

PLANNING COMMITTEE

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

- * 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

*Present

Councillors Paul Abbey, Joss Bigmore, Graham Eyre, John Redpath, Tony Rooth and Catherine Young, were also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Liz Hogger for whom Councillor Cait Taylor attended as a substitute.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interests.

PL3 MINUTES

The minutes of the Planning Committee held on 11 August 2021 were approved and signed by the Chairman as a true record.

PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

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

The following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Ms Sue Wyeth-Price (AGRA) (to object);
- Mr Paul Finning (to object);
- Mr Dennis Smith (in support) and;
- Mr Andy Morris (Agent) (in support)

The Committee considered the above-mentioned application for erection of 69 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing.

The Committee received a presentation from the Specialist Development Management (Majors) Officer, John Busher. The Committee noted that two identical applications had been received at Land at Ash Manor for the construction of 69 dwellings. Application 18/P/02456 was still within the remit of the local planning authority to determine, whilst application 20/P/01461 had been appealed for non-determination. The Committee would therefore receive one presentation that covered both proposals. The site formed part of the A31 allocation in the Local Plan which enabled the construction of 1750 dwellings across a variety of sites.

The Ash Manor complex was located to the north of the application site and included a Grade II listed building as well as other Grade II star listed buildings. The site was currently grassed and used for horse grazing and included a pond. The existing track access to Ash Manor was flanked by trees and hedgerows. There were a number of TPO trees, a TPO area order covered the south-eastern boundary and a veteran Oak tree referred to as T67 in the officer's report was located in the middle of the field. Many changes had been made to the previous scheme including a reduction in the number of units, changes to the design of the apartment buildings and increasing the size of the buffer between the dwellings and Ash Manor. The applicant had also agreed to retain T67 and had created a large buffer around it resulting in a reduction of four dwellings. There would be a mix of semi-detached dwellings on the southern side of the access with a green buffer to the north to protect Ash Manor. A separating distance of 150 metres was proposed between the proposed dwellings and the Grade II star listed building as well as being screened by the existing tree and hedge planting.

The proposal included 28 affordable dwellings that would be distributed throughout the scheme and included a mix of terraced, semi-detached, and detached dwellings. The properties utilised good quality traditional materials of red brick with clay tiled roofs in adequately sized plots. The proposed apartment blocks had been designed to appear as a collection of traditional dwellings and had been reduced in bulk, scale and height owing to previous concerns raised by the Committee. Again, traditional materials would be used resulting in a development that blended into the surrounding area.

In conclusion, it was the planning officer's opinion, having considered the report as well as the supplementary late sheet information, that the principle of development on this site was deemed acceptable. This was owing to the fact the site formed part of the Local Plan Allocated site A31 which would provide 1750 homes in total. The report identified that the proposal would result in harm to the setting of the properties within the Ash Manor complex which included the Grade II star listed building. The cumulative harm resulting from the proposal and in combination with the development of the land to the east known as Juniper Cottage, as well as the construction of the new Ash Road Bridge to the north was assessed by the Council's Conservation Officer who judged that harm would be in the lower to middle end of that range whilst Historic England stated that the harm would be less than substantial.

It was noted that many residents continued to raise concerns about the drainage strategy for the site and how that would interact with the existing pond and listed buildings. Residents had submitted a further technical document last week which was also detailed on the supplementary late sheets. The issues were set out in significant detail on pages 79 to 82 of the planning agenda and officers had subsequently asked the Lead Local Flood Authority to review the drainage proposed. Having considered all of the evidence, the Lead Local Flood Authority remained of the view that the drainage system for the site was acceptable and its exact design would be controlled via conditions.

The proposal did also offer a number of benefits such as the provision of 69 dwellings of which 28 would be affordable. A 1-year permission agreed by the applicant would also ensure the early delivery of those properties. Significant weight had also been afforded to the provision of a large area of public open space for residents and the wider community which included the pond and new path. The proposal would also ensure the protection of the veteran oak tree. The improvements being made to highway safety, pedestrian, and cycle connectivity as well as ecological and biodiversity benefits proposed, and significant contributions agreed towards local

infrastructure and facilities were all individually considered as benefits of moderate weight. The proposal would also allow pedestrian and vehicular connections through the site which would be secured by legal agreement and conditions.

