside provision of Suitable Alternative Natural Greenspace (SANG) and ancillary teaching and sporting accommodation, with associated accesses, car parking, refuse/re cycling storage, landscaping, earthworks and infrastructure following demolition of existing bungalow and agricultural buildings. | Withdrawn                | N/A            |

**Consultations**

Statutory consultees

County Highway Authority, Surrey County Council: No objections raised. This is subject to conditions and contributions of £591,1500 towards a package of highway improvement and accessibility measures within the vicinity of the site.

Natural England: No objections raised, subject to the development complying with the adopted Thames Basin Heaths SPA SPD.

Lead Local Flood Authority (LLFA), Surrey County Council: No objections raised, subject to standard conditions.

County Archaeologist, Surrey County Council: No objections raised subject to condition. It is noted that the true archaeological potential of the site remains to be determined and so advise that it would be appropriate for an archaeological field evaluation of the area of the proposed development to be carried out before development commences so that any remains can be identified and appropriate mitigation measures devised in line with the requirements of the NPPF. As there is no reason to suppose that remains worthy of preservation in situ will be present on the site, in this case the programme of archaeological investigations can be secured by the use of a planning condition.

Internal consultees

Head of Environmental Health and Licensing: No objections raised. It is noted that conditions will be required to control contamination and noise. No issues have been raised regarding air quality or light pollution.

Operational Services, Recycling and Waste: No objections raised. It is noted that the developer had addressed all concerns aside from the vehicle movements. Following further discussions with the applicant it was concluded that although some movements are not ideal, it is only for a minority of properties relative to the whole development.

### 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 £28,747.54 as mitigation, which is being secured through the legal agreement.

Designing Out Crime Officer, Surrey Police: No objections raised.

Surrey Heartlands Clinical Commissioning Group (CCG): The CCG note that there is no objection to the proposal subject to securing a s.106 contribution of £133,200 to mitigate the consequential impact on local healthcare provision and infrastructure.

NHS, Royal Surrey: No objection to the proposal subject to securing a contribution of £285,699.21 towards improving facilities at the hospital.

Thames Water: No objections raised.

### Parish Councils

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

- throughout the Local Plan process the site has always been identified as 8.4 hectares for 135 dwellings. The current proposal is on a reduced developable area of 5.2 hectares, due in part to the retention of farm barns. Pro rata, the reduced area of development at 16 dwellings/ha amounts to 83 homes and not 135;
- concerns regarding the pre-application consultation which was carried out by the applicant;
- proposal fails to comply with policy A37, in that the significance of the heritage asset is not properly addressed and there are outstanding issues concerning surface water management;
- the proposal does not provide the housing mix for market or affordable properties which is set out in the SHMA;
- the proposal does not represent a high-quality design and is in conflict with policy D1. Concerns include high density, suburban layout and design and overly high buildings;
- the proposal conflicts with policy D3 as it does not conserve or enhance the setting of the Grade II listed farmhouse;
- the proposed development does not contribute to the delivery of an integrated and accessible transport system. The new development does not demonstrate that there will not be severe impacts on the local highway network (particularly at the East Lane and Ockham Road North junction). There is no meaningful specific proposed improvements of existing cycle and walking routes to local facilities, services, bus stops and railway stations or the provision or improvement of public and community transport to improve the limited existing bus services and to encourage alternative modes of transport. There is a conflict with policy ID3 and the development is therefore unsustainable;
- the proposal conflicts with policy WH2 and WH3 of the neighbourhood plan as it does not reflect the design, density, layout or important views of the area, and therefore does not reflect local distinctiveness and results in significant harm to the character of the area;
- the proposal conflicts with policy WH12 of the neighbourhood plan as there is no evidence to show that the application will contribute to improving the connectivity and maintenance of the existing green network. In addition, with no buffer proposed, and the planned removal of trees and hedgerows adjacent to WC07 as allocated in the Neighbourhood Plan, there is likely to be substantial harm to this important wildlife corridor;
- the proposal conflicts with policy WH13 of the neighbourhood plan as it is not demonstrated that there would be no risk to the proposed development, or adjoining properties of surface water flooding, and that it has not been demonstrated that there is sufficient capacity to cope



- with the increased demand for waste water;
- proposed development does not secure sufficient biodiversity gains for the Parish in the absence of an identified long term management plan and there is therefore a conflict with policy WH14 of the neighbourhood plan;
- lack of sufficient infrastructure;
- there is no evidence that the sports facilities are necessary or required;
- potential harm to neighbouring amenity from noise, disturbance; and
- lack of information on how the proposed SANG would be funded, maintained and managed.

Further comments from the Parish Council were received in June 2021. These note the following points:

- lack of consultation;
- full impact of surface water has not been assessed by the LLFA;
- non-compliance with policy H1 and H2;
- plans have not changed to reflect the character of the area;
- impact on views;
- excessive building heights;
- impact on local infrastructure;
- concerns with highways assessment;
- dwellings could be extended in the roof in future;
- impact on ecology and biodiversity and
- impact on dark skies.

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

- this is an urban development set in a semi-rural area;
- proposed housing density is too high;
- plot sizes too small and uncharacteristic of the surroundings;
- buildings are excessively tall;
- urban style layout and street forms;
- the number of proposed streetlights is contrary to the dark skies policy of the neighbourhood plan;
- the development will significantly increase the population of the Horsleys where the infrastructure is not in place to support it. Specifically mentioned are capacity issues with the medical centre, primary school, local centre parking, and parking at the railway station and Kingston Meadows;
- Transport Assessment submitted with the applicant is inadequate and does not model some important junctions in the area;
- increase in traffic movements in the area which coupled with the above may lead to severe highways impacts; and
- there is a disappointing response to climate change.

Further comments from the Parish Council were received in June 2021. It is noted that the original objection still stands. In summary the Parish Council state that the proposal submitted for Manor Farm will involve a highly urbanised development of very tall houses that are completely out of character for this semi-rural location and which would result in a housing mix policy contrary to both Local Plan policy and the policy of the West Horsley Neighbourhood Plan. Further concerns raised with regard to excessive building heights and potential to extending into the roofs.

Ockham Parish Council: The Parish Council objects to the application. The Parish Council do not believe that the proposed development is appropriate for the location. The infrastructure to support such a large scale housing development is completely inadequate and the density and design of the development is totally out of keeping with the existing village. Approval of this application will entirely change the landscape of the area, exacerbate the risk of flooding, increase air, light and sound pollution and dramatically impact biodiversity and wildlife habitats. All these factors will lead to damaging and irreversible effects at this time of climate emergency.

#### Amenity groups/Residents associations

Guildford Society: The Society objects to the application as presented due to the access at the northern end of the site. At this point the site borders Green Belt land currently used as a sports field. Borders with the Green Belt needed to be treated with care and provide a graduated transition between Greenbelt and other land. We would propose that the northern entry to the site is shifted to the south and a proper green boundary provided.

#### **Third party comments**

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

- loss of wildlife and habitat;
- local infrastructure is already at capacity and unable to cope with current population [Officer Note: Contributions have been secured to improve local infrastructure including highways, education, healthcare and community facilities];
- proposal will result in more traffic on already congested roads;
- concerns regarding highway safety;
- density is higher than the density of the existing village;
- the proposed development is out of keeping with the rest of the village;
- apartments are not in keeping with the area;
- parking at Horsley Station is at capacity;
- apartments for single people and those with children should be located in a town;
- concerns raised regarding flooding and drainage [Officer Note: The LLFA are content with the proposal and raise no objection. The proposal will not increase the risk of flooding to the surrounding area];
- there should be no housing in the paddock off Long Reach;
- West Horsley will be overwhelmed with additional people;
- large expansion of an inset village which will change its character forever;
- the number of houses set out in the Local Plan allocation does not take into account of Brexit, COVID-19, climate change etc. [Officer Note: This proposal must be assessed against the adopted Local Plan which allocates the site for approximately 135 dwellings];
- proposal represents the overdevelopment of the site;
- the proposed farmhouse is really a five bedroom luxury house and is against the needs of the area for smaller housing [Officer Note: The proposal is broadly compliant with the SHMA mix and provides a adequate amount of smaller units];
- high reliance on cars as infrastructure for pedestrians and cyclists is inadequate;
- highway safety concerns;
- proposed sports facilities are not needed and concerns about how they will be managed in the future and by whom;
- adverse impact on adjoining Green Belt;
- doubts about the applicants biodiversity gains;
- Bens Wood should not be designated as a SANG and is unsuitable [Officer Note: Both Natural England and the Council's SANG Officer are content that the proposals for the SANG are acceptable];
- applicants renewable energy commitments amounts to tokenism;

- agricultural land should be retained for that purpose;
- proposal exceeds the number of dwellings set out in the Local Plan;
- adverse impact on AONB;
- proposal will result in noise and disruption to surrounding residents;
- adverse impact on amenity of surrounding properties in terms of overlooking and loss of privacy;
- proposal will result in increased light pollution [Officer Note: This matter will be discussed below. The applicant has agreed to use mostly low level bollard style lighting];
- design too urban in appearance;
- plenty of brownfield land in Guildford where new housing should be directed;
- Long Reach is not appropriate for the level of traffic which will be generated;
- adverse impact on the listed building;
- there would be displaced parking as the football club use the Long Reach paddock for parking;
- loss of large number of trees;
- disappointing that gas boilers are to be used; and
- excessive height of some of the buildings.

Four letters in support of the application have been received. The points raised include:

- lack of facilities for indoor sports. The proposal would provide space for the use of local clubs;
- additional sports facilities and the expanded nursery will be a great addition to the village; and
- sensibly designed scheme which will add to the village.

### **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

West Horsley Neighbourhood Plan:

WH2 - Design management in the village settlement  
WH4 - Housing mix  
WH12 - Green and blue infrastructure network  
WH13 - Sustainable urban drainage  
WH14 - Biodiversity  
WH15 - Dark skies

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
- landscape and visual impact
- impact on the setting of listed buildings
- public benefits balancing exercise
- impact on neighbouring amenity and amenity of proposal
- highway/parking considerations
- flooding and drainage considerations
- sustainability and energy
- open space provision
- impact on ecology
- impact on trees and vegetation
- Thames Basin Heaths SPA
- planning contributions and legal tests
- final balancing exercise
- 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 Green Belt. The LPSS has allocated this site under policy A37, for approximately 135 homes, including self-build and custom house building plots. Policy A37 also sets out that development of this site should incorporate the following requirements:

- the significance of the local heritage asset to be identified and addressed (Grade II listed Manor Farm House);
- the children's nursery (D1) and sufficient car parking for its operation is retained;
- appropriate surface water flooding mitigation measures, with specific regard to the Guildford Surface Water Management Plan; and
- bespoke SANG to avoid adverse effects on the integrity of the SPA.

The opportunity for the allocation is noted as being for the provision of green corridors and linkages to habitats outside of the site, given the site's proximity to SANG, which is a nature reserve (non-statutory).

It is noted that at paragraph 201, the Report on the Examination of the LPSS states that 'policy A37 Land to the rear of Bell and Colvill, West Horsley, policy A38 Land to the west of West Horsley, policy A39 Land near Horsley railway station, East Horsley and policy A40 Land to the north of West Horsley are all moderate-sized housing allocations adjacent to the two villages. They are well-enclosed sites; A37 is surrounded by development, A38 and A40 have development on three sides and A39 has development to the east and north and the railway line to the south. The allocations would be proportionate to the existing size of the villages and in every case they would result in a more logical and defensible Green Belt boundary. A38, A39 and A40 are within easy walking distance of Horsley station and local shops; A37 is within cycling distance. They would provide much needed housing in locations close to village facilities. For all these reasons there are exceptional circumstances to alter the Green Belt boundaries to provide for these allocations'.

As noted above, 139 dwellings are proposed through this application (138 gross given the demolition of the existing bungalow on the site), which is slightly more than the figure set out in the allocation. While the additional dwellings and the development as a whole will need to be in compliance with the development plan as a whole, in general terms, the principle of approximately 135 dwellings on this site is deemed to be acceptable. Compliance with the above requirements of policy A37 and relevant local and national policies will be considered further below.

It is noted that other uses are also proposed through this application. The principle of these will be discussed below.

### **Sports uses**

As noted above, the proposal includes a new sports hall and a two padel tennis courts. It is noted that neither of these uses are a requirement of the LPSS, however, this in itself does not imply that the uses are not acceptable.

Policy CF1 of the saved Local Plan states that planning permission will be granted for the development...of use of premises for community facilities in urban areas or identified settlements provided that:

1. the proposed use would not detract from the character and appearance of the property and surrounding area;
2. the site is accessible, or can be made accessible, by public transport, on foot and by bicycle; and
3. the proposed use would not prejudice the amenities of the occupiers of adjoining properties.

In addition, paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. Paragraph 92 goes on to state that the provision of social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

In terms of the exact use and operation of the sports hall it is noted that this would be controlled through a community use agreement, which is secured by condition. However, the applicant has set out the indicative use of the hall which will be summarised for information. The hall is to be a multi-use space and although it will be aimed at junior sports, adults will be able to access the facilities too. The hall will be available for the use of the on-site nursery as a space for activities which cannot take place within the school buildings. In addition, the hall would be available for the use of a number of sporting clubs, again with the emphasis on junior sports, which include the Horsley and Send Cricket Club, Horsley Sports Club (tennis), Horsley Football Club. Table tennis and short mat bowls are also mentioned as possible activities. It is noted that the hall would allow for these clubs to provide additional resources to broaden their offer and possibly increase the age-range of participants. The hall would also provide a facility which would allow for a broader range of activities to take place.

The hall could also be used for organised adult exercise classes and a smaller studio is provided for yoga classes etc. A therapy room is also proposed which could be used by physiotherapists etc. A small ancillary coffee bar would also be provided.

As regards the padel tennis courts it is noted that the nearest facility is currently located in Weybridge. It is noted that this facility will be a popular addition to the sporting facilities of the village.

As such, there is no in principle objection the provision of new sporting facilities in a particular area, so long as the requirements in policy CF1 are met, and this will be assessed below. While it is noted that some residents note that there is no need for such facilities in the village, it could be argued that the provision of additional sporting facilities would rarely be unacceptable based on need alone. As such, the principle of the sporting facilities is accepted.

It is noted that a condition will be added to the permission which restricts the future use of the sports hall to indoor sports and community activities only.

Extension to the nursery

As regards the extension to the existing nursery policy CF3 of the saved Local Plan states that planning permission will be granted for nursery schools, play groups and crèche facilities providing:

1. the property can accommodate the number of children proposed without undue detriment to the amenities of neighbouring properties;
2. there is no detrimental impact on the character and appearance of the area;
3. in the case of a residential property, the residential characteristics are retained and the floorspace occupied by the childcare activities are a subsidiary element retaining the residential dominance of the property.

Policy 94 of the NPPF also states that 'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

As Surrey County Council have not raised an objection to the proposal, it is considered that the expansion of the existing nursery facility is acceptable in principle, subject to compliance with policy CF3 of the saved Local Plan.

Public open space

As noted above, one of the requirements of the allocation for this site is the provision of a bespoke SANG to avoid adverse effects on the integrity of the SPA. In time the proposed open space would function as that SANG once its management arrangements have been agreed and once it has received formal approval from Natural England. However, notwithstanding this, it is acknowledged that the proposed location for the public open space area remains within the Green Belt.

Under the NPPF a material change of use is not inappropriate development in the Green Belt. Paragraph 146 states that certain other forms of development (in addition to those identified in paragraph 145) are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. Material changes in the use of the land, falls within this list of exceptions.

Therefore, as long as the change of use from woodland to publicly accessible open space preserves the openness of the Green Belt and does not conflict with any of the purposes of the Green Belt, it would not be inappropriate development. This was a change to the original 2012 version of the NPPF where a material change of use of land was considered inappropriate development in the Green Belt.

In terms of the impact on the openness it is noted that openness is generally considered to be the absence of development and therefore the introduction of development can be harmful. The meaning of openness was considered in the *Turner v Secretary of State for Communities and Local Government & Anor [2016] EWCA Civ 466* with the Court of Appeal finding that:

'the concept of "openness of the Green Belt" is not narrowly limited to the volumetric approach...openness is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents'.