The harm identified to the heritage assets required the decision maker to weigh this harm against the public benefits of the proposal. As per the NPPF any harm or loss of a designated heritage asset caused by its alteration or destruction or from development within its setting should require clear and convincing justification. In this instance, officers were of the opinion that the public benefits of the proposal did on this occasion outweighed the harm to the heritage assets.

The final balancing exercise for the scheme, as outlined on pages 95-96 of the agenda was that the benefits were wide ranging and included the provision of much needed affordable and market housing. Whilst still assigning great weight and considerable importance to the heritage harm officers had concluded that the benefits of the scheme did outweigh the harm.

The Chairman permitted Councillors Paul Abbey and Graham Eyre to speak in their capacity as Ward Councillors for three minutes each.

The Committee considered the application and noted concerns raised regarding the drainage proposed for the site, specifically as identified by Water Environment Ltd, commissioned by the Ash Green Resident's Association (AGRA), that the pond levels hardly changed throughout a year and given the depth of the pond was approx. 1 metre implied it was probably being supplemented by groundwater supply. The main focus of the drainage strategy was to change the shape and depth of the pond to serve as an attenuation basin. All storm water drainage from the site would be directed to the basin. A review of the micro drainage calculations revealed that some of these simulations had been run using out of date modelling. The up-to-date FH13 method produced higher rainfall rates of up to 30% with a corresponding increase in attenuation requirements and therefore the micro drainage calculations should be done again. It had been stated by Bewley Homes previously that groundwater ingress was not possible through clay however there was a sandy layer within the depths of the pond. The use of a plastic liner as proposed would simply push up the liner and therefore further investigations were required.

Further concerns were raised again with regard to further reducing the water level in the pond which could have a major impact upon the health of the surrounding trees. The Committee noted the recommendation to re-assess the tree survey and impact assessment by an arboriculturist. Concerns were also raised regarding the assertion that no technical assessment had been carried out on the possible structural impacts on the listed buildings. The physical properties of the soil should be reviewed by a geotechnical engineer to also understand the impact of reducing water levels and the subsequent expansion and contraction resulting in subsidence of land levels.

The planning officer responded to comments made by the public speakers and ward councillors. It was confirmed that the site was not providing a net gain for biodiversity. Whilst new native trees, shrubs and hedgerows would be planted there was no requirement as per the NPPF for it to be measurable. In terms of flooding and drainage, the independent report submitted by Water Environment, on behalf of AGRA, was received by the LPA on 25 August 2021 and which in turn was sent to the Lead Local Flood Authority, who concluded that they remained satisfied that the drainage scheme proposed was acceptable, subject to the standard drainage conditions. In terms of harm, one of the public speakers mentioned that harm was at the lower end when in the report it had been identified at the middle end of the scale. In relation to the pond, condition 34 had been added which dealt with how the area around the pond would be landscaped as well as condition 29, now amended, as detailed on the supplementary late sheets, to ensure that the ecology of the pond was protected sufficiently. It was also noted that reference had been made to the Local Plan being a material consideration

by one of the public speakers when in fact there was a statutory requirement to follow the development plan in decision making unless material considerations indicated otherwise.

The Committee discussed the application, and a query was raised regarding whether or not the veteran oak tree T67 would be replaced by another oak if its health failed. The planning officer confirmed that in respect of the veteran oak tree T67 it had been assessed by the Council's Tree Officer who concluded that it was in good health, however, should its health fail, it would be replaced with another oak tree.

In addition, even though planning officers had assessed the impact upon the heritage assets and the parking arrangements as adequate, there was a desire to deliver exemplary developments through the Local Plan. It was noted that a Sustainability and Energy Statement had not been submitted and that this was a key factor for significant schemes such as this as conditions could not always be relied on. The amount of open space provision equated to 0.08 hectares and was therefore not considered significant enough for a development of this size. The Committee remained concerned regarding the existing pond and considered that it should be retained, and options explored on how to retain its natural beauty and associated wildlife. The additional condition 34 did not go far enough to secure its retention. The works proposed to the pond via the flood mitigation measures would significantly alter its appearance.