*R (Samuel Smith Old Brewery (Tadcaster) & Ors) v North Yorkshire County Council [2020] UKSC 3* in this recent Supreme Court decision stated:

'openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness'.

This part of the proposal would only result in the change of use of the land, with no buildings proposed. The change of use would result in some intensification of the use, as the land would become publicly accessible, rather than just access being granted informally and the physical works include the laying of a small car park for four vehicles, surfacing materials, minor structures and landscaping.

Many of these built forms are part of rural development in this locality and due to their nature and scale would have no material harm on openness. In addition, there would be additional vehicle movements to and from the site and the parking of vehicles in the car park. Given the limited size of the proposed car park and its transient use, any impact on openness would be avoided. In addition, it is noted that as at present, the majority of trips to the SANG would be on-foot using the existing pedestrian network, which will be improved through this proposal.

In addition, the proposed development would not conflict with any of the purposes of including land within the Green Belt due to the nature of the proposal and minimal encroachment.

The proposed change of use and its associated works would complement the countryside and surrounding area and would formalise public access to woodland which is already informally being used for this purpose.

As the woodland is allocated for this use in the LPSS and given there would be no harm to the openness of the Green Belt, this element of the proposal is also deemed to be acceptable in principle.

In conclusion on this point it is noted that the development as a whole is deemed to be acceptable in principle. This is subject to compliance with adopted local and national policies and this assessment will be carried out 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 A37 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.

### 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 56 affordable properties on the site and this is being met by the applicant, in compliance with policy H2 of the LPSS. In terms of the tenures, the applicant proposes 39 affordable rent properties and 17 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'. Policy WH4 of the Neighbourhood Plan states that 'proposals for new residential development within the defined settlement boundary of West Horsley will be supported, provided they have had full regard to the need to deliver 'open market one, two and three bedroom market homes and bungalows suited to occupation by younger families and older households'. The proposed dwelling mix for the development, as well as the SHMA requirement, is provided below.

| <b>Table 1</b>             |            |                   |                   |
|----------------------------|------------|-------------------|-------------------|
| <b>Overall Housing Mix</b> | <b>No.</b> | <b>SHMA % Req</b> | <b>Provided %</b> |
| 1 bed                      | 28         | 20                | 20.1              |
| 2 bed                      | 42         | 30                | 30.2              |
| 3 bed                      | 47         | 35                | 33.8              |
| 4 bed +                    | 22         | 15                | 15.8              |
| <b>Total</b>               | <b>139</b> |                   |                   |

| <b>Table 2</b>    |            |                   |                   |
|-------------------|------------|-------------------|-------------------|
| <b>Market Mix</b> | <b>No.</b> | <b>SHMA % Req</b> | <b>Provided %</b> |
| 1 bed             | 4          | 10                | 4.8               |
| 2 bed             | 23         | 30                | 27.7              |
| 3 bed             | 35         | 40                | 42.2              |
| 4 bed +           | 21         | 20                | 25.3              |
| <b>Total</b>      | <b>83</b>  |                   |                   |

| <b>Table 3</b>        |            |                   |                   |
|-----------------------|------------|-------------------|-------------------|
| <b>Affordable Mix</b> | <b>No.</b> | <b>SHMA % Req</b> | <b>Provided %</b> |
| 1 bed                 | 24         | 40                | 42.9              |
| 2 bed                 | 19         | 30                | 33.9              |
| 3 bed                 | 12         | 25                | 21.4              |
| 4 bed +               | 1          | 5                 | 1.8               |
| <b>Total</b>          | <b>56</b>  |                   |                   |

It is 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'. For this application it is noted that the overall mix (Table 1) is very closely aligned with the SHMA requirements. It is acknowledged that when the provision is broken down into market and affordable there are some differences when compared to the SHMA. However, these differences are very minor and do not materially impact on the broad mix which the SHMA seeks to deliver. Furthermore, it is noted that the Council's Housing Strategy and Enabling Manager is content with the proposed mix for the affordable dwellings and is confident that it meets the specific needs of the local area.

Policy WH4 of the Neighbourhood Plan states that 'proposals for new residential development within the defined settlement boundary of West Horsley will be supported, provided they have had full regard to the need to deliver the following housing types: (i) open market one, two and three bedroom market homes and bungalows suited to occupation by younger families and older households; and (ii) at least 40% affordable housing as defined nationally'. It is noted that the proposal provides a range of one, two and three bedroom market homes. As noted above, this is broadly in line with the Council's SHMA. The proposal would also deliver a total of two bungalows as well as two chalet bungalows (three x three-bed and one x four-bed). These would meet the needs of younger families and would be in compliance with policy WH4. It is noted that there is no definition of an 'older household' and what the Neighbourhood Plan envisaged their requirements to be. There is nothing to say that a three-bed bungalow would be unacceptable for an older household. The lack of smaller bungalows does not weigh against the proposal, particularly as a large number of one and two bedroom apartments and houses.

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 14 accessible and adaptable dwellings and seven wheelchair user accessible dwellings. These will be secured by condition.

### Self-build / custom housing

Policy H1 of the LPSS states that 'self-build and custom housebuilding will be supported if the proposed development has no adverse effect on the local character. On development sites of 100 homes or more 5% of the total homes shall be available for sale as self-build and custom housebuilding plots whilst there is an identified need. For phased development, selfbuild plots must be delivered and serviced at the earliest stage possible. Self-build and custom housebuilding plots are encouraged on smaller residential development sites...Self-build plots made available must respond to the sizes identified on the register. Plots must be made available and priced and marketed appropriately as self-build or custom build plots for at least 18 months'.

The proposal includes seven self-build / custom build houses which meets the requirement of policy H1. The dwellings would be located within the parcel which is accessed from Long Reach and only outline permission is proposed for these units. Their exact design would be controlled through separate reserved matters applications, but the expectation is that the designs would be in keeping with those of the rest of the properties within the development. The self-build and custom build houses will be secured through the s.106 agreement, which will include how they are advertised, sold and disposed of.

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. In this regard the proposal is consistent with policy H1 of the LPSS, policy WH4 of the Neighbourhood Plan 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.

Policy WH2 of the Neighbourhood Plan states that 'development proposals in the Settlement Area (covering areas of Character Areas 4, 7, 8 and 9), as shown on the Policies Map, will be supported provided they have full regard to the West Horsley Character Area Report, the Locally Important Roadside and Rural Views identified in Figure 13, and the following design principles:

- i where adjoining the boundaries of the built-up area of the village, the emphasis will be on the provision of housing types and built forms that help maintain an appropriate transitional edge to the village and maintain local character and countryside views;
- ii buildings should be of good design and use high quality materials. Scales, heights and form of buildings should be sympathetic to the existing built environment;
- iii within the areas to the west of The Street, on Silkmore Lane and Ripley Lane, development shall be designed to retain the open feel and significant views across open farmland;
- iv east of The Street, proposals should conform to the existing stronger building line regarding frontages and building height and form;
- v building plots will have low front boundary structures, landscape buffers, low walls or mature hedging rather than timber close-boarded fencing. Footpaths on frontages should be provided along key routes within the area to encourage walking;
- vi retain established healthy trees and avoid overly extensive tree surgery unless the tree condition has made it unsafe, in which case replacement should be made with suitable native species;
- vii housing design criteria to reflect the locale, reference being made to the established housing styles in each specific area with particular reference to arts and crafts features and use of natural materials common in the area, as defined in Evidence Base: West Horsley Character Appraisal Report (October 2017);
- viii where appropriate, the provision of 'pocket parks' and natural green spaces for wildlife should be included;
- ix parking provision should not overly dominate the streetscene and should maintain the character of the area. Garages should be visually subservient to the main dwelling or other principal.

Policy WH15 of the Neighbourhood Plan states that 'all development proposals should be designed to minimise the occurrence of light pollution. The Parish Council will expect such schemes to employ energy-efficient forms of lighting that also reduce light scatter and comply with the current guidelines established for rural areas by the Institute of Lighting Professionals (ILP). Proposals for all development will be expected to demonstrate how it is intended to prevent light pollution. Information on these measures must be submitted with applications, and where a development would potentially impact on light levels in the area, an appropriate lighting scheme will be secured by planning condition.

The application scheme has been the subject of discussion with officers over a number of months and has evolved from initially submitted proposals. The earlier iterations proposed new buildings in unsympathetic relation of disposition, form and design expression to the Grade II listed farmhouse located between the southern and northern part of the site. Proposals for new

areas of car parking were also considered unsympathetic. Discussions centred upon the story and history of land use, landscape character, agriculture and beginnings of the settlement in the farmhouse. The story of development of the context was reviewed, being in waves of development. Adjustment and refinements of the plan followed discussion of the history of the site. Evolved proposals sought to build up a character and experience of the place that would be related well to the historical understanding of use over time and the farmhouse at the centre.

It is also noted that a previous iteration of the scheme was presented to Design South East's Design Review Panel in May 2020. The Panel noted that their key recommendations were:

- 1 the particular and unique qualities of the site's landscape, including topography, biodiversity, green infrastructure, geology, SUDS, movement and settlement patterns, should be considered as the most defining elements of the site's character and these should be studied to inform the masterplan.
- 2 a thorough historical analysis including the socio-economic role of the existing farmstead and listed building and setting should be carried out and used to inform the layout, orientation and design of buildings, in particular the proposed farmstead complex. This should consider historic farmstead approaches to sustainability and how these can be implemented on the site's landscape and buildings today.
- 3 the design of streets and open spaces should be reconsidered, particularly in the residential parcel accessed from Long Reach, to ensure this is not driven by vehicular needs; this includes minimising cul-de-sacs and car-parking and using innovative approaches to parking and landscape design to minimise vehicle impact on the street scene.
- 4 the applicant should engage with the neighbouring landowner or consider an alternative road layout to achieve a more direct and welcoming access route and sense of arrival from Long Reach.
- 5 the access route from East Lane should be more prominently celebrated and enhanced with greenery to reflect its street hierarchy status.
- 6 the design team should reconsider how principles of the local Surrey vernacular have been used to ensure the resulting building design is a sensitive response that also reflects its role in supporting wider environmental and sustainability needs of the 21st century.

The pre-application process and the comments provided by Design South East have resulted in positive changes to the scheme. The final design will be assessed below.

#### Layout and design

In design and layout terms the proposal consists of three distinct elements:- the housing in the north-west of the site which front onto Long Reach, the centre of the site which contains a mix of residential, education and community uses and the southern portion of the site which is accessed from East Lane.

The development off Long Reach would consist of a mix of houses and apartment buildings which would be set over two storeys. The frontage onto Long Reach would consist of five detached dwellings which would be set behind the existing hedge. The dwellings would still be visible from Long Reach, and they would continue the existing pattern of development along the southern end of Long Reach which includes a range of properties, slightly set back from the road. The access into this part of the site would be in the same position as the existing access to the nursery and farm buildings. However, instead of travelling straight along the boundary, the new road would curve south and then east forming a pleasant entry into the development which would be framed by a range of houses and apartment buildings which are laid out symmetrically. Two cul-de-sacs are proposed off the northern side of the road and on the southern side would be ribbon development of two storey houses and bungalows. The dwellings would be well spaced and all would have adequate areas of private amenity space. The spine road would have a pleasing appearance with a mix of properties and a range of spaces which then lead to the centre

of the site.

It is noted that the two apartment buildings on this part of the site would be located opposite each other and would form an informal 'square' as the spine road turns 90 degrees. While the apartment buildings are two storeys in height, they are slightly higher than the dwellings, however, this additional height can be accommodated comfortably given their spacious setting.

It is acknowledged that the northern boundary of the site adjoins the Green Belt and West Horsley Football Club. The applicant has retained the previous vehicular access and hedgerow along the northern boundary but the track would now be reserved for pedestrian and cycle access. The retention of this track, the hedgerow and the trees would provide an undeveloped buffer between the development and the Green Belt to the north. In addition to this, the number of dwellings along the northern boundary is limited to five properties. This provides a suitable transition between the Green Belt and the new built form.

The centre of the site would include a mix of uses including open space, the expanded nursery, the new sports / community facilities, housing and a new detached farmhouse. The Council's Design Officer notes that 'the buildings surrounding the existing listed farmhouse came to be proposed as more organically related to a story and natural evolution of the place in the form of a hamlet. The site includes existing uses and businesses located approximately in the centre of the site. These will remain, supplemented and enhanced by proposals that would redefine the central area to build up a greater sense of the story of the hamlet like space'. The central core would consist of the sports hall on one side of the access and the expanded nursery on the other. The sports hall and the nursery extension would have a rural, farm appearance which would be complementary to the design of the dwellings. Together with the housing and significant areas of landscaping the proposed mix of uses would provide an attractive hub for the development which has been developed around the existing collection of historic buildings. This amalgamation of uses would also contribute to creating a mixed use and diverse community, rather than just a collection of dwellings. To the east of the sports hall are a range of terraced properties which are arranged in a collection of buildings to form modest sized courtyards reflective of a traditional farmyard setting. This would create an attractive, varied and characterful centre to the development.

The proposed farmhouse would be located in the north-east corner of the site, directly to the south of the future SANG. It would be a large detached property, set in substantial grounds. Its design has been improved throughout the course of the application and the applicant has also resolved previous concerns held by Officers regarding its curtilage. While the farmhouse could be viewed as an incongruous element in the scheme, it does not result in any material or identifiable harm to the design of the scheme or the surroundings.

It is noted that the centre of the site would be accessed from Long Reach. No vehicular access is provided between Long Reach and East Lane, however, the existing access which runs between the northern and southern sections of the site would be retained and used as a pedestrian and cycle route for residents. The lack of a vehicular connection through the site is seen as a benefit of the site as it would prevent local rat running and would help to protect the setting of the listed building. The area to the south and east of the listed building would form part of what is a large public open space for residents which would be set within the existing trees. This helps to protect the setting of the listed building and provides a spacious and sylvan setting for the dwellings. Pedestrian access to and from the northern section of the development would be through the development and onto East Lane where the village amenities can be accessed from.

The southern portion of the development would be accessed from East Lane. The access would lead to a large area of open space in the centre of the southern half of the site which would be created around the existing hedgerows and trees which are being retained. While it is

acknowledged that a large number of trees will be removed from this part of the site, the retention of the better specimens in the middle will help the development to integrate into its surrounds. The layout of this part of the site would be more organic in appearance than Long Reach with a clear hierarchy of roads and spaces. A large tree and vegetation buffer would be retained around the south-eastern boundary of the site and overall, the layout would appear spacious and not over-developed. Two apartment buildings would be located in the south-western corner of the site. These would be two storeys in height and would have the appearance of a terrace of dwellings.

It is noted that the Council's Waste and Recycling Officer has had a number of discussions with the applicant which has resulted in changes to the scheme. No objections are noted regarding the refuse strategy and although it is noted that a number of the vehicle movements are not ideal, this only impacts on a minor number of dwellings and the development as a whole is deemed to be acceptable. As such, no objections are raised in this regard.

Overall, it is considered that the layout of the development has been significantly improved through the pre-application process. The development involves three distinct areas which all successfully integrate with one another. The central core with the mix of uses provides a community hub for the development and a truly mixed use development. While the number of dwellings is slightly above the allocation, the development would appear spacious and not over-developed.

In terms of design, the Council's Design Officer notes that the dwellings would be of a traditional appearance with good quality natural wall and roof materials, as well as window systems presenting as timber and with traditionally profiled sections. The general profile, proportion and design together with use of appropriate materials supports the reading of traditional design homes that could be understood to be of the locality. The applicant has also made an effort to subdue the presence of cars and incorporate a limited number of garaging into the volume and design expression of the houses.

It is noted that the other non-residential buildings employ a different design expression that complements that of the houses. These appear as evidently different, being expressed as farmstead barn type volumes of appropriate plays of fenestration, dark timber appearance boarding, and larger roof volumes, that can be appreciated as being related to the forms of the houses. The Council's Design Officer notes that overall, it creates a fitting picture of development in harmony with site history and context, and integrally with itself is proposed that seem to offer a pleasant place to live.

#### Self / custom builds

The proposed self / custom build units are proposed in outline only. The exact details of their design will be considered at reserved matters stage. It is noted that while some there would be some freedom for future purchasers to choose the design of these dwellings themselves, in order to protect the character and appearance of the wider development, the designs will need to comply with the parameters set out by the applicant in the Design and Access Statement. This will be secured by condition.