Whilst it was acknowledged that the site was allocated in the Local Plan for development, the Committee wanted to ensure that the right development was secured for Land at Ash Manor. Concerns remained regarding the impact upon the character of the heritage assets and Grade II listed and Grade II star listed buildings caused by the development and the drainage proposed which could compromise the foundations of the historic buildings.

The Committee received advice from Mr Robert Williams, a specialist planning Barrister who acted for the Council in relation to the Judicial Review of the original application 18/P/02456. Mr Williams confirmed that it had been suggested that the judge in the judicial review had opined on the adequacy of the flooding matter. To be absolutely clear, the judge's role was to consider whether the Committee, on the last occasion, considered in a lawful manner the expert and non-expert assessment of the flooding issue that was before it. One of the grounds of challenge was that the local authority had acted irrationally and therefore unlawfully by ignoring certain parts of evidence. Concerning groundwater, that ground was refused and did not succeed. The judge did not go on to opine the merits or otherwise of the expert reports, that was not the role of the courts.

In addition, the Development Management Applications Lead, Dan Ledger read out to the Committee the comments received from the Local Flood Authority as detailed on the supplementary late sheets which clarified that all of the issues and concerns raised by the Committee in this regard would be managed successfully through careful review of the design of the pond, ongoing assessment of the works to be carried out and via appropriate conditions.

The Committee agreed that Policy D2 of the Local Plan had not been adhered to as no Sustainability or Energy Statement had been submitted to the LPA as part of the application. This contravened the Council's Climate Change Agenda as no assurance had been given that sustainable measures would be implemented as part of the development. In addition, the Committee found that the proposal would materially harm the setting of the listed buildings, combined with the nearby developments of Ash Road Bridge and May and Juniper Cottage, the cumulative effect would be detrimental as the public benefits did not outweigh the identified harm. Owing to the significant modifications planned via the implementation of the flood mitigation measures the existing pond would be harmed and alter its natural appearance and character. The site was also located within the Thames Basin Heath Special Protection Area (TBHSPA) as well as a Site of Special Scientific Interest (SSSI) and in the absence of a completed planning obligation, no assurance was given that these areas would not be materially affected.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	David Bilbe		X	
2	Maddy Redpath		X	
3	Marsha Moseley	X		
4	Jon Askew	X		
5	Fiona White	X		
6	Pauline Searle	X		
7	Paul Spooner		X	
8	Chris Barrass		X	
9	Colin Cross		X	
10	Angela Gunning	X		
11	Ramsey Nagaty		X	
12	Angela Goodwin	X		
13	Ruth Brothwell		X	
14	Chris Blow		X	
15	Cait Taylor	X		
	TOTALS	7	8	0

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Gunning		X	
2	Cait Taylor			X
3	Pauline Searle		X	
4	Ruth Brothwell	X		
5	Colin Cross	X		
6	David Bilbe	X		
7	Chris Blow	X		
8	Marsha Moseley		X	
9	Ramsey Nagaty	X		
10	Angela Goodwin		X	
11	Christopher Barrass	X		
12	Maddy Redpath	X		
13	Fiona White		X	
14	Jon Askew		X	
15	Paul Spooner	X		
	TOTALS	8	6	1

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

RESOLVED to refuse application 18/P/02456 for the following reasons:

1. Policy D2 of the Local Plan: Strategy and Sites states that 'major development

should include a sustainability statement setting out how the matters in this policy have been addressed'. This is supported through the Council's Climate Change, Sustainable Design, Construction and Energy SPD which notes that 'for full plans applications, the information... should be provided with the planning application at the point of submission. The process of producing the information should inform emerging proposals and help to steer them towards sustainable outcomes, so it is necessary that the information is produced at an early stage, before the planning application is submitted'. The required information includes a sustainability statement, and an energy statement. The applicant has failed to submit either of these documents and therefore has not demonstrated that the matters identified in policy D2 have been addressed or have informed the proposed development and steered it towards sustainable outcomes. In the absence of the required information, the Council cannot be satisfied that the proposal will meet the sustainability and energy requirements of Policy D2 of Local Plan: Strategy and Sites and the Climate Change, Sustainable Design, Construction and Energy SPD.