#### Impact on character of the area

The requirements of both the LPSS and the Neighbourhood Plan have been set out above. It is acknowledged that the provision of 139 dwellings on a site which is currently a mix of paddocks and agricultural buildings will change the character and appearance of the site. However, the site is allocated for 135 dwellings and therefore, such a change is inevitable. The Inspector responsible for the examination of the LPSS also acknowledged as much by stating that 'policy

A37 Land to the rear of Bell and Colvill, West Horsley, policy A38 Land to the west of West Horsley, policy A39 Land near Horsley railway station, East Horsley and policy A40 Land to the north of West Horsley are all moderate-sized housing allocations adjacent to the two villages. They are well-enclosed sites; A37 is surrounded by development, A38 and A40 have development on three sides and A39 has development to the east and north and the railway line to the south. The allocations would be proportionate to the existing size of the villages and in every case they would result in a more logical and defensible Green Belt boundary. A38, A39 and A40 are within easy walking distance of Horsley station and local shops; A37 is within cycling distance. They would provide much needed housing in locations close to village facilities. For all these reasons there are exceptional circumstances to alter the Green Belt boundaries to provide for these allocations'. Whether or not the change is harmful will be discussed below.

One of the primary requirements of the Neighbourhood Plan is that proposals should maintain an appropriate transitional edge to the village and maintain local character and countryside views. It is noted that the northern boundary of the site would back onto the Green Belt and the playing fields associated with West Horsley Football Club. The other site boundaries would adjoin existing residential development. The northern boundary of the site has been carefully considered to ensure that it provides a softer and transitional edge to the Green Belt and therefore, the new edge of the village. As noted above, the proposed northern edge of the site would consist of five properties. These would be very well spaced out, and would be set behind the existing hedgerow and trees which are being retained and incorporated into the development. Given the reduced density along this boundary and the fact that the existing screening would be retained, the proposal would provide the transitional edge to this part of the village. Further along the northern boundary (opposite the future SANG), the built form solely consists of the proposed new farmhouse. In the main this area of the site would be characterised by open space and the curtilage of the farmhouse and this would also provide an appropriate transition into the more rural, countryside appearance of the future SANG. As such, the northern boundary would still exhibit a rural feel and character and as such, this aspect of the proposal is deemed to be acceptable and no harm would arise.

In terms of the building design, it has already been noted above that the Council's Design Officer is of the opinion that the architecture is traditional in nature and would be understood to be of the locality. Traditional external materials are proposed and the exact bricks and roof coverings would be secured by condition. As can be seen from the photomontages, the buildings would be of a high design quality and therefore, no objections are raised in this regard. Garages have also been carefully designed and are considered to be subservient to their host properties.

It is noted that a number of residents, as well as the Parish Council's have raised concerns regarding the height of some of the dwellings. It is noted that the Neighbourhood Plan requires building heights to be sympathetic to the existing built environment. It is noted that a large proportion of the proposed dwellings are in the region of 8.4 to 8.8 metres in height. However, it is acknowledged that some of the house types are above nine metres tall. While objections have been raised in this regard, it is considered that both West and East Horsley display a variety of building heights, and there is no predominant pattern which is evident. While the proposed scheme does have taller properties, there are also more modest dwellings as well as bungalows and chalet bungalows. It is considered that this mix of heights throughout the scheme is reflective of the general character of the surrounding area and the proposal would not be harmful in this regard. It is also acknowledged that a number of apartment buildings have been proposed. The applicant has made efforts to ensure that these buildings are also in keeping with the surroundings, and they are all limited to two storeys in height and are still below 9.5 metres in height, with some being below nine metres. It is noted that the height of building seven and eight have been reduced in order to reflect the concerns raised by residents. Overall, the apartments would all have a small scale domestic appearance in keeping with the rest of the development. Notwithstanding all of the above, is also important to consider the proposed development as a



whole. The heights and bulk of the buildings would not result in any particular harm to the wider area and the scheme is overall considered to be of a high design standard. As such, it is considered that the proposal would be sympathetic to the existing and surrounding built environment in this regard.

It is noted that policy WH4 of the Neighbourhood Plan does not have any specific guidance on densities, but rather mentions in various places that the Parish is generally characterised by a relatively low density. It is acknowledged that the proposal would appear more dense than its surrounding built form, however, the Local Plan allocation clearly states that this site is capable of accommodating 135 dwellings and as the proposal is not significantly beyond this figure, there are no in principle objections in this regard. As has been noted above, the development would have a spacious feel and character and contains a large amount of open space which will help the proposal assimilate with its surroundings. The arrangement of the built form also helps to provide a less dense edge to the proposal, and a softer buffer to both the future SANG and the listed building. As such, while density is not a consideration in the neighbourhood plan policy, nevertheless, the proposal is considered to be acceptable in this regard and would not result in any material harm to the character of the area.

It is noted that a large number of trees would be removed as part of this proposal. As will be discussed below, most of these trees are of low value and no objections have been raised by the Council's Tree Officer to their removal. On the other hand, the development would retain the TPO trees in the centre of the site as well as numerous other around the listed building. Where possible, existing hedgerows are also being retained. Replacement tree planting is also proposed throughout the site which will be secured as part of the landscaping conditions.

In terms of lighting it is noted that the roads within the development would not be adopted, therefore, the design of the street lighting is for the consideration of the applicant. The applicant has confirmed that in the main, any lighting within the development will be low level bollards. Some taller lights may be required in the vicinity of the nursery, however, these could be fitted with devices to limit light spillage and lights which are themselves of a modern design with as little output as is possible. This will be secured by condition. With these measures in place, Officers are satisfied that the applicant has employed adequate measures to reduce light pollution.

In summary, taking the above points together, the development would be of a scale that creates its own identity and would find a reasonable balance between absorbing characteristics of local built form without employing an artificial historical style. With conditions to control the external materials, landscaping and boundary treatments, the proposal is deemed to be consistent with policy D1 of the LPSS, policy G5 of the saved Local Plan, policies WH4 and WH15 of the Neighbourhood Plan and the relevant provisions of the NPPF.

### **Landscape and visual impact**

Paragraph 127 (c) of the NPPF seeks to ensure that developments 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)'. Policy D1(4) of the LPSS required a response and reinforcement of landscape setting and paragraph 4.5.9 explains that 'the relationship of the built environment to the landscape must be taken into account and the transition from urban to rural character will need to be reflected in the design of new development with the green approaches to settlements respected'.

The land surrounding the application site is relatively flat and as such, views of the site will be limited to within the site and when travelling on the adjacent roads. The impact on the character of the area has already been set out above.

It is noted that the site is located approximately 1.8 kilometres from the closest point of the Surrey Hills Area of Outstanding Natural Beauty (AONB). To assess the impact on the wider landscape, the applicant has submitted a Landscape and Visual Appraisal. This notes that 'the proposed development would not materially change the key landscape characteristics or elements and features of the wider environment... The proposed development would be largely contained within the existing pattern of settlement on three sides of the site and there is limited intervisibility with the northern part of the site with the wider landscape. No important levels of landscape effect have been identified'. The report goes on to note that 'the visual assessment outlined above demonstrates a high level of visual containment from public views and very limited views of the proposed development from within the wider landscape. Where evident, the proposals would be viewed partially and intermittently within the context of retained vegetation, from limited areas at a close range on Long Reach and East Lane. The development will not intrude on any important rural views identified in the Neighbourhood Plan. No important levels of effect on public views or visual amenity have been identified'.

The proposal would not result in any harm to important long distance views, particularly those from the AONB. While some views of the development may be possible from certain vantage points along Long Reach and East Lane, the impact on the character of the immediate area has been assessed above and is deemed to be acceptable.

In conclusion, the proposed development is considered to be consistent with landscape planning objectives and is acceptable in terms of levels of effect on landscape and visual amenity.

### **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 great 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

- 7 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
- 8 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.

It is noted that one of the key objectives of the Neighbourhood Plan is 'the protection of the historic and architectural character of the West Horsley Conservation Area and listed buildings that define the village'.

In this case the proposal would affect the setting of Manor Farm House which is a Grade II listed dwelling which is located in the middle of the site (but outside of the red line boundary). The proposal would see development to its north (approximately 13 metres away) and south (approximately 47.5 metres away), however, the property would retain its a large area of land around it, to the east and south.

Manor Farm House is a late sixteenth Century vernacular, four bay, two story dwelling with seventeenth Century additions. It is of timber framed construction, which is exposed to the rear, with brick infill and whitewash render and is covered over by a plain tiled half-hipped roof. A square, gabled, two-storey entrance that sits off centre (to the right) articulates the front elevation, whilst a single storey mono-pitched extension sits at the southern end of the property.

The building is sited within its own domestic curtilage, which is defined in the main by planted boundaries, many of which are of a substantial height and density. Beyond this immediate setting are the pasture fields, paddocks and yards, with which the property has a present and historical functional and visual relationship with, having been the associated land in which this agricultural holding cultivated – this is reinforced by the Historical Development and Map Progression section of the applicant's Built Heritage Statement. It is fair to say that this immediate landscape, which has seen very little change over the centuries, plays an important function in that it provides a legible understanding of the site's history, role and use as manorial farmstead. In terms of the property's visibility and prominence, this is variable, but can be generally summarised as being obscured from view within the northern half of the site, generally as a result of the siting, orientation and height of surrounding outbuildings, and being more visible from within the southern half of the site. The closer you get to the property the more apparent it becomes in view. As regards the asset's extended setting, this is predominantly formed by the outlying twentieth Century residential developments which encircle the site to the west, south and east. However, views of a more natural landscape and character found to the north and north-west of the site are generally thwarted by virtue of the surrounding more modern agricultural outbuildings.

### Significance

The building is a good example of an early post medieval farmhouse and its surviving fabric demonstrates the evolving building traditions and patterns of domestic life in rural sixteenth and seventeenth Century England. It also signifies the first form of development that took place on the Horsley Common. In terms of the property's setting, as already indicated, the building has a readable functional and visual relationship, both currently and historically, with the adjoining yards, outbuildings and fields that form much of the site and this contributes to the legibility of the property as a working agricultural residences on the periphery of the settlement of West Horsley.

Impact on significance and setting

Given the property's central location within the site it would be difficult to suggest that there would not be an impact on its significance and/or setting given the nature of the proposed development that is being proposed. The Council's Conservation Officer is in agreement with the comments provided in the supporting heritage statement that the proposed development has been designed to reflect local patterns of development and that those structures that are to be sited close to the listed building are, generally speaking, reflective of the massing, height and density. However, it is clear that the provision of 139 homes, associated road infrastructure, a sports hall, padel courts and nursery school infrastructure would contribute to a significant change to the physical character of the land and in turn the assets setting, which would be perceptible in outward views, to and from the listed building. Equally it would result in the erosion of a part of the legible understanding of the site's history, role and use as a farmstead, and further still the activity and noise generated from the placement of 139 homes and their occupants would certainly have an impact on the property's relative privacy and semi-rural ambiance.

Assessment of impact on setting

The Council's Conservation Officer has concluded that the proposed development would result in harm to the significance and setting of this Grade II listed building. However, it is also acknowledged that this an allocated site in which the principle of development has been established and agreed. In view of this, the Conservation Officer confirms that the overall design, disposition, layout and scale of built form of the proposal has been developed taking in to full account the asset's sensitive setting and is therefore satisfactory. It is further noted that the proposal will ensure a harmonious and cordial relationship between the new building stock and the asset. While not specifically noted by the Conservation Officer it must also be acknowledged that the existing setting of the listed building includes a number of large steel framed agricultural sheds and barns. While it could be argued that this form of agricultural development could be expected beside a farmhouse, the sheds and barns are of a modern construction and they themselves do not contribute positively to the setting of the structure. In addition, it is noted that the applicant has made further changes to the block to the north of the listed which has reduced the height of the building and its bulk and massing. The neighbouring block now sits more comfortably in the setting of the listed building and thus, the harm has been slightly reduced.

Given that harm has been identified current best practice is to consider the resultant harm against a spectrum, ranging from low to high. The Conservation Officer notes that 'with that in mind, and given all that has been discussed above, I would conclude that the degree of harm caused to this asset, even when taking into account the mitigating measures, can be described as being at the lower end of the 'less than substantial' spectrum meaning that paragraph 196 of the NPPF is engaged.

Having reached the view that the proposal results in harm to heritage asset, 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'.

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.

### **Public benefits 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 Grade II listed building. It is 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'.

Although the applicant has also concluded that the proposal would result in less than substantial harm to the heritage asset, neither the heritage statement nor the planning statement have undertaken a public benefit balance. The applicant has also not put forward what they consider to be the public benefits of the scheme, however, they have more generally stated that the benefits of the development would include:

- the delivery of a significant contribution of new homes towards the Council's housing requirement, on an allocated site. The new residential development would include a mix of new homes and dwelling types, comprising houses, apartments and bungalows, including 40 per cent affordable homes and 10 per cent self-build / custom build homes;
- a new Junior Sports Hall building comprising a multi-purpose hall together with ancillary facilities and two outdoor "padel" tennis courts would be provided;
- the expansion of the existing Montessori Footprints Nursery School. A new freestanding building would be provided directly north of the existing nursery school, which would provide two new classrooms, a small office and toilet facilities;

## Agenda item number: 5(2)

- the creation of significant areas of open space for the benefit of future residents and the wider community, along with new children play spaces;
- Benswood enhancement including an improved network of paths within the wood to provide a variety of walking routes. Additionally, a car park for four vehicles would also be provided for users outside of the development;
- the development will seek to achieve 31% carbon reduction across the overall site which is beyond the Council's requirements and for the provision of five net zero carbon homes. The proposals have been designed to ensure that sustainability measures are prioritised including commitments to apply a fabric first approach to reduce energy consumption, and the inclusion of renewable technology in the form of solar panels; and
- electrical vehicle charging points provided to each dwelling. Each house will have a dedicated fast charge socket either within their garage (where provided) or adjacent to their allocated car parking space. Electric vehicle charging stations are provided within the car parking area / parking courts for the apartments.

Although not stated by the applicant, the proposal would also deliver:

- improvements to the surrounding highways network and access to public transportation;
- a housing mix which is generally SHMA compliant; and
- a wide range of contributions which will help to improve community facilities in the area including 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 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 are recognised and are given great weight and considerable importance. Although this is the case, 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 and the NPPF in this regard.

### **Impact on neighbouring amenity and amenity of proposal**

Paragraph 127f of the NPPF requires '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'. One of the key characteristics in the National Design Guide (NDG) is, Homes and buildings – functional, healthy and sustainable for occupiers and the surrounds. These principles are taken forward in policy D1 of the LPSS and saved policy G1(3) which requires protection from unneighbourly development.

Neighbour amenity

- Dwellings accessed from Long Reach

The Long Reach character area of the development would have a shared boundary to three large, detached dwellings. Long Reach House fronts onto Long Reach and as such sides onto the proposed development. Further east, The Meads front elevation faces south and Oakbank and Amberleigh are set at an angle.

As regards Long Reach House it is noted that plot 104 would be directly located to its north. The built form of both properties would be in line with each other and a good separation distance would be provided. It is noted that there would be side facing windows on the south facing wall of plot 104. However, this would be for a bathroom and given the distance of separation there would be no loss of privacy from this. The apartment building containing units 98 to 103 would back onto the rear garden of Long Reach House which includes a large landscaped garden and a swimming pool towards the rear of the site. The apartment building would be two storeys, with an overall height of 8.8 metres (reduced from 9.4 metres by the applicant). The first floor elevation facing the rear garden of Long Reach House has been amended at the request of Officers and it would now contain a total of four windows. Two of these would serve a bathroom and ensuite which could be fitted with obscure glazing through condition and other two windows would be small in size and set at a high level to avoid any adverse overlooking. As such, the privacy of Long Reach House and its grounds would be protected by the proposal. In terms of overbearing impacts it is noted that the apartment block would be situated approximately 10.5 metres from the common boundary with Long Reach House. This significant separation distance and the fact that the new building would be located towards the very rear of the garden means that there would be no adverse impact in terms of overbearing or overshadowing.

As regards The Meads this is a bungalow with a relatively small rear and side garden. It would have the apartment building and a semi-detached property (plot 97) behind its rear boundary. As noted above, both of the proposed buildings would be well separated from the boundary of The Meads by approximately 11.5 metres. The distance between the rear elevations would be 17.5 metres. This would ensure that there is no overbearing impact on this neighbouring property. The two windows in the apartment building which would face The Meads are the bathroom and ensuite windows already referred to above and these would be obscurely glazed. The rear elevation of plot 97 would contain only two windows - a bathroom and bedroom and overlooking from these would not give rise to any material loss of privacy to the neighbour.

Oakbank is a large detached property at the end of a cul-de-sac. It is set at an angle to the development. The closest property to its boundary would be plots 88-90. Plot 88 is a bungalow and plots 89-90 are a pair of two storey semi-detached dwellings. Given the height of the bungalow, this property would not have any impact on the living environment of Oakbank. It is noted that the rear elevations of plots 89 and 90 would face the side wall of Oakbank which from the Officers site visit does not contain any first floor windows. Any overlooking of the gardens would be limited and would be from a distance of 10.5 metres away. This would not be a harmful or unusual relationship and there would be no material loss of amenity as a result. The built form would be set well away from the boundaries of Amberleigh, which is the other property in the cul-de-sac.

As regards the impact on properties within Farleys Close and Woodside it is noted that the dwellings which back onto the site all have very long rear gardens. The result is that the distance of separation between the elevations would be between 38 and 53 metres (approximately). This would prevent any harm to their amenity in terms of overbearing, loss of light, overshadowing and loss of privacy.

It is fully acknowledged that the outlook from all of the existing properties mentioned above would change dramatically as a result of the development. However, the protection of a view is not possible in planning terms and as noted above, there would be no material harm caused to the amenities of any of the properties.

- Dwellings accessed from East Lane

12 Greta Bank would be located off the south-western corner of the development. It would have a parking court for one of the apartment buildings to its north-east and the built form would be set well away from its boundaries. As a result no harm to its amenity would occur.

The proposed dwellings to the rear of 23-35 East Lane would display a separation distance of 10.5 to 14 metres to the common boundaries and 45 to 60 metres between the rear elevations. In addition, if any overlooking did occur it would be limited to the rear of what are very long gardens. This would ensure there is no loss of amenity to these existing properties.

The proposed dwellings to the rear of 39-49 East Lane would have an even larger separation distance of 12 to 16 metres from the boundary. It is noted that an access road would run along the rear boundary of these properties, however, there would be a wide landscaped verge between the rear boundaries and the road and only four dwellings would be served from it. Therefore, vehicle movements would be low and unlikely to result in any harmful impact in terms of noise or disturbance. A small sub-station is located to the rear of 39-41 East Lane, however, this is a small structure and would not be in any way overbearing.

Barnside Cottage and Manor Farmhouse would be unaffected by the proposal and their amenity would be protected. Manor Farmhouse would be to the south of one of the smaller apartment buildings. This would follow the forward building line fronting the access road to reduce an overbearing impact. Flat 64 would have first floor level, side, south facing windows. The gap of 13.1 metres would ensure that whilst there would be some overlooking the gap would ensure that this would not be materially harmful.

It is also acknowledged that the site access would be widened for two-way traffic. Numbers 35 and 39 East Lane would adjoin this new access, including their rear gardens. The gap from the roadway to the shared boundary would vary from a pinch point of 1.3 metres to 5.4 metres. Whilst this is an existing access, there would be an intensification in use, as it would serve significantly more properties. It is acknowledged that the access would result in more vehicle movements between the existing dwellings and this would bring with it increased noise and headlight glare. To overcome any increased harm resulting from the additional dwellings, a condition could be imposed which deals with the treatment of the side boundaries of 35 and 39 East Lane.

- Dwellings fronting Northcote Road / Crescent

The shared rear boundary with the application site would adjoin the retained trees and hedges and landscape areas. Given the separation distance there would be no harmful loss of amenity to the properties along Northcote Road or Crescent.

Occupier amenity

All of the proposed dwellings include an area of private amenity space and the apartment blocks generally include communal garden areas. The areas of amenity space vary across the site; however, all of the dwellings include access to an appropriate area of outdoor amenity space to meet the passive recreational requirements of the future occupants of the development. The layout of the buildings has also been carefully designed to ensure that none of the garden areas suffer unacceptable levels of overlooking or overshadowing from the adjoining buildings or undue



disturbance from parking courts.

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.

| House Type | Designed Occupancy | NDSS GIA-m <sup>2</sup> | Actual GIA-m <sup>2</sup> | Comply |
|------------|--------------------|-------------------------|---------------------------|--------|
| 1B-PF1     | 1B2P               | 50.00                   | 51.00                     | Yes    |
| 2B-PF1     | 2B4P               | 70.00                   | 70.69                     | Yes    |
| 2H7        | 2B3P               | 70.00                   | 71.99                     | Yes    |
| 2H8        | 2B3P               | 70.00                   | 78.31                     | Yes    |
| 3H7b       | 3B5P               | 93.00                   | 98.01                     | Yes    |
| 3H7bf      | 3B5P               | 93.00                   | 98.01                     | Yes    |
| 3H9        | 3B6P               | 102.00                  | 117.98                    | Yes    |
| 3H9b       | 3B6P               | 102.00                  | 119.56                    | Yes    |
| 3H9bf      | 3B6P               | 102.00                  | 119.56                    | Yes    |
| 3H10b      | 3B4P               | 84.00                   | 87.69                     | Yes    |
| 3H15b      | 3B6P               | 102.00                  | 105.35                    | Yes    |
| 3H17bf     | 3B6P               | 102.00                  | 110.08                    | Yes    |
| 3H18b      | 3B6P               | 102.00                  | 106.28                    | Yes    |
| 3B1        | 3B5P               | 86.00                   | 107.95                    | Yes    |
| 3C1bf      | 3B6P               | 102.00                  | 128.01                    | Yes    |
| 4H1b       | 4B6P               | 106.00                  | 113.06                    | Yes    |
| 4H2b       | 4B8P               | 124.00                  | 133.12                    | Yes    |
| 4H7bf      | 4B8P               | 124.00                  | 147.43                    | Yes    |
| 4H9b       | 4B8P               | 124.00                  | 176.04                    | Yes    |
| 4H9bf      | 4B8P               | 124.00                  | 176.04                    | Yes    |
| 4H11b      | 4B8P               | 124.00                  | 196.95                    | Yes    |
| 4H11bf     | 4B8P               | 124.00                  | 196.95                    | Yes    |
| 4C1b       | 4B7P               | 115.00                  | 165.27                    | Yes    |
| FH         | 4B8P               | 124.00                  | 353.49                    | Yes    |
| 1B-AF1     | 1B2P               | 50.00                   | 52.39                     | Yes    |
| 1B-AF2     | 1B2P               | 50.00                   | 65.12                     | Yes    |
| 2B-AF1     | 2B3P               | 61.00                   | 61.40                     | Yes    |
| S1F12.1    | 1B2P               | 50.00                   | 50.00                     | Yes    |
| S1F12.2    | 1B2P               | 50.00                   | 50.00                     | Yes    |
| S1F14.1    | 1B2P               | 50.00                   | 50.00                     | Yes    |
| S1F14.2    | 1B2P               | 50.00                   | 59.92                     | Yes    |
| S1F15.1    | 1B2P               | 50.00                   | 50.26                     | Yes    |
| S1F15.2    | 1B2P               | 50.00                   | 50.72                     | Yes    |
| S2F13.2    | 2B4P               | 70.00                   | 72.83                     | Yes    |
| S1F16.1    | 1B2P               | 50.00                   | 61.40                     | Yes    |
| S2F16.1    | 2B4P               | 70.00                   | 71.99                     | Yes    |
| S2H4       | 2B4P               | 79.00                   | 80.36                     | Yes    |
| S2H4.1     | 2B4P               | 79.00                   | 80.36                     | Yes    |
| S3H3.1     | 3B5P               | 93.00                   | 94.66                     | Yes    |
| S3H5       | 3B5P               | 93.00                   | 95.03                     | Yes    |
| S3H10      | 3B5P               | 93.00                   | 93.92                     | Yes    |
| S4H2       | 4B6P               | 106.00                  | 106.09                    | Yes    |

There would be collection of apartment buildings and houses around the junior sports hall. This would be an indoor facility which would reduce any noise impact. The open sports areas (padel tennis courts, LEAP and LAP) would be grouped together by the nursery and retained woodland and would not be illuminated. The gaps to the new homes would ensure that there would not be a harmful loss of amenity. The use of the sports hall would be restricted to reasonable hours and the Council's Environmental Health Officer raises no objections regarding noise or disturbance. The padel tennis court would not be illuminated and as such, any use would be limited to daylight hours and is unlikely to result in any unsusceptible level of disturbance.

It is noted that the levels drawings show some changes to land levels across the site including adjacent to the site boundaries. These will include both a reduction and increase to some levels when compared to the existing. Even taken this into account, Officers believe that the levels of amenity noted above would not be further compromised.

Having regard to all of the above it is concluded that the development proposed would not give rise to unacceptable impacts on the adjoining residential properties and would provide a good level of amenity for the future occupants of the development. For these reasons the development complies with the objectives of policy D1 of the LPSS, G1(3) of the saved Guildford Local Plan and the National Design Guide (NDG) and NPPF.

### **Highway/parking considerations**

Paragraph 103 of the NPPF requires significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 109 goes on to note 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'.

Policy ID3 of the LPSS says that new development will be expected to contribute to the delivery of an integrated, accessible and safe transport system, maximising the use of sustainable transport modes, and establishes a set of steps for development to take into account in order to achieve this objective.

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**

Using empirical survey data of similar site in similar locations, the development proposal is predicted to generate circa 60 two-way vehicle movements during the morning peak hour (equivalent to approximately one additional vehicle movement every minute), and circa 70 two-way vehicle movements during the evening peak hour (equivalent to just over one vehicle movements every minute).

The TA notes that this traffic has been assigned to the local highway network using a distribution derived from 2011 Census Travel to Work data and a population based gravity model. This is a well-established method, which has been used repeatedly in Surrey and elsewhere, and has been tested through the appeal process. Traffic impacts have been tested using industry standard modelling tools, which have been calibrated to reflect observed traffic conditions. The analysis shows that the development proposal will generally not have a noticeable impact on the local highway network. One 'modest impact' has been identified at The Street / A246 Epsom Road / Shere Road roundabout, however, it is noted that the impacts are below the 'severe' level that the NPPF identifies as the only transport reason for preventing development from coming

forward.

The applicant's modelling has been reviewed by Surrey County Council. They state that 'the traffic impact assessments were audited by our modelling team and passed. Although the development will generate additional vehicular trips in the area, it is considered that this increase will not significantly affect the surrounding highway network such as Long Reach, East Lane, Ockham Road North and A246 corridors'.

While the proposal will undoubtedly increase traffic movements in the area, this would not be to a level which constitutes a severe impact. As no objections have been raised by the County Highway Authority regarding the impact of this proposal on the capacity of the network, the proposal is deemed to be acceptable in this regard.

### Access and highway safety

It is noted that the proposal would have two main access point onto the network. The northern access would utilise the existing entrance into the site from Long Reach. The southern access is from East Lane which is also existing and currently serves a number of commercial and residential properties.

The TA notes that 'the accesses have been designed to accord with the design guidance set out within the Manual for Streets, including in terms of their width and geometry. Visibility is achievable in line with the design guidance based on the observed design speed of vehicles on Long Reach and East Lane. Both access junctions operate well within capacity and have been subject to Independent Road Safety Audit. The proposed site layout accords with the design principles set out in the Manual for Streets, providing an internal movement network with the needs to cyclists and pedestrians fully considered. The layout makes suitable provision for waste collection in line with the GBC standards, and also provides for fire vehicle access'.

The County Highway Authority notes that 'the accesses onto Long Reach and East Lane have sufficient visibility in both directions. Swept path analysis for the East Lane access is acceptable. An Independent Road Safety Audit that was carried out...and the traffic modelling...demonstrates [that] each access should operate with significant reserve capacity'. It is noted that a total of four personal injury accidents (PIAs) were recorded in the last five years within the vicinity of the two accesses in East Lane and Long Reach. Three were slight and one serious in nature. This demonstrates that whilst there was a small number of PIAs, there were no patterns of accidents that currently suggest any safety issue on the local network.

It is noted that a number of traffic measures have been requested by the County Highway Authority and agreed by the applicant. These will be secured through the s.106 agreement which for highways works will total £591,150. In relation to highway safety works, these will include:

- amending the existing TRO and extend the 30mph speed limit north on Ockham Road North to the point where Green Lane and Ockham Road North;
- installation of traffic calming measures for approximately 750m on Ockham Road North;
- improving pedestrian facilities on Station Parade, on the east side of the zebra crossing;
- provision of two road tables in Ockham Road South on either side of its junction with Forest Road;
- installation of a raised table for the existing zebra crossing south of the train station; and
- provision of signs, road markings and VASs on Ockham Road North from the point where School Lane and Ockham Road North meet up until the A3 junction.

The County Highway Authority notes that these measures once implemented will mitigate the impact of the development in the area and therefore no objections are raised regarding the

proposed access points, or the impacts of the scheme on highway safety.

### Parking

Based on the Council's adopted standards contained within the Vehicle Parking SPD, a total of 229 residential car parking spaces would be required. The TA notes that a total of 339 car parking spaces are provided across the site. These are broken down into 322 allocated spaces (inclusive of 79 garages) and 17 visitor / unallocated parking spaces. The applicant notes that whilst there is no standard in either the Council's SPD or the County Council's guidance in relation to visitor parking, this has been provided to ensure appropriate provision is made. The proposal would provide significantly more parking than is suggested in the SPD, however, given the location of the site, no objections are raised to this.

A further 55 spaces are provided for the non-residential uses, as set out below:

- six parking spaces for the Beauty Barn (as existing)
- four parking spaces for the SANG
- 45 parking spaces for the nursery and sports facility, in addition to the existing nursery parking provision, which will be added to the 12 retained spaces to the rear of the existing nursery, total of 57 spaces). Of these 57 spaces, 25 will be reserved for nursery staff, the remaining 32 unallocated and available for general use (based on 16 nursery spaces and 16 sports spaces).

Compared to the Council's standards this represents an under provision by three spaces. However, it is noted that a large amount of visitor spaces are provided throughout the scheme (17 in total) which would overcome the small under-provision.

Cycle parking is provided in accordance with the Council's standards and each dwelling would include an electric vehicle charging point.

The County Highway Authority notes that sufficient on-site parking is provided which will reduce any adverse impact on the public highway. It is also noted that a Travel Plan has been provided to reduce car journey and to promote different modes of transport such as walking, cycling and car sharing.

### Sustainable transport

As noted above, the dwellings would have access to electric vehicle charging points and the Travel Plan will ensure that residents are informed of where to access more sustainable modes of transport such as by train and bus. Cycle parking will be provided for each dwelling.

It is also noted that the applicant has agreed to provide a contribution of £250,000 towards an enhanced bus service which will enable the 478 service to have improved frequency throughout the day and during AM and PM peaks. A contribution of £100,000 has been secured to improve passenger accessibility at and to Horsley train station and other improvements to pedestrian facilities will also be made (as set out above).

In conclusion, as regards highways impacts it is noted 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**

Para 163 of the NPPF requires that development should not increase flood risk elsewhere and at para. 165 major schemes should incorporate sustainable drainage systems (SuDS). Policy P4 of the LPSS is in accordance with these requirements. The Neighbourhood Plan identifies Horsley Flooding 'Hotspots' in Figure 7 and policy WH13 requires sustainable drainage design features.

There is a piped watercourse (annotated as the "Detailed river network") running through the residential land to the west of the site. This has been surveyed and the pipe connects to the surface water pipe and serves a very limited catchment. As part of the proposed development the pipe would be diverted around the proposed dwellings. Re-routing the pipe would continue to allow for off-site flows to the SANG pond, maintaining the existing situation and for the pipe running through the site to be renewed.

#### **Flooding and the main watercourse**

The site lies in Flood Zone 1 so is at the lowest risk of flooding from a watercourse or tidal source.