2. By virtue of the quantum of development proposed, as well as the location and arrangement of built form on the site, the proposal would result in the urbanisation of the site. This would materially harm the rural, agricultural setting of the complex of listed buildings to the north (Ash Manor and Old Manor Cottage (Grade II*), Oast House and stable (Grade II) and the Oak Barn (Grade II)). This setting is an important contributor to the heritage significance of these designated heritage assets, and the proposal would result in significant (albeit less than substantial) harm to their significance. This harm is exacerbated when considered cumulatively with the effect that the recently approved developments for the Ash road bridge and May and Juniper Cottage site will have on the significance of the listed buildings. The public benefits of the scheme are not considered to outweigh the identified harm. The proposal is therefore contrary to Policy D3 of the Local Plan: Strategy and Sites, saved Policy HE4 of the Local Plan 2003, as well as paragraphs 199, 200 and 202 of the National Planning Policy Framework 2021.
3. Saved policy G1(12) of the Local Plan 2003 requires that 'development is designed to safeguard and enhance the characteristic landscape of the locality and existing natural features on the site, such as hedgerows, trees, watercourses and ponds which are worthy of protection'. The existing pond on site currently contributes positively to the rural character, landscape and appearance of the area, as well as to the setting of the designated heritage assets. The proposed development will result in significant modification and engineering works to the existing pond as part of the flood mitigation measures which could fundamentally alter its appearance and character. The applicant has failed to demonstrate that the required works would be capable of being undertaken and completed in a manner that adequately safeguards and enhances the character and appearance existing pond. The proposal is therefore contrary to saved Policy G1(12) of the Local Plan 2003.
4. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of a completed planning obligation, the Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). As such the development is contrary to the objectives of saved policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites and conflicts with saved policy NRM6 of the South East Plan 2009. For the same

reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

5. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This includes, but is not limited to, the following:

- ☐ the delivery of 28 affordable housing units (a minimum of 70% to be affordable rent with mix as agreed);
- ☐ provision of SAMM contributions;
- ☐ provision of SANG land to mitigate the impact of the development on the TBHSPA;
- ☐ contribution towards Police infrastructure;
- ☐ contribution towards early years, primary and secondary education projects;
- ☐ contribution towards health care infrastructure;
- ☐ contribution towards children's playspace infrastructure in the area;
- ☐ contribution towards amendment of TRO on Foreman Road;
- ☐ contribution towards highway safety improvements and pedestrian and cyclist infrastructure improvements in the area;
- ☐ contribution towards Ash road bridge;
- ☐ provision that the applicant gives free and unfettered access to the spine road; and
- ☐ contribution towards provision of public art in the area.

Accordingly, the proposal would be contrary policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, Planning Contributions SPD 2017 and the NPPF.

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

The following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Ms Sue Wyeth-Price (AGRA) (to object) and;
- Ms Gill Squibb (to object)

The Committee considered the above-mentioned full application for erection of 69 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking, and secure cycle storage, on site open space, landscape, and ecology management and, servicing.

The Committee noted that this application was the subject of a non-determination appeal and as such, the decision on the proposal will be taken by the Secretary of State through the Planning Inspectorate. The appeal was formally submitted by the appellant on 19 April 2021 with a start date of 17 May 2021. The appeal will be heard by way of a Public Inquiry and is scheduled to start in January 2022 and was currently programmed for 14 days.

The Committee received a presentation from the Specialist Development Management (Majors) Officer, John Busher. The Committee noted that two identical applications had been received at Land at Ash Manor for the construction of 69 dwellings. Application 18/P/02456 was still within the remit of the local planning authority to determine, whilst application 20/P/01461 had been appealed for non-determination. The Committee would therefore receive one presentation that covered both proposals. The site formed part of the A31 allocation in the Local Plan which enabled the construction of 1750 dwellings across a variety of sites.