#### **Drainage**

The proposal would lead to an increase in impermeable surfaces from roofs and hardstanding surfaces. There are existing drainage ditches and ponds.

The site has areas at low risk of surface water flooding broadly running from south west to north east.

The Lead Local Flood Authority (LLFA) have reviewed the flood risk assessment (FRA), Ground Appraisal Report and SuDS Proforma. The proposed surface water drainage system would meet the requirements and have suggested conditions on the detailed drainage design and verification of this. The scheme would also aim to deliver water treatment benefits that would improve water quality, biodiversity and amenity benefits that make SuDS features have a wider benefit other than simply holding surface water, as well as the attenuation requirements to not increase flood risk on or off site.

The strategy would incorporate silt removal, swale and bund feature along the eastern boundary of the SANG, filter drains, bio-retention systems, crates, permeable paving and detention basins, with attenuated water being discharged at greenfield rates to the boundary ditch.

The surface water management would discharge at the greenfield rates to the local surface water network. The on-site attenuation with storage would manage the 1 in 100 storm plus 40 % event.

#### **Groundwater**

The flood risk assessment (FRA) also states that the Ground Appraisal Report indicates that groundwater in the southern part of the site (the parcel accessed from East Lane) may be shallow, likely to be related to the presence of clay. Whilst localised areas within the site were identified as being potentially susceptible to waterlogging, groundwater flooding is not considered a significant flood risk as any emergent flows would follow ground levels and flow off-site/towards low impact areas of landscaping. The risk of flooding from this source is therefore considered to be low. So, no specific flood management measures are proposed.

During operation, the implementation of a Surface Water Management Strategy and Foul Drainage Strategy would ensure that there are also permanent neutral effects on the local surface and groundwater bodies, drainage networks and flood risk.

Chapter 10 of the NPPF requires that consideration be given both to risk to the site, and to risk elsewhere caused by the proposed development. Based on our understanding of the site setting and the proposed development, it would be constructed and operated safely and would not increase flood risk elsewhere. This is supported by the views of statutory consultees. The proposal would be in accordance with policy P4 of the LPSS, policy WH13 of the Neighbourhood Plan and the NPPF.

### **Sustainability and energy**

The NPPF emphasises the need to plan proactively for climate change and new developments are required to meet the requirements of paragraph 150 through climate change adaption, provision of green infrastructure and reduction of greenhouse gas emissions. Paragraph 153 then states new development should comply with local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Policy D2 of the LPSS is the Council's policy to require new development to take sustainable design and construction principles into account, including by adapting to climate change, and reducing carbon emissions. The Council has adopted the Climate Change, Sustainable Design, Construction and Energy SPD in December 2020. This carries full weight in decision making. Following concerns raised by the Council's Planning Policy team, the applicant has submitted a revised Energy Statement and Sustainability Statement.

The Energy Statement and Sustainability Statement states that the applicant will specify a range of best practice energy efficiency measures to enable all proposed dwellings and non-residential to meet or better the standard for carbon dioxide emissions set by Part L of Building Regulations (2013). A combination of highly efficient fabric, ventilation and heating systems will lead to this level of performance, together with the specification of low energy lighting throughout and the delivery of an air-tight build. In addition, the installation of 92 kWp of solar photovoltaic output will ensure that the residential component of the development reduces its carbon dioxide emissions by 31 per cent in total across the development compared to the regulatory baseline standard, which exceeds the policy requirement for at least a 20 per cent reduction (per unit). In addition, no dwelling will fail to achieve at least a 20 per cent reduction in emissions, an aim that will also be met for the new sports facilities and nursery. A total of 22.5 kWp of solar photovoltaic output will be provided to these buildings in order to comply with the 20 per cent reduction objective. Furthermore, in addition to these commitments, the applicant has embraced the aspirations within policy D2 and the current context of a 'climate emergency' by providing five net zero carbon homes as part of the development.

The Energy Statement and Sustainability Statement also notes that the applicant is committed to an array of additional measures which will help to promote the sustainability of the development. These include:

- provision of internal recycling bins for recyclable waste in every kitchen;
- allocation of composting bins to all houses;
- ensuring internal potable water consumption of not more than 110 litres per person per day in every dwelling;
- supply of water butts to ensure recycling of rainwater;
- installation of electric charging points to serve every house and communal parking lots for apartments and non-residential buildings;

- adoption of all ecological enhancement measures outlined in the report by Derek Finnie Associates;
- integration of sustainable drainage techniques across the site to further reduce the already low risk of flooding; and
- specification of materials for main build and finishing elements that have the lowest environmental impact.

The applicant has investigated a range of sustainable energy sources for the development. Combined heat and power infrastructure, hydroelectric, and wind turbines have all been ruled out as a realistic energy source for the development. The Council agrees with this conclusion. The Council has during pre-application discussions, questioned the Energy Statements appraisal of the efficacy of heat pumps in reducing emissions. The applicant provided additional information which notes that the equipment needed for this infrastructure, on the scale of the proposed development, would result in a higher reliance on electricity from the grid. This would require at least one additional sub-station on the site. Due to the prohibitive cost of this, the developer has concluded that this energy source is not a realistic alternative for this site and instead prefers a strategy based around solar energy. This argument is accepted. On a related point regarding air source heat pumps the applicant's Energy and Sustainability Statement states that heat pumps cannot achieve carbon reductions when compared to a gas boiler under SAP 2012. For the record, Officers are firmly of the view that heat pumps are capable of achieving a carbon emission rate which is better than a gas boiler even when assessed under SAP 2012, and the amended SAP data submitted by the applicant apparently supports this view. However, due to the issue with the electricity supply in the area, the Council does not consider that the inclusion of this contradictory information changes the outcome of the technology appraisal.

The applicant has therefore proposed a large array of solar panels which would be used for both the dwellings and the community buildings on the site. It has been confirmed that in-roof solar panels will be used, which will help to minimise the impacts of the panels on the surrounding area.

In all, the proposed development would exceed the requires of the Council's development plan and the proposal would therefore be compliant with policy D2 of the LPSS and the Climate Change, Sustainable Design, Construction and Energy SPD.

### **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, however, it is noted that two padel tennis courts are proposed which will provide some formal playing space on the site. In terms of children's playspace, it is noted that a LEAP (Local Equipped Area for Play) and two LAPs (Local Area for Play) are provided within the development.

In terms of amenity space, a total area of 0.14 hectares of land is required. Not including the public open space which will form the SANG, approximately 1.7 hectares of land will be available for residents to use. This includes two large areas of open space within each part of the development. Including the SANG, approximately 7.9 hectares of public open space would be provided. This is deemed to be acceptable.

It is noted that the proposal would adjoin the pitches associated with Horsley Football Club. The track which runs along the southern boundary of the pitches would remain in place which means that the dwellings would be approximately 12 to 14 metres from the boundary of the football club land and even further from the pitches. Officers have consulted the Sport England Playing Fields Policy and Guidance and given the above, the proposal is not considered to adversely affect or prejudice the use of any part of the playing field and any of its playing pitches.

### **Impact on ecology**

Paragraph 175 of the NPPF sets out the principles that should be applied to habitats and biodiversity. One of the key characteristics in the National Design Guide (NDG) is, Nature – enhanced and optimised to contribute to the quality of a place. Policy ID4 of the LPSS seeks to contribute to biodiversity. WH14 of the Neighbourhood Plan seeks ensure the protection of local biodiversity assets and UK Biodiversity Action Plan Priority Habitats. In addition, wherever practicable, proposals should contribute to, increase and enhance the natural environment by providing additional habitat resources for wildlife and green spaces for the community with a biodiversity net gain. Lastly, policy NE4 of the saved Guildford Local Plan safeguards protected species.

The consideration of the effects of development upon protected species and habitats is a principal issue and, notwithstanding that parts of the application are submitted in outline and part seeks full planning permission, this application has been supported by a full suite of ecological and arboricultural surveys from submission to evaluate the likely impacts of the whole proposed development.

The application is supported by ecological impact assessment (EclA) reports prepared by Derek Finnie Associates (November 2020) and by EAD Ecology (October 2019), detailing the surveys which were undertaken in 2019, and updated in July 2020. These state the following:

- a range of habitats including broad leaved, mixed and felled broad leaved plantation woodland, grassland, hedgerows, ponds and scrub
- four fields in the centre, south and west of the site consisted of horse-grazed improved grassland bordered by native hedgerows
- hazel dormouse, great crested newt, bat roosts, badger, otter and water vole were screened out of the assessment
- a population of reptiles including slow worm and grass snake, nesting birds
- invasive plant species: variegated yellow archangel
- foraging bats were recorded
- buildings and trees suitable for bat roosting

Bat emergence surveys were carried out and this did not record any bats emerging from or re-entering the buildings or trees. Therefore, it has been assumed that no bat roosts were present, however, bat activity associated with foraging was found

There is a plantation woodland, known as 'Benswood' to the north of the site with existing surfaced footpaths. This is a young woodland that has not been managed and lacks the structural diversity that would exist in an ancient woodland.

This would be the impact of the proposed development:

- construction works would not affect Benswood
- 0.5 hectares of the plantation woodland located within the former nursery area to the south of the site would be removed
- loss of 100m of hedgerows
- loss of approximately 5.2ha of semi-improved grassland and improved grassland, as well as a



small area of amenity grassland

- removal of approximately 6,000 square metres of bare ground, buildings and hardstanding
- site clearance
- noise, light and dust from construction works
- light spillage

In response, a mitigation strategy has been detailed in section 4 of EclA (EAD Ecology, 2019), and section 6.2 of the EclA (Derek Finnie Associates, 2020), which would need to be secured with details on how this can be achieved. The following mitigation and enhancement is suggested:

- retention of majority of native hedgerows, Benswood and scattered trees
- woodland management plan
- 0.7 hectares of new habitats: woodland edge, wildflower grass land
- new planting: shrubs, hedgerow, pond edge
- translocation of reptiles including slow worms and grass snakes
- wherever possible, vegetation will be removed outside the breeding bird season
- implementation of a suitable Construction Environmental Management Plan (CEMP)
- dark corridors and lux levels below 1 lux
- bird and bat boxes
- hedgehog passes

The NPPF requires a net gain in biodiversity on all development sites. LPSS policy ID4 requires that new development must aim to deliver gains in biodiversity. The EclA report states that this development can achieve this. A summary of the headline results have been provided in appendix 2. This is used to measure the balance of biodiversity gain / loss as a result of the development. However, further details would be required within a Landscape and Ecological Management Plan (LEMP) to secure this and demonstrate how this would be achieved using A biodiversity metric undertaken for the proposal, based on the DEFRA Biodiversity Metric.

The biodiversity net gain assessment has been reviewed and indicates:

- overall gain of 11.32%;
- 5.09% for habitat units;
- 6.23% for hedgerow units.

Lindsay Carrington Ecological Services have independently reviewed this on behalf of the Council and are satisfied with the mitigation measures and biodiversity gains, subject to conditions.

The development proposals would be in accordance with the Conservation of Habitats and Species Regulations 2017, S41 of the Natural Environment and Rural Communities (NERC) Act 2006, the Wildlife and Countryside Act 1981. This is in accordance with policies. ID4 of the LPSS, WH14 of the Neighbourhood Plan, NE4 of the saved Guildford Local Plan and the National Design Guide (NDG) and the NPPF.

### **Impact on trees and vegetation**

The site includes a TPO which covers a number of oak trees which serve as field boundary trees (T52, T206, T207 and T208 in Tree Schedule). These trees are therefore under statutory protection. A detailed tree survey of the main development site has been provided which assesses the trees on site for their quality and benefits within the context of proposed development.

The applicant's Tree Report notes that there are a total of 154 individual trees on the site and a further 50 groups (comprising hedges or groups of trees with a shared canopy). The report notes that 'within the former nursery area of the site there are numerous trees that were planted in rows

as nursery stock. Where these trees are still present, it can be seen that some have been left in situ due to their low individual quality, or presumably became too large to translocate. In anticipation that there will be comprehensive redevelopment of the site, it would be unfeasible to incorporate these trees into a residential development scheme, and on this basis a better long term result may be achieved with their removal and replacement'. It is noted that 'there is scope for development of the site whilst retaining the important trees on the boundaries and removing the lower quality trees from the interior of the site. Where there are lower quality trees (and any former nursery stock) on or adjacent to the site boundaries, it is recommended that a buffer of trees is retained, with additional planting to enhance any breaks in screening to the neighbouring properties'.

The Council's Tree Officer has also reviewed the proposal. It is noted that no category A trees are proposed for removal, however, 11 B category trees, 93 C category trees, and 44 U category trees are proposed for removal. The majority of trees proposed for removal are therefore in the C and U category, and not necessarily of quality or suitable for retention. The Tree Officer does not disagree with the tree categorisation.

The Tree Officer also notes that part of the development site was a nursery where there are numerous trees that were planted in linear rows as nursery stock. Where these trees are still present, it can be seen that some have been left in situ due to their low individual quality, or they became too large to move. As a consequence they have established and outgrown their purpose. It is noted that some of these trees have been ring barked (prior to Thakeham Homes involvement with the site) and are U category, and not suitable for retention. Due to their linear planting, it has been deemed by the applicant, unfeasible to incorporate these trees into a residential development scheme, and a better long term result would be achieved with their removal and replacement. The Council's Tree Officer agrees with this approach and notes that there is ample opportunity for tree planting as part of the landscape proposals for the site.

Across the site the relationship between the buildings/dwellings and retained trees is sustainable and does not result in any situations which may result in unreasonable pressure to prune requests from future occupants. The Tree Officer acknowledges that there will be a significant number of trees removed as part of the scheme. However, arboriculturally the majority are classified as trees that are not constraints on development. There is proposed to be significant replacement tree planting to mitigate the trees lost to facilitate development. The arboricultural report states, 94 Extra Heavy Standard and Standard trees are proposed as part of the landscape proposals. These will be in the region of 3-5 metres in height and make an instant impact. It is noted that there will be limited incursions into the root protection areas of T52 and T133 but the Tree Officer is satisfied this is acceptable and has been addressed within the submitted method statement.

Overall, the scheme integrates the retained 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.

### **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 138 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.

As part of the application, the developer has proposed a bespoke on-site SANG which will mitigate the impacts of the development on the TBHSPA. A proposed SANG Management Plan has been submitted with the planning application which sets out how the area would be managed into the long term and also what initial works would be required to bring the existing woodland up to standard. The initial works would include:

- construct car park for four cars
- install Information signage at entrances
- install wayfinder signage (timber fingerposts)
- install new benches by waterbodies
- identify and remove five per cent tree cover
- remove a further five - 15 per cent trees to create four metre clearance adjacent footpaths and clearance to create unsurfaced routes
- oversow clearance for unsurfaced path routes, shade areas with mix emorsgate seeds
- central clearing to be cultivated and seeded with natural grass mix
- whip planting in glade areas
- pond works - selective removal of willow and aquatics
- install eight bird boxes and eight bat boxes
- create six log pile habitats (using logs from trees removed on site)

Following this the SANG would be taken over and managed by a specialist body.

Both Natural England and the Council's SANG Officer have raised no objections to the development or the proposed SANG. The SANG and its management would be secured through the s.106 agreement and before the SANG is made available for use, it would again need to be approved by Natural England and the Council. 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. This arrangement has already been agreed with Natural England.

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 also been completed by the Local Planning Authority 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. As noted above, the proposal includes a bespoke SANG on-site in the form of the area of woodland which is known as Benswood. Natural England have raised no objections to the use of this land and the Council's SANG Officer is also supportive. The s.106 agreement would secure the retention, management and maintenance of the SANG in perpetuity. In addition, the Strategic Access Management and Monitoring (SAMM) contribution would be secured through the legal agreement. This would accord with the TBHSPA Avoidance Strategy SPD 2017. Without securing these measures through the s.106 agreement, 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 it is noted that although the proposal includes the expansion of the existing nursery facility, families who wish to access full entitlement hours without additional charges would not be able to use this setting. Within the new residential development it is recognised that some families will want and need to access fully funded childcare places and as such a contribution of £37,691 has been secured to provide additional early years places at The Meadows Nursery, or any other Early Years provider who is able to offer fully funded entitlement within the local area of the development.