The Ash Manor complex was located to the north of the application site and included a Grade II listed building as well as other Grade II star listed buildings. The site was currently grassed and used for horse grazing and included a pond. The existing track access to Ash Manor was flanked by trees and hedgerows. There were a number of TPO trees, a TPO area order covered the south-eastern boundary and a veteran Oak tree referred to as T67 in the officer's report was located in the middle of the field. Many changes had been made to the previous scheme including a reduction in the number of units, changes to the design of the apartment buildings and increasing the size of the buffer between the dwellings and Ash Manor. The applicant had also agreed to retain T67 and had created a large buffer around it resulting in a reduction of four dwellings. There would be a mix of semi-detached dwellings on the southern side of the access with a green buffer to the north to protect Ash Manor. A separating distance of 150 metres was proposed between the proposed dwellings and the Grade II star listed building as well as being screened by the existing tree and hedge planting.

The proposal included 28 affordable dwellings that would be distributed throughout the scheme and included a mix of terraced, semi-detached, and detached dwellings. The properties utilised good quality traditional materials of red brick with clay tiled roofs in adequately sized plots. The proposed apartment blocks had been designed to appear as a collection of traditional dwellings and had been reduced in bulk, scale and height owing to previous concerns raised by the Committee. Again, traditional materials would be used resulting in a development that blended into the surrounding area.

In conclusion, it was the planning officer's opinion, having considered the report as well as the supplementary late sheet information, that the principle of development on this site was deemed acceptable. This was owing to the fact the site formed part of the Local Plan Allocated site A31 which would provide 1750 homes in total. The report identified that the proposal would result in harm to the setting of the properties within the Ash Manor complex which included the Grade II star listed building. The cumulative harm resulting from the proposal and in combination with the development of the land to the east known as Juniper Cottage, as well as the construction of the new Ash Road Bridge to the north was assessed by the Council's Conservation Officer who judged that harm would be in the lower to middle end of that range whilst Historic England stated that the harm would be less than substantial.

It was noted that many residents continued to raise concerns about the drainage strategy for the site and how that would interact with the existing pond and listed buildings. Residents had submitted a further technical document last week which was also detailed on the supplementary late sheets. The issues were set out in significant detail on pages 79 to 82 of the planning agenda and officers had subsequently asked the Lead Local Flood Authority to review the drainage proposed. Having considered all of the evidence, the Lead Local Flood Authority remained of the view that the drainage system for the site was acceptable and its exact design would be controlled via conditions.

The proposal did also offer a number of benefits such as the provision of 69 dwellings of which 28 would be affordable. A 1-year permission agreed by the applicant would also ensure the early delivery of those properties. Significant weight had also been afforded to the provision of a large area of public open space for residents and the wider community which included the pond and new path. The proposal would also ensure the protection of the veteran oak tree. The improvements being made to highway safety, pedestrian, and cycle connectivity as well as ecological and biodiversity benefits proposed, and significant contributions agreed towards local infrastructure and facilities were all individually considered as benefits of moderate weight. The proposal would also allow pedestrian and vehicular connections through the site which would be secured by legal agreement and conditions.

The harm identified to the heritage assets required the decision maker to weigh this harm against the public benefits of the proposal. As per the NPPF any harm or loss of a designated heritage asset caused by its alteration or destruction or from development within its setting

should require clear and convincing justification. In this instance, officers were of the opinion that the public benefits of the proposal did on this occasion outweighed the harm to the heritage assets.

The final balancing exercise for the scheme, as outlined on pages 95-96 of the agenda was that the benefits were wide ranging and included the provision of much needed affordable and market housing. Whilst still assigning great weight and considerable importance to the heritage harm officers had concluded that the benefits of the scheme did outweigh the harm.

The Chairman noted that Councillors Paul Abbey and Graham Eyre did not wish to speak again in their capacity as Ward Councillor, however, their concerns are detailed below as per application 18/P/02456.

The Committee considered the application and noted concerns raised regarding the drainage proposed for the site, specifically as identified by Water Environment Ltd, commissioned by the Ash Green Resident's Association (AGRA), that the pond levels hardly changed throughout a year and given the depth of the pond was approx. 1 metre implied it was probably being supplemented by groundwater supply. The main focus of the drainage strategy was to change the shape and depth of the pond to serve as an attenuation basin. All storm water drainage from the site would be directed to the basin. A review of the micro drainage calculations revealed that some of these simulations had been run using out of date modelling. The up-to-date FH13 method produced higher rainfall rates of up to 30% with a corresponding increase in attenuation requirements and therefore the micro drainage calculations should be done again. It had been stated by Bewley Homes previously that groundwater ingress was not possible through clay however there was a sandy layer within the depths of the pond. The use of a plastic liner as proposed would simply push up the liner and therefore further investigations were required.

Further concerns were raised again with regard to further reducing the water level in the pond which could have a major impact upon the health of the surrounding trees. The Committee noted the recommendation to re-assess the tree survey and impact assessment by an arboriculturist. Concerns were also raised regarding the assertion that no technical assessment had been carried out on the possible structural impacts on the listed buildings. The physical properties of the soil should be reviewed by a geotechnical engineer to also understand the impact of reducing water levels and the subsequent expansion and contraction resulting in subsidence of land levels.

The planning officer responded to comments made by the public speakers and ward councillors. It was confirmed that the site was not providing a net gain for biodiversity. Whilst new native trees, shrubs and hedgerows would be planted there was no requirement as per the NPPF for it to be measurable. In terms of flooding and drainage, the independent report submitted by Water Environment, on behalf of AGRA, was received by the LPA on 25 August 2021 and which in turn was sent to the Lead Local Flood Authority, who concluded that they remained satisfied that the drainage scheme proposed was acceptable, subject to the standard drainage conditions. In terms of harm, one of the public speakers mentioned that harm was at the lower end when in the report it had been identified at the middle end of the scale. In relation to the pond, condition 34 had been added which dealt with how the area around the pond would be landscaped as well as condition 29, now amended, as detailed on the supplementary late sheets, to ensure that the ecology of the pond was protected sufficiently. It was also noted that reference had been made to the Local Plan being a material consideration by one of the public speakers when in fact there was a statutory requirement to follow the development plan in decision making unless material considerations indicated otherwise.

The Committee discussed the application, and a query was raised regarding whether or not the veteran oak tree T67 would be replaced by another oak if its health failed. The planning officer confirmed that in respect of the veteran oak tree T67 it had been assessed by the Council's

Tree Officer who concluded that it was in good health, however, should its health fail, it would be replaced with another oak tree.

In addition, even though planning officers had assessed the impact upon the heritage assets and the parking arrangements as adequate, there was a desire to deliver exemplary developments through the Local Plan. It was noted that a Sustainability and Energy Statement had not been submitted and that this was a key factor for significant schemes such as this as conditions could not always be relied on. The amount of open space provision equated to 0.08 hectares and was therefore not considered significant enough for a development of this size. The Committee remained concerned regarding the existing pond and considered that it should be retained, and options explored on how to retain its natural beauty and associated wildlife. The additional condition 34 did not go far enough to secure its retention. The works proposed to the pond via the flood mitigation measures would significantly alter its appearance.

Whilst it was acknowledged that the site was allocated in the Local Plan for development, the Committee wanted to ensure that the right development was secured for Land at Ash Manor. Concerns remained regarding the impact upon the character of the heritage assets and Grade II listed and Grade II star listed buildings caused by the development and the drainage proposed which could compromise the foundations of the historic buildings.

The Committee received advice from Mr Robert Williams, a specialist planning Barrister who acted for the Council in relation to the Judicial Review of the original application 18/P/02456. Mr Williams confirmed that it had been suggested that the judge in the judicial review had opined on the adequacy of the flooding matter. To be absolutely clear, the judge's role was to consider whether the Committee, on the last occasion, considered in a lawful manner the expert and non-expert assessment of the flooding issue that was before it. One of the grounds of challenge was that the local authority had acted irrationally and therefore unlawfully by ignoring certain parts of evidence. Concerning groundwater, that ground was refused and did not succeed. The judge did not go on to opine the merits or otherwise of the expert reports, that was not the role of the courts.

In addition, the Development Management Applications Lead, Dan Ledger read out to the Committee the comments received from the Local Flood Authority as detailed on the supplementary late sheets which clarified that all of the issues and concerns raised by the Committee in this regard would be managed successfully through careful review of the design of the pond, ongoing assessment of the works to be carried out and via appropriate conditions.