In terms of primary school education a contribution of £390,424 has been requested and this would be used towards primary school infrastructure in the local area. A contribution of £411,218 has been secured for secondary education infrastructure and would be applied to a project providing additional secondary places in the surrounding area.

The total education contribution agreed with the applicant is £839,333. As these contributions are required to mitigate the impact of the proposal on the local education system, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Health care - primary care

The proposal will have an effect on the demand for primary health care services in the area. The NHS (through Surrey Heartlands 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 £133,200 has been requested which is deemed to be a proportionate and reasonable request.

The CCG notes that this planning application falls within the Guildford East PCN area. The closest GP premises are: The Horsley Medical Practice. However, PCN also includes: Austen Road Surgery; Merrow park Surgery; Shere Surgery; St Luke's Surgery; and, The Village Medical Centre, Send. Spend may occur at a combination of sites meet based on clinical needs of the network.

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.

#### Health care - secondary care

Royal Surrey County Hospital NHS Foundation Trust have requested a contribution of £285,699.21. The Trust has identified the following three areas of healthcare provision which will be impacted as a consequence of new development:-.non-elective care; elective care and cancer care. The Trust notes that without securing such contributions, it would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.

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.

A contribution of £28,747.54 is proportionate to the size of the development. The Police 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.

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 highway safety and to mitigate the impacts of the development, the following highways contributions have been negotiated:

- a contribution of £250,000 towards an enhanced bus service payable upon first occupation of the development;
- a contribution of £100,000 is required in order to improve passenger accessibility at and to Horsley Station;

## Agenda item number: 5(2)

- a contribution of £20,000 to amend the existing TRO and extend the 30mph speed limit north on Ockham Road North to the point where Green Lane and Ockham Road North;
- a contribution of £80,000 to install traffic calming measures for approximately 750m on Ockham Road North;
- a contribution of £60,000 to improve pedestrian facilities on Station Parade, on the east side of the zebra crossing;
- a contribution of £40,000 to provide two road tables in Ockham Road South on either side of its junction with Forest Road;
- a contribution of £20,000 to install a raised table for the existing zebra crossing south of the train station;
- a contribution of £15,000 to provide signs, road markings and VASs on Ockham Road North from the point where School Lane and Ockham Road North meet up until the A3 junction; and
- a contribution of £6,150 monitoring fee for travel plan.

This amounts to a total highways contribution of £591,150. These measures all 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.

### Community contributions

The Parish Council notes that the proposal, due to the increased population that it will bring to the village will place additional pressure on local community facilities.

A contribution of £40,000 has been requested towards the improvement of the Parish Council owned tennis court which is located by the Horsley Football Club. It is noted that the tennis court has seen considerable increased usage over recent months and the contribution would be used towards works which ensure that the court can continue to meet the demands of local use.

A contribution of £80,000 has been requested towards improvements to West Horsley Village Hall. It is noted that the hall is a very well used facility which is used for a range of community based functions. This usage will increase due to the proposed planning application and the contribution will allow the facility to keep operating to meet demand into the future.

Finally, a contribution of £200,000 has been requested towards improvement to Horsley train station (which are in addition to the contribution requested by the County Highway Authority). It is noted that West and East Horsley Parish Councils are working together as the 'Friends of Horsley Station' project group and have plans to improve the toilet facilities and waiting room at the station. It is understood that funding for this project is not available from the station operators.

It is noted that the applicant has agreed to provide these contributions. The triggers for payment will be secured through the s.106 agreement. These contributions will support works which will mitigate the impact of the proposal and are necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### 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 A37 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 little, 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. No other harm has been identified.

In terms of the benefits of the proposal, these have already been set out above. The provision of 139 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 deliver improvements to the sporting and community infrastructure of the area by providing a new purpose built sports hall and padel tennis facilities. Given the guidance in the NPPF (paragraphs 91 and 92) which encourages healthy, inclusive and safe places which...enable and support healthy lifestyles, **significant weight** should be afforded to the provision of these facilities. The proposal would also facilitate the expansion of the existing nursery through the construction of a new freestanding building which would include two new classrooms, a small office and toilet facilities. The County Council has also secured further funding towards early years provision. Paragraph 94 of the NPPF notes that great weight should be given to the need to create, expand or alter schools. As such, **significant weight** is also afforded to this matter. The proposal will also provide a significant amount of public open space for the benefit of future residents and the wider community, along with new children play spaces. **Moderate weight** is afforded to this benefit. The proposal would also result in the enhancement and formal long term management of Benswood. This would include an improved network of paths within the wood to provide a variety of walking routes, as well as tree planting and other habitats and biodiversity improvement. As the provision of the SANG is a requirement of the allocation, **moderate weight** is afforded to this matter. The development is projected to achieve 31% carbon reduction across the overall site which is beyond the Council's requirements. In addition five net zero carbon homes are to be provided. The proposals have been designed to ensure that sustainability measures are prioritised including commitments to apply a fabric first approach to reduce energy consumption, and the inclusion of renewable technology in the form of in-roof solar panels. In addition, electrical vehicle charging points are provided to each dwelling. The sustainability and energy reducing features of the proposal are afforded **moderate weight**. The proposal would also result in improvements to the surrounding highways network and access to public transportation. **Moderate weight** is afforded to this. Finally, it is noted that a wide range of contributions which will help to improve infrastructure in the area including education, healthcare and policing have been secured. In addition, contributions towards improving community facilities have also been agreed. While it is acknowledged that these contributions are required to mitigate the impacts of the development, nonetheless they will result

in public benefits and should be afforded **moderate weight** in the assessment.

The benefits of the proposal are wide ranging and long lasting and overall, it is considered that the benefits associated with the development do outweigh the identified harm. The proposal accords with the development plan when 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 settlement area of Horsley. 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.

It is acknowledged that the proposal results in some harm to the setting of the listed building and this has been identified as being at the lower 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.

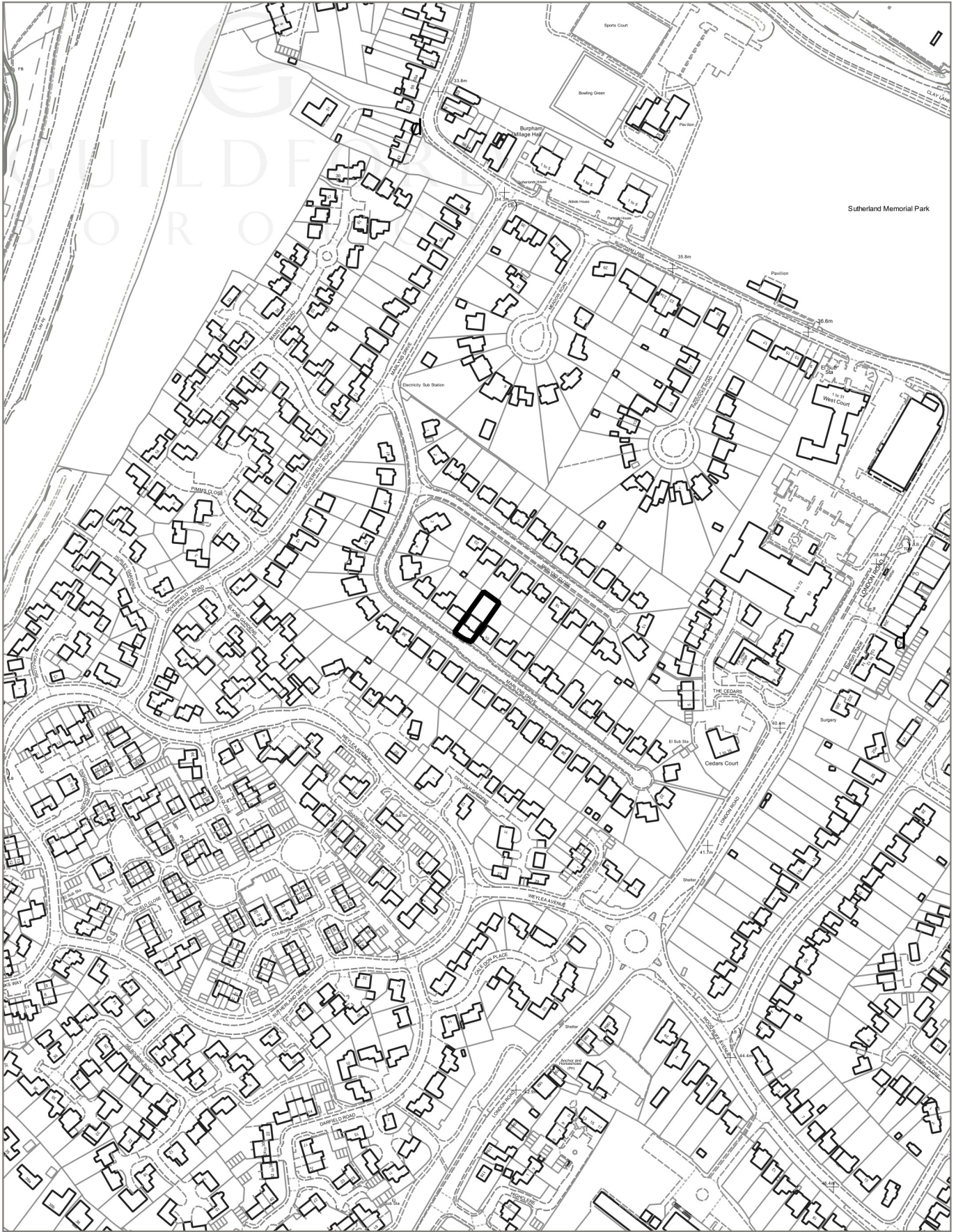
The proposal would not result in any material harm to the character of the area. The application would provide a net gain of 138 residential units, which would be in accordance with housing delivery commitments in the LPSS. This includes the provision of 56 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. 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 and sustainable construction.

Planning contributions of £2.3 million have been secured to mitigate the impacts of the development on community, education, highways, healthcare infrastructure in the area.

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.



# 21/P/00978 - 9 Marlyns Drive, Guildford



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This map is for identification purposes only and should  
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Print Date: 01/07/2021

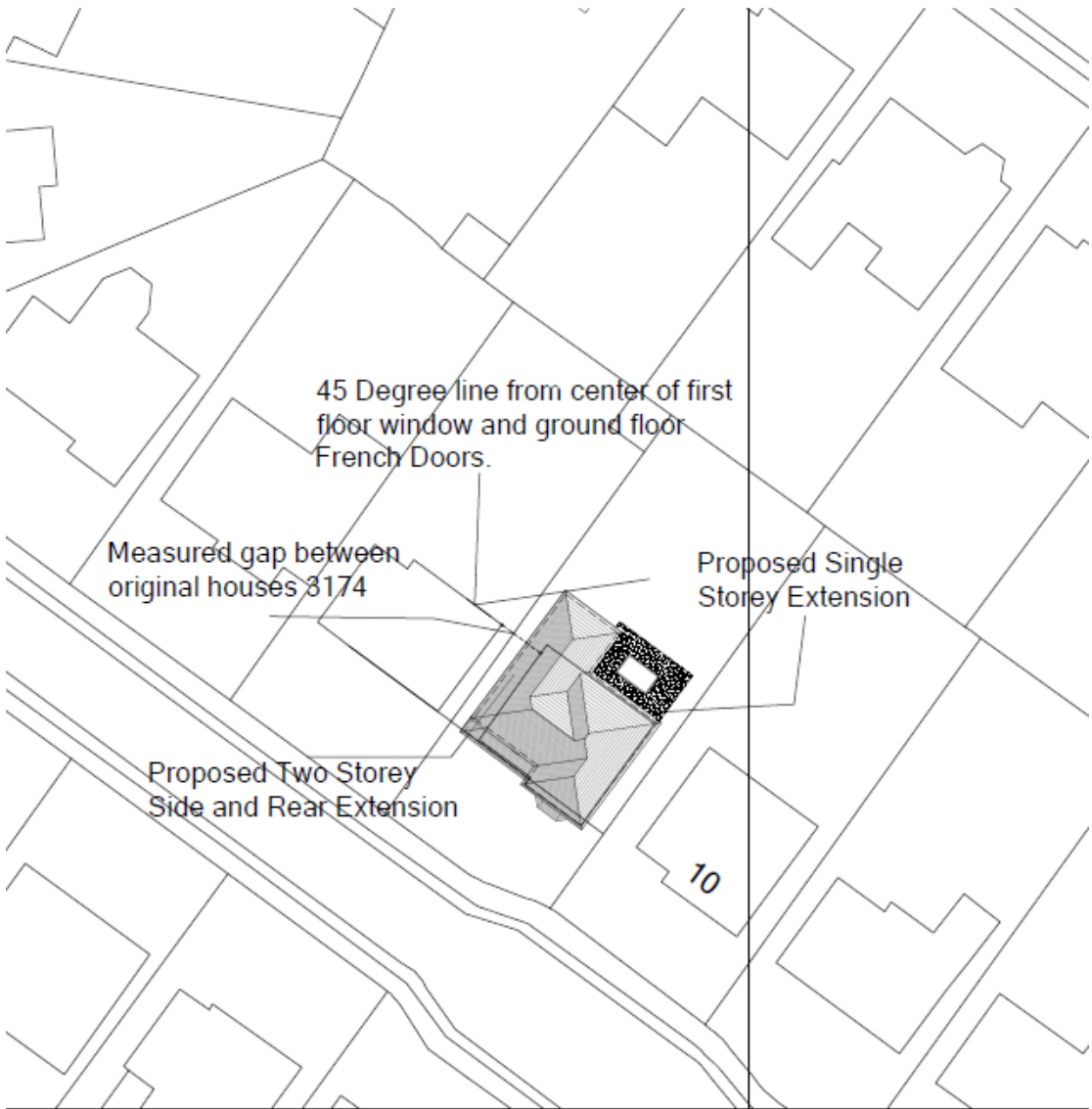


Page 113 Not to Scale



**GUILDFORD**  
BOROUGH

20/P/02067 – 9 Marlins Drive, Guildford



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**App No:** 21/P/00978 **8 Wk Deadline:** 28/06/2021  
**Appn Type:** Full Application  
**Case Officer:** Kieran Cuthbert  
**Parish:** Burpham **Ward:** Burpham  
**Agent :** Mr Bateman **Applicant:** Mr & Mrs Mawson  
RMB Designs 9 Marlyns Drive  
Top Cottage 1 Blanchards Hill Guildford  
Sutton Place GU4 7LS  
Sutton Green  
Guildford  
GU4 7QP

**Location:** 9 Marlyns Drive, Guildford, GU4 7LS  
**Proposal:** Construction of a two storey side extension and single storey rear extension following demolition of existing garage and utility room.

### **Executive Summary**

#### **Reason for referral**

This application has been called to committee by Councillor George Potter who considers the proposal will contravene with policy B-T1 of the Burpham Neighbourhood Plan as there will be an additional bedroom at the property however no increase in the number of parking spaces at the property to facilitate this.

#### **Key information**

Part single storey rear extension with a two storey side extension over existing garage which will extend across to part of the rear extension. No side windows are proposed and one rear second storey window has been proposed to serve the additional bedroom.

#### **Summary of considerations and constraints**

##### **Impact on scale and character of the existing dwelling and surrounding area**

The proposed consists of a single storey rear extension which will have no impact on the street scene and a two storey side extension which will alter the shape of the existing side element. The second storey will follow the pitch of the main dwelling without matching or exceeding the maximum height. The officer considered the impact from the proposal to be minimal due to it's siting and scale.

In terms of the potential impact on both neighbours, due to the distance between number 10 and number 9 Marlyns Drive and the modest height of the proposed single storey element there will be no overbearing or overshadowing concerns.

Number 8 Marlyns Drive is also set back from the neighbouring property as both have been built with side passages along the boundary. The site plan shows that due to this distance and the siting of the properties the 45 degree rule will not be broken on this side, the officer has checked the position on site and is satisfied that the site plan is accurate.

Any potential overshadowing to the side windows will only impact a stairwell with no habitable rooms impacted.

Due to the lack of side windows are no overlooking concerns resulting from the development.

The proposed will include an additional bedroom and as such Burpham Parking standards require space for 3 vehicles on site. Presently there is ample room for two vehicles but not a third. However the officer noted on site there was no issue with parking as street parking was prevalent on Marlins Drive. As such the additional bedroom is unlikely to have a detrimental impact on parking in the area.

### **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: RB/MD/PL01 & RB/MD/PL02 received on 04/05/2021

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

3. The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in material, colour, size, style, bonding, texture and profile those of the existing building.

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

#### **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](mailto: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 was acceptable as submitted.

## **Officer's Report**

### **Site description.**

The site is a two storey detached dwelling on Marlyns Drive which itself is off Doverfield Road in Burpham. The site is within the Guildford Urban Area.

### **Proposal.**

Construction of a two storey side extension and single storey rear extension following demolition of existing garage and utility room.

### **Relevant planning history.**

No Relevant Planning History

### **Consultations.**

#### Statutory consultees

None Received

### **Third party comments:**

1 letter of representation have been received raising the following objections and concerns:

- The two storey extension will appear overbearing
- The extension will block sunlight to the rear kitchen window as breaks the 45 degree rule

### **Planning policies.**

#### National Planning Policy Framework (NPPF):

- 2. Achieving sustainable development
- 4. Decision-making
- 12. Achieving well-designed places

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

- G1 General Standards of Development
- G5 Design Code

#### Guildford Borough Local Plan: Strategy and Sites 2019 (LPSS)

- D1 Place Shaping

#### Burpham Neighbourhood Plan 2015 - 2035

- B-FD1 General Development Standards
- B-T1 Parking Standards

### Supplementary Planning Documents

Residential Extensions and Alterations GBC SPD 2018

#### **Planning considerations.**

The main planning considerations in this case are:

- the impact on scale and character of the existing building and area
- the impact on neighbouring amenity
- parking considerations

#### Impact on scale and character of the existing dwelling and surrounding area

The proposal is for a part single part two storey rear extension. The single storey element will have a depth of 4000mm and the two storey element will have a depth of 3327mm. A development of this depth is appropriate for a dwelling of this size. The height of the single storey element is 3000mm and the second storey is 7580mm with a pitched roof. The second storey will follow the pitch of the main dwelling without matching or exceeding the maximum height. As such the proposed will have no impact on the street scene and as such there is no risk of the development appearing dominant.

The proposal will be made of matching materials and be designed to appear sympathetic and in keeping with the character of the dwelling and area.

The officer also notes that there are many other similar extensions along Marlyns Drive and as such the proposal as a whole would relate sympathetically to the overall area and thus is in keeping with policy B-FD1 of the Burpham Neighbourhood Plan, policies G1 and G5 of the saved Guildford Borough Local Plan 2003, D1 of the Guildford Borough Local Plan: Strategy and Sites 2019 & The Residential Extensions and Alterations SPD 2018.

#### Impact on neighbour amenity

The neighbouring properties most affected are 8 and 10 Marlyns Drive.

Due to the distance between number 10 and number 9 Marlyns Drive and the modest height of the proposed single storey element there will be no overbearing or overshadowing concerns.

Number 8 Marlyns Drive is also set back from the neighbouring property as both have been built with side passages along the boundary. An objection from this neighbour has been received regarding the kitchen window which they have stated will be overshadowed. The kitchen is not a habitable room and thus some overshadowing is considered acceptable as long as it does not impact any other rooms, nonetheless there is no evidence that this window will be overshadowed. The site plans shows that the proposed extension will not impact the neighbouring kitchen rear window as the 45 degree guidance detailed in the Residential Extensions & Alterations SPD 2018 has been met. The officer noted on site that the positioning of the window was accurate to it's placement on the site plan.

There are side facing windows on the neighbouring property 8 Marlyns Drive but these already face the existing wall of the dwelling. The proposed extension would be closer to the neighbouring property than the existing building and there is a side window on the side facing the 2 storey extension which could potentially be overshadowed. However this side window only serves a stairwell so any loss of light would not have a detrimental impact. Overall, given the gap maintained between the properties the officer considers that the size, scale and positioning of the development would not be harmful to the amenity of the adjoining occupiers.

Due to the lack of side windows on the proposed extensions are no overlooking concerns resulting from the development.

#### Parking Considerations

The proposed will include an additional bedroom and as such Burpham Parking standards require space for 3 vehicles on site. Presently there is ample room for two vehicles but not a third. However the officer noted on site there was no issue with parking as street parking was prevalent on Marlyns Drive. As such the additional bedroom will not have a detrimental impact on parking in the area.

#### **Conclusion**

As such due to the context of the site as well as the scale, style and positioning of the extension the officer does not consider the proposal to appear out of character or dominant nor have any amenity issues been identified. The proposal will include an extra bedroom however the officer found no evidence that this would negatively impact parking in the area.

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**Planning Committee**

**14 July 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](mailto:sophie.butcher@guildford.gov.uk))

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| 1. | <p><b>Mrs Teresa Lipinska</b><br/> <b>77 Saffron Platt, Guildford, GU2 9XY</b></p> <p><b>20/P/01915</b> – The development proposed is a single storey rear extension and insertion of new rooflights, following the demolition of the existing rear conservatory.</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issue is the effect of the proposed development on the living conditions of the occupiers of 75 Saffron Platt, with particular regard to whether the development would appear overbearing, or result in material loss of light.</li> <li>• The proposed extension would project over 7 metres beyond the back of the existing built form, and over 4 metres beyond the rear of the conservatory at 75 Saffron Platt. However, the rear gardens of both properties slope downwards away from the dwellings, and the proposal would be set at a lower level than the rest of No 77, and at a significantly lower level than No 75's conservatory. The roof of the proposed extension has also been kept low, so as to minimise any impact on the neighbouring property. As a result of all of the above, there would be no loss of light into No 75's conservatory resulting from the proposed extension, and neither would the extension appear overbearing, when seen from inside No 75.</li> <li>• The proposed extension would have a greater impact on No 75's rear garden. At present, the boundary between the two properties is marked by a low fence, topped by trellising. The view from No 75's rear garden, towards the site of the proposed extension, is of a shed and a number of large shrubs, rising behind the boundary fence.</li> <li>• The extension would be a more solid structure than the existing shed and shrubs, and would stretch for some distance behind the boundary between the two dwellings. The outlook from No 75's rear garden would be harder and have a more urban feel than it does now. However, the fact that the roof of the extension has been kept low would help to reduce the overbearing impact of the extension, that might otherwise arise.</li> <li>• I am also aware that the occupiers of No 75 have written a letter in support of the appeal, and say that they do not consider that the proposed extension would appear overbearing or cause any loss of light to their conservatory, patio or rear garden. In a case such as this, when any overbearing impact is marginal, I consider that I can attach weight to the</li> </ul> | <p><b>*ALLOWED</b></p> |
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|           | <p>views of the affected neighbours. This tips the balance in favour of the proposal.</p> <ul style="list-style-type: none"> <li>• I therefore conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of 75 Saffron Platt, and would comply with saved Policy G1(3) of the Guildford Borough Local Plan 2003, which requires that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of privacy, access to sunlight and daylight, noise, vibration, pollution, dust and smell.</li> </ul>   |                        |
| <p>2.</p> | <p><b>Langham Homes</b><br/> <b>Oldlands, Burnt Common Lane, Ripley, GU23 6HD</b></p> <p><b>19/P/02191</b> – The proposal is for the erection of 30 no. residential dwellings with the associated vehicular pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping on land off Burnt Common Lane, Ripley.</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are the effect of the proposal on the character and appearance of the surrounding area; and the Thames Basin Heaths Special Protection Area.</li> <li>• The appeal site forms part of a housing allocation which has recently been removed from the Green Belt. It is a strip of primarily undeveloped land with a wide frontage on to Burnt Common Lane, which runs adjacent to the site from north to south.</li> <li>• The existing built up frontage exhibits inherent variety. Houses are not set on a consistent building line, and architecturally, they differ. Some properties are set back from the road, some are closer, and some are angled towards it. In addition, there is a variety of detached and semi-detached houses, and gaps between buildings are not consistent.</li> <li>• the appeal site also forms part of a broader allocation for housing development, and accordingly, its character and appearance will evolve and change over time.</li> <li>• The proposal would introduce 30 new dwellings onto the site. To the south, Oldlands would be retained and an arc of four houses would run from the retained dwelling towards the highway. Opposite Oldlands, plots 5 and 6 would look towards the retained dwelling and into the proposed development.</li> <li>• Accordingly, these dwellings would present their rear elevation and amenity space to the existing highway. This would contrast with the prevailing nature of the surrounding development as houses generally front, or at least run perpendicular to, Burnt Common Road. However, despite this, the proposal details that existing trees and landscaping would be retained at this location and the retention of these features would soften the appearance of plots 5 and 6.</li> <li>• The dwellings themselves would include a mixture of detached and semi-detached houses, with some short terraces also proposed. In my view, such an arrangement compares favourably with the surrounding grain, and for the reasons identified above, I am also satisfied that it would connect in an appropriate manner with the local street scene.</li> <li>• The Council refer to what they perceive as a lack of a special over-arching story for the new settlement and that the proposal would introduce uniform and standardised design that would not reflect the local vernacular.</li> </ul> | <p><b>*ALLOWED</b></p> |

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|           | <p>However, for the reasons identified above, in my judgement the proposal would retain important landscaping which would provide a somewhat spacious setting for the development. This would aid the transition from the existing semi-rural environment to what will become a larger housing development.</p> <ul style="list-style-type: none"> <li>• Paragraph 127 of the National Planning Policy Framework (the Framework) establishes a series of criteria to help achieve well-designed places. In addition, the National Design Guide places distinct emphasis on context, identity and built form. For the reasons identified above, there is nothing compelling in the evidence to persuade me that the proposal would not represent an appropriate layout for the site, or that it would not complement the surrounding character and appearance of the area. Consequently, the proposal would provide a sensible transition between the existing settlement and the broader housing allocation. I therefore conclude that the proposal would not harm the character and appearance of the area. On this basis, there would be no conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) and Saved Policy G5 of the Guildford Borough Local Plan (2003), as well as Paragraph 127 of the Framework. Taken together, these require all new developments to achieve high quality design that responds to distinctive local character.</li> <li>• The appeal site is located within the buffer zone of the Thames Basin Heaths Special Protection Area (SPA). The SPA is designated due to the presence of breeding populations of Dartford Warblers, Woodlarks, and Nightjars and due to the location of the appeal site, the requirements of the Conservation of Habitat and Species Regulations 2017 apply (the Regulations).</li> <li>• Based on the evidence before me, I am satisfied that the obligations within the legal agreement would enable the delivery of suitable mitigation that would address the level of harm likely to be caused by the development. In this respect, the agreement is entirely compliant with Regulation 122 of the CIL Regulations 2010. Accordingly, subject to the necessary mitigation, I conclude that the proposal would not result in a significant harmful effect on the integrity of the SPA.</li> <li>• The appeal should be allowed, and planning permission be granted.</li> </ul> |                        |
| <p>3.</p> | <p><b>Mr and Mrs Waygood</b><br/> <b>Land rear of Catherine, Frimley Road, Ash Vale, GU12 5NS</b></p> <p><b>20/P/00513</b> – The development proposed is the erection of a detached dwelling house with detached double garage.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> <li>• The main issue is whether the development would have a significant adverse effect on the Thames Basin Heaths Special Protection Area.</li> <li>• The Thames Basin Heaths Special Protection Area has been designated to protect rare ground nesting bird species which are vulnerable to predation by cats, rats and crows, and to disturbance from informal recreational use, especially walking and dog walking. The Council has adopted an avoidance strategy, which sets out its approach to preventing new development, either individually or cumulatively, having a significant adverse effect on the integrity of the Special Protection Area.</li> <li>• A core principle of the strategy is that within 400m of the Special Protection Area there is a presumption against net new residential development. This</li> </ul>  | <p><b>*ALLOWED</b></p> |

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|  | <p>is due primarily to the potential for pet cats to reach the Special Protection Area, and the inability to prevent increased recreational pressure, within 400m being the optimum walking distance for people to visit it.</p> <ul style="list-style-type: none"> <li>• An application for a dwelling on the site was refused planning permission<sup>2</sup> and dismissed on appeal<sup>3</sup> on the grounds that the site was within 400m of the Special Protection Area and that it had not been adequately demonstrated that the proposal would not harm its ecological integrity. It was felt that predation by cats could not be discounted, even given the presence of a railway line and canal between the site and the Special Protection Area. This decision was reached in the knowledge that Natural England had withdrawn an objection to the scheme, and that in practical terms the site was some 700m from the Special Protection Area by the nearest walking route.</li> <li>• The current proposal is the same as the earlier scheme but proposes a legal agreement to prevent future occupants from owning cats and dogs, preventing the completion of a dwelling for which planning permission has been granted and which is also within 400m of the Special Protection Area, and securing a financial contribution towards mitigation of potential harm to the Special Protection Area.</li> <li>• In the case of the obligation preventing future occupants from owning cats and dogs, I consider that such a restriction would not be reasonable because it could not, in any practical way, be enforced by the Council. Cats are not required to be licensed and periodic inspection of the site, which itself would be an unduly onerous responsibility on the Council, would not necessarily detect such a pet. I therefore give this obligation little weight.</li> <li>• The planning obligation preventing the completion of the dwelling permitted on land adjacent to Vale Furnishers<sup>5</sup> would result in no net additional dwellings being located within 400m of the Special Protection Area. I accept this site is some distance from the appeal site and is unrelated to it other than through the submitted planning obligation. However, the fact that the two sites are some distance from one another does not prevent the benefit of offsetting one residential dwelling for another resulting in there being no net new dwellings within 400m of the Special Protection Area. This would satisfy the relevant core principle of the avoidance strategy.</li> <li>• The obligation would not prevent a new application from being submitted for residential development on the Vale Furnishers site in the future. However, such a development would require planning permission, and the Council would therefore retain control over how that site might be developed. The unilateral undertaking would be a charge on the land and would be a material consideration were any such proposal to come forward.</li> <li>• The consequence of the obligation would be that the proposed development would have a neutral impact on the integrity of the Special Protection Area. I therefore give this obligation weight in my decision.</li> <li>• The third obligation in the legal agreement secures financial contributions towards mitigation of recreational pressure on the Special Protection Area. The contributions would help fund the provision of suitable alternative natural green space and implementation of a strategic access management and monitoring plan. The site is within 700m walking distance of the Special Protection Area by the most direct route. Future occupants may choose to visit the Special Protection Area on occasion and the contributions would go towards mitigating any such recreational pressure as well as providing or improving alternative green space. I therefore give this obligation weight in my decision.</li> <li>• For development that has the potential to have a significant adverse effect</li> </ul> |  |
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|           | <p>on the integrity of the Thames Basin Heaths Special Protection Area, the Conservation of Habitats and Species Regulations 2010 requires me to carry out an appropriate assessment.</p> <ul style="list-style-type: none"> <li>• I consider the obligations that secure no net new residential accommodation within 400m of the Special Protection Area, and mitigation of recreational pressure from residential development within a wider zone of influence, when taken together would prevent any significant adverse harm being caused to the ecological integrity of the Special Protection Area. The circumstances of the development, in particular the offsetting of the development against one that already has extant planning permission but has not been implemented, would prevent this case setting a precedent for general residential development within 400m of the Special Protection Area.</li> <li>• I conclude that, subject to the unilateral obligations noted above, the development would not have a significant adverse effect on the Thames Basin Heaths Special Protection Area. It would therefore accord with Policy P5 of the Guildford Local Plan: Strategy and Sites 2015-2034, Policy NE4 of the Guildford Borough Local Plan 2003, and Policy NRM6 of the South East Plan 2009, which all seek to protect the integrity of the Special Protection Area.</li> <li>• For the reasons given above I conclude that the appeal accords with the provisions of the development plan, and there are no material considerations that indicate an alternative decision should be made. I therefore conclude that the appeal should be allowed.</li> </ul>  |                         |
| <p>4.</p> | <p><b>Mr and Mrs Charles and Ms Anna Cade</b><br/> <b>Land to rear of 20 Guildown Avenue, Guildford, GU2 4HB</b></p> <p><b>20/P/01414</b> – The application sought planning permission for ‘variation of conditions 2 (approved plans), 3 (site levels), 4 (materials samples), 5 (energy efficiency), 6 (water efficiency), 7 (arboricultural method statement), 8 (access), 9 (retention of parking and turning), 10 (construction transport management report) and 11 (electric vehicle charging points) of planning permission 18/P/01569, approved 27/02/2019 to allow changes to the approved scheme’ without complying with a condition attached to planning permission Ref 19/P/01083, dated 12 August 2019.</p> <p>The condition in dispute is No 2 which states that:<br/> <i>“The development hereby permitted shall be carried out in accordance with the following approved plans: b121b, b122c, Sht-1-2 and Sht-4 received on 8 August 2018 and plans: b100d, b120e and b125 received on 17/06/2019”.</i><br/> The reason given for the condition is:</p> <p>“To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning”.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> <li>• The appellants sought to vary condition No 2 on approved application Ref 19/P/01083 by replacing the approved plans with amended plans. In summary, the amendments would enable the provision of different gates to both the vehicle and pedestrian access to the new property.</li> <li>• The main issue is the effect that the proposed amendments would have on the character and appearance of the surrounding area including the adjacent Surrey Hills Area of Great Landscape Value.</li> </ul> | <p><b>DISMISSED</b></p> |