The Committee agreed that Policy D2 of the Local Plan had not been adhered to as no Sustainability or Energy Statement had been submitted to the LPA as part of the application. This contravened the Council's Climate Change Agenda as no assurance had been given that sustainable measures would be implemented as part of the development. In addition, the Committee found that the proposal would materially harm the setting of the listed buildings, combined with the nearby developments of Ash Road Bridge and May and Juniper Cottage, the cumulative effect would be detrimental as the public benefits did not outweigh the identified harm. Owing to the significant modifications planned via the implementation of the flood mitigation measures the existing pond would be harmed and alter its natural appearance and character. The site was also located within the Thames Basin Heath Special Protection Area (TBHSPA) as well as a Site of Special Scientific Interest (SSSI) and in the absence of a completed planning obligation, no assurance was given that these areas would not be materially affected.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Gunning	X		

2	Chris Blow		X	
3	Marsha Moseley	X		
4	Jon Askew	X		
5	Maddy Redpath		X	
6	Cait Taylor			X
7	Paul Spooner		X	
8	Ramsey Nagaty		X	
9	David Bilbe		X	
10	Pauline Searle	X		
11	Fiona White	X		
12	Angela Goodwin	X		
13	Colin Cross		X	
14	Ruth Brothwell		X	
15	Chris Barrass		X	
	TOTALS	6	8	1

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ramsey Nagaty	X		
2	Colin Cross	X		
3	Maddy Redpath	X		
4	Angela Gunning		X	
5	Chris Blow	X		
6	David Bilbe	X		
7	Jon Askew		X	
8	Angela Goodwin		X	
9	Marsha Moseley		X	
10	Cait Taylor			X
11	Ruth Brothwell	X		
12	Fiona White		X	
13	Paul Spooner	X		
14	Chris Barrass	X		
15	Pauline Searle		X	
	TOTALS	8	6	1

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

RESOLVED That in the event that the Council could have determined this application the decision would have been to refuse application 20/P/01461 for the following reasons:

1. Policy D2 of the Local Plan: Strategy and Sites states that 'major development should include a sustainability statement setting out how the matters in this policy have been addressed'. This is supported through the Council's Climate Change, Sustainable Design, Construction and Energy SPD which notes that 'for full plans

applications, the information... should be provided with the planning application at the point of submission. The process of producing the information should inform emerging proposals and help to steer them towards sustainable outcomes, so it is necessary that the information is produced at an early stage, before the planning application is submitted'. The required information includes a sustainability statement, and an energy statement. The applicant has failed to submit either of these documents and therefore has not demonstrated that the matters identified in policy D2 have been addressed or have informed the proposed development and steered it towards sustainable outcomes. In the absence of the required information, the Council cannot be satisfied that the proposal will meet the sustainability and energy requirements of Policy D2 of Local Plan: Strategy and Sites and the Climate Change, Sustainable Design, Construction and Energy SPD.

2. By virtue of the quantum of development proposed, as well as the location and arrangement of built form on the site, the proposal would result in the urbanisation of the site. This would materially harm the rural, agricultural setting of the complex of listed buildings to the north (Ash Manor and Old Manor Cottage (Grade II*), Oast House and stable (Grade II) and the Oak Barn (Grade II)). This setting is an important contributor to the heritage significance of these designated heritage assets, and the proposal would result in significant (albeit less than substantial) harm to their significance. This harm is exacerbated when considered cumulatively with the effect that the recently approved developments for the Ash road bridge and May and Juniper Cottage site will have on the significance of the listed buildings. The public benefits of the scheme are not considered to outweigh the identified harm. The proposal is therefore contrary to Policy D3 of the Local Plan: Strategy and Sites, saved Policy HE4 of the Local Plan 2003, as well as paragraphs 199, 200 and 202 of the National Planning Policy Framework 2021.
3. Saved policy G1(12) of the Local Plan 2003 requires that 'development is designed to safeguard and enhance the characteristic landscape of the locality and existing natural features on the site, such as hedgerows, trees, watercourses and ponds which are worthy of protection'. The existing pond on site currently contributes positively to the rural character, landscape, and appearance of the area, as well as to the setting of the designated heritage assets. The proposed development will result in significant modification and engineering works to the existing pond as part of the flood mitigation measures which could fundamentally alter its appearance and character. The applicant has failed to demonstrate that the required works would be capable of being undertaken and completed in a manner that adequately safeguards and enhances the character and appearance existing pond. The proposal is therefore contrary to saved Policy G1(12) of the Local Plan 2003.
4. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of a completed planning obligation, the Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). As such the development is contrary to the objectives of saved policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local

Planning Authority must refuse to grant planning permission.

5. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This includes, but is not limited to, the following:

- ☐ the delivery of 28 affordable housing units (a minimum of 70% to be affordable rent with mix as agreed);
- ☐ provision of SAMM contributions;
- ☐ provision of SANG land to mitigate the impact of the development on the TBHSPA;
- ☐ contribution towards Police infrastructure;
- ☐ contribution towards early years, primary and secondary education projects;
- ☐ contribution towards health care infrastructure;
- ☐ contribution towards children's play space infrastructure in the area;
- ☐ contribution towards amendment of TRO on Foreman Road;
- ☐ contribution towards highway safety improvements and pedestrian and cyclist infrastructure improvements in the area;
- ☐ contribution towards Ash road bridge;
- ☐ provision that the applicant gives free and unfettered access to the spine road; and
- ☐ contribution towards provision of public art in the area.

Accordingly, the proposal would be contrary policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, Planning Contributions SPD 2017 and the NPPF.

PL7 20/P/02042 - CHEYNES, BROOK LANE, ALBURY, GUILDFORD, GU5 9DH

The following person addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr David Small (to object)

The Committee considered the above-mentioned full application for variation of condition 2 of planning application 19/P/01353 approved 25/09/19 to allow the insertion of 2 roof lights and a clock on the roof top.

The Committee received a presentation from the Specialist Development Management Operations Officer, Maria Vasileiou. The site was located in the Green Belt, outside of any identified settlement area and also fell within an Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The area was characterised by detached and semi-detached properties that varied both in scale and design. The proposal was considered by planning officers to represent an appropriate development in the Green Belt, the AONB and AGLV. It would respect the scale and character of the existing building and the character of the surrounding area. It would not harm the neighbour's enjoyment of their amenities and was therefore recommended for approval.

In response to the public speaker's comments, the Development Management Applications Lead, Dan Ledger confirmed that this was a Section 73 application and was not for a change of use. The main concern for the Committee was whether the proposed changes from the original development which were applied for caused planning harm.

The Committee discussed the application and noted concerns raised regarding excessive light pollution caused by the roof lights proposed. The Committee also noted that it was a retrospective application and in terms of planning harm it was agreed that the potential for light

pollution caused to the AONB by the velux windows was not acceptable and was in contravention of the Dark Skies policy. It was confirmed that no lighting was proposed for the clock tower.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Angela Goodwin	X		
3	David Bilbe		X	
4	Colin Cross		X	
5	Angela Gunning		X	
6	Chris Blow		X	
7	Chris Barrass		X	
8	Jon Askew	X		
9	Maddy Redpath		X	
10	Cait Taylor	X		
11	Ramsey Nagaty		X	
12	Marsha Moseley			X
13	Pauline Searle			X
14	Ruth Brothwell		X	
15	Paul Spooner			X
	TOTALS	4	8	3

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Chris Blow	X		
2	Ramsey Nagaty	X		
3	Marsha Moseley			X
4	Maddy Redpath	X		
5	Angela Goodwin		X	
6	Chris Barrass	X		

7	Jon Askew		X	
8	Cait Taylor		X	
9	Angela Gunning	X		
10	David Bilbe	X		
11	Ruth Brothwell	X		
12	Fiona White		X	
13	Colin Cross	X		
14	Paul Spooner			X
15	Pauline Searle			X
	TOTALS	8	4	3

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

RESOLVED to refuse application 20/P/02042 for the following reasons:

The introduction of rooflights into the building would, as a result of its location in a sparsely developed area, cause a harmful level of light spillage which would be detrimental to the natural beauty of the Surrey Hills Area of Outstanding Natural Beauty resulting in an incongruous development form. The development is therefore contrary to policy P1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy P2 of the Surrey Hills Management Plan 2020-2025 and the requirements of the National Planning Policy Framework (NPPF) 2021.

PL8 21/P/00404 - GOODHART-RENDEL COMMUNITY HALL, CRANMORE LANE