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|           | <ul style="list-style-type: none"> <li>• The appeal site is to the rear of 20 Guildown Avenue and is accessed off the south side of The Mount which adjoins the Surrey Hills Area of Great Landscape Value (AGLV). By virtue of the vegetation and trees along both of its sides, in combination with the low density of development on its southern side compared to that closer to the urban centre of Guildford, The Mount is distinctly rural in character and so forms a verdant woody transition between the open fields of the AGLV to the north and the residential properties to the south. Access gates to properties along this section of The Mount are predominantly wooden and so visually are not materially at odds with the aforementioned rural character of the surroundings.</li> <li>• The proposed pair of swing-opening gates and pedestrian gate would be reflective of the materials and appearance of the new house in so far as they would be constructed using powder coated grey aluminium. However, whilst the gates would be similarly proportioned to other access gates along this section of The Mount, as a result of the proposed material treatment and colour they would be at odds with most other gates in the locality which are predominantly wooden and so significantly more rural in character.</li> <li>• In the context of the verdant woody character of The Mount the gates would represent an alien form of development and appear incongruous in comparison with most other gates that provide access to properties along the south side of The Mount. Moreover, as a result of their aforementioned design characteristics the gates would appear stark and unsympathetic to their rural surroundings and so would detract from the sensitive rural landscape setting of the AGLV.</li> <li>• For the above reasons, I conclude that the proposed amendments would harm the character and appearance of the area including the setting of the adjacent AGLV. Consequently, in this regard, the proposal would not accord with saved Policy G5 of the Guildford Borough Local Plan (2003) and Policies P1 and D1 of the Guildford Borough Local Plan: Strategy and Sites (2019). These policies collectively, amongst other things, seek to ensure that all new development achieves high quality design that responds to distinctive local character (including landscape character) of the area in which it is set.</li> <li>• I conclude that the appeal should be dismissed.</li> </ul> |                         |
| <p>5.</p> | <p><b>Mr Allen</b><br/> <b>Oakmead Farm, Ockham Lane, Ockham, KT11 1LY</b></p> <p><b>20/P/00127</b> – The use for which a certificate of lawful use or development is sought of land for ancillary residential purposes to the main dwelling.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> <li>• In order to succeed, the appellant must show on the balance of probability that the land subject to this appeal has been used for residential purposes ancillary to the main dwelling known as Oakmead Farm continuously for a period of ten years from the date on which the application was made. The relevant date for this purpose is therefore 23 January 2010.</li> <li>• The Statutory Declaration provided by the appellant, Mr Anthony Allen, confirms that he has been the owner/occupier of Oakmead Farm since June 2015 and has known the land since April 2015. He goes on to confirm that he has lived at Oakmead Farm continuously since June 2015 and states that the land has been used as a residential garden since that date. Given that Mr Allen has had first-hand knowledge of the use of the appeal</li> </ul>  | <p><b>DISMISSED</b></p> |

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|  | <p>site since June 2015, this evidence points strongly to the claimed use having taken place continuously since that time.</p> <ul style="list-style-type: none"> <li>• Although the joint Statutory Declaration indicates that the property affords views over the appeal site, there is a considerable distance between Upton Farm and the appeal site. Furthermore, although I was not able to view the appeal site from Upton Farm itself, I noted during my site visit to the appeal property that there is some intervening vegetation between the two properties that partially obscures that view. For those reasons, I am not persuaded that the occupiers of Upton Farm were in a good position to be fully aware of the activities taking place on the appeals site during the relevant period, and accordingly attach only limited weight to that evidence.</li> <li>• The appellant has referred me to a planning application for a shed to provide storage for motor vehicles and workshop together with an access road (Council Ref: 18/P/0157). The appellant explains that the application was accepted by the Council under the category of “Alterations/extensions to a single dwelling house, including works within the curtilage”.</li> <li>• The appellant indicates that this application relates to the same piece of land as that now subject to this appeal and draws the inference from the above that the Council accepts the use of this land as being residential.</li> <li>• The Council confirm that the application was accepted as a householder application but dispute the appellant’s interpretation of the outcome. The Council explain that the Officer’s Report for this application indicates that the change of use would be to commercial, but without specifying being from residential. Neither the Council nor the appellant have provided a copy of the Officer Report for that application, such that I am not able to verify which version is correct. However, with the burden of proof falling upon the appellant, I have no foundation on which to accept the appellant’s version of events.</li> <li>• In any event, I am not persuaded that the mere acceptance by the Council of this application as a ‘householder application’ is evidence that the lawful use of the land is residential. Again, I have not been provided with any details, but it is likely that the Council would have accepted the application on the basis on which it was presented to it.</li> <li>• The appellant has provided a copy of the location plan submitted with planning application 99/P/0344 approved, as I understand it, in April 1999 (the 1999 permission). The location plan covers all of the land to which the appeal relates but also encompasses the paddock immediately to the south. The appellant has not provided a copy of that planning application or the formal decision made by the Council, but I understand that the development proposed was the conversion of stables into ancillary residential accommodation. The appellant does not indicate whether that permission was implemented or not</li> <li>• from the limited information available to me, it appears that the planning permission granted was for the conversion of <i>stables</i> to ancillary residential accommodation (my emphasis). There is no indication in the description of development provided by the appellant that the planning application sought permission for the change of use of the surrounding land or that planning permission was granted for any such change of use.</li> <li>• Secondly, the location plan submitted with that application covers both the appeal site and the paddock. Logically, if the appellant is correct in his assertion that the 1999 permission grants planning permission for use of the land as ancillary residential accommodation, that would apply equally to the paddock and the land subject to this appeal. However, it is no part of the appellant’s case that this permission granted planning permission for</li> </ul> |  |
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| <p>use of the paddock as ancillary residential accommodation. The appellant does not explain why it is considered that the 1999 permission applies to the land subject this appeal but not to the adjoining paddock.</p> <ul style="list-style-type: none"><li>• Finally, even if the appellant's interpretation of the 1999 permission was correct, none of the above would be relevant unless the planning permission was correctly implemented. I have no information to show that this was the case.</li><li>• In the absence of a full copy of the Title Deeds, I am unable to ascertain the meaning of the blue, red and yellow shading on the Title Plan. Neither I am able to assess whether the conclusion drawn by the appellant that the land falls within the curtilage of Oakmead Farm has any credence. Similarly, not having had sight of the full Title Deeds, I cannot discount the possibility that there is information in that document that weighs against the appellant. Consequently, in the absence of a copy of the full Title Deeds, I attached very little weight to this piece of evidence and the conclusion drawn from it by the appellant.</li><li>• There is a further typed note in Appendix B below the Land Registry extract which purports that this entry clearly shows that the land would now fall within the residential curtilage of the Oakmead Farm. Two points flow from this. Even if the appellant is correct in claiming that the yellow shaded area can be regarded as forming the curtilage of main dwelling, that yellow shaded extends beyond the appeal site and into the paddock immediately to the south. It is again no part of the appellant's case that the paddock should be regarded as ancillary residential accommodation to the main dwelling, and no explanation is given as to why the assumption made by the appellant in relation to the yellow shaded area would not apply equally to the paddock. Moreover, as indicated above, the concept of curtilage is not a use of land. The appellant's argument is therefore flawed in both these respects.</li><li>• On the basis of these aerial photographs, it appears to me that the demarcation between the paddock and the appeal site took place at some point between 2012 and 2018. Up until that point, it appears from these aerial photographs more likely than not likely that the area of the appeal site to the west of the main dwelling was used in conjunction with the paddock and/or formed part of it. I therefore consider that this series of aerial photographs does not support the appellant's case.</li><li>• The appellant has provided a number of photographs that show the appeal site, both in summer and in winter. These photographs show, amongst other things, people exercising on the land, dogs in the garden area, a mowed lawn area and garden furniture in situ.</li><li>• Whilst it is clear that these photographs were taken from various points around the appeal site, none of them are dated. It is reasonable to conclude that these photographs were all taken at some point after the appellant purchased the property in June 2015, such that they point towards use of the land for purposes ancillary to the main dwelling from that time. However, because the appellant only took up occupation of the property approximately half-way through the relevant ten-year period, these photographs provide no evidence to show that the use claimed has taken place continuously over the whole of that period.</li><li>• The Statutory Declaration provided by Mr Allen, the various photographs provided by him showing use of the land and the sales particulars all point towards the appeal site being used for purposes ancillary to the main dwelling since around 2014.</li><li>• However, the aerial photograph taken in 2018 casts an element of doubt</li></ul> |
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|  | <p>over this use across the whole of the appeal site. That photograph shows an area in the north-west corner of the appeal site that is of a distinctively different appearance to the remainder of the site and which appears to be linked to the paddock. The appellant has not explained why that part of the site is of a different appearance to the remainder. I acknowledge that this land could still have been being used for purposes ancillary to the main dwelling at the time the photograph was taken. Similarly, the difference in appearance could be result of a temporary activity or works. But equally the difference in appearance could be the result of a use not connected to the main dwelling. Consequently, in the absence of any explanation from the appellant, I am unable to conclude that the whole of the appeal site has been used for purposes ancillary to the main dwelling use since 2014.</p> <ul style="list-style-type: none"> <li>• However, in my judgement, the aerial photograph taken in 2009 (and therefore just before the start of the relevant ten-year period) and that taken in 2012 (within the early part of relevant ten-year period) clearly show that the area immediately to the west of the tennis courts is of the same appearance as and is contiguous with the paddock. This leads me to the conclusion that, more likely than not, the use of this part of the appeal site was more associated with the paddock than with the main dwelling, or indeed possibly formed part of it.</li> <li>• In summary, this is not a situation where the local planning authority has no evidence of its own to contradict that of the appellant or make his version of events less than probable. On the contrary, I find that the appellant's evidence is not sufficiently precise to counter the photographic evidence produced by the Council and the written evidence of the Parish Council, such that the appellant has not discharged the burden that falls upon him. I conclude that, on the balance of probability, the whole of the appeal site has not been used for residential purposes ancillary to the main dwelling known as Oakmead Farm continuously for a period of ten years beginning from the date of the application. It follows that the appeal cannot succeed on the terms originally submitted.</li> <li>• It appears to me that, on the balance of probability, it is likely that an area of land to the south of Oakmead Farm could be regarded as having been in residential use for purposes ancillary to the main dwelling continuously for a period of ten years beginning from the date of the application. In other circumstances, I might have been prepared to issue an LDC for that part of the site.</li> <li>• However, from the appeal documents that are before me, I understand that there is an ancillary residential unit known as 'The Cottage' to the north of the main dwelling. I have been provided with no details of that dwelling, either in terms of its location or any land associated with it. In addition, there is a degree of uncertainty over the area in the north-west corner of the appeal site which, on the face of it, appears at some point in time to have been linked to the paddock rather than the main dwelling. In the absence of information relating to these areas of land, I am not in a position to specify with sufficient precision the land which may properly be considered as having been used for residential purposes ancillary to the main dwelling known as Oakmead Farm. It follows that I am not able to issue an LDC for part of the appeal site.</li> <li>• For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of use of land for ancillary residential purposes to the main dwelling was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.</li> </ul> |  |
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|           | <ul style="list-style-type: none"> <li>• <b>COSTS DECISION</b></li> <li>• Mr Allen against Guildford Borough Council</li> <li>• In summary, rather than meeting the threshold of balance of probability, when that test was applied I found that the applicant/appellant's evidence failed to show that the use claimed use had taken place continuously throughout the relevant ten-year period. Indeed, in my view, the case was not even finely balanced: the appeal had no prospect of succeeding on the evidence submitted.</li> <li>• Moreover, contrary to the applicant's assertion, this was not a situation in which the Council had no evidence of its own to contradict that of the applicant/appellant or make his version of events less than probable. In fact, it was the Council that provided the only aerial photographs taken during the relevant ten-year period. Those aerial photographs, taken in 2012 and 2018, were further evidence leading to my conclusion that the claimed use had not subsisted throughout the relevant ten-year period.</li> <li>• In conclusion, I have taken into account the actions of the Council both at the time of the planning application and during the appeal process. I find that the Council did not act unreasonably at either of those times. It follows that, in the absence of any unreasonable behaviour on the part of the Council, an award of costs in favour the applicant is not justified.</li> </ul>  | <p><b>REFUSED</b></p>   |
| <p>6.</p> | <p><b>Sandra Wey</b><br/> <b>11 Coriander Crescent, Guildford, GU2 9YU</b></p> <p><b>20/T/00101</b> – The work is described as Oak T28 and Oak 30 propose to fell.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> <li>• The main issues in respect of this appeal are: the effect of felling the trees on the character and appearance of the area; and, whether the reasons given for their felling justifies that course of action.</li> <li>• Coriander Crescent is a cul-de-sac in a mixed housing development flanked by low evergreen hedging with some ornamental planting in front of the houses. 11 Coriander Crescent is a two-storey property in a corner plot. It has a single garage and parking area to the front with a small garden, and to the rear is a spacious lawn area with a patio and shrub borders.</li> <li>• To the rear of properties 7 to 17 Coriander Crescent grow a row of mature Oaks that form an important backdrop to the dwellings. The trees are also visible from Forster Road to the south and Knox Road to the east and north. Within the garden of No 11 there are five Oak trees, three on the eastern and two on the southern boundaries. It is two of these, T28 on the eastern boundary and T30 on the southern boundary that are the subject of this appeal.</li> <li>• Both trees have been reduced in height and had lower limbs removed in the past. The regrowth from the pruning works has now produced canopies with a natural appearance and both trees appear normally healthy. The trees are significant components of the line of trees and make an important contribution both to the group and to the character and appearance of the local area. The removal of the two trees would cause significant harm to the appearance of the group and its contribution to the character and appearance of the area and the proposed works therefore need clear and convincing justification.</li> <li>• I accept that seasonal litter from Oak trees can be a nuisance. However, issues with leaves and twigs are not uncommon and, while this may cause a maintenance inconvenience including the need to clear gutters and</li> </ul> | <p><b>DISMISSED</b></p> |

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|  | <p>gullies, it goes hand-in-hand with living in an area defined by mature trees that make the locality an attractive place to live. The felling of the two trees would not remove the nuisance caused by litter because of the other mature Oak trees that will remain to the rear of the property. Furthermore, it is not clear to me that other solutions to blocked gutters such as gutter guards have been explored.</p> <ul style="list-style-type: none"><li>• I acknowledge the appellant's willingness to replace the trees with new ones if I were to allow their removal. Replacement planting would improve the age range and species diversity of the area. However, the suggested replacement planting would not reach a similar stature and given that, these trees would not make a similar contribution to the character and appearance of the area. As such, replacement planting would not mitigate the harm that would arise from the loss of these two Oaks in this instance.</li><li>• With any application to fell protected trees a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case the trees, although mature, are not overly dominant and not such a source of inconvenience that justifies their felling. The removal of the two trees would result in substantial harm to the character and appearance both of the group of trees and to the area and, in my judgement, insufficient justification has been demonstrated for the proposed works. Accordingly, for the reasons set out above, the appeal is dismissed.</li></ul> |  |
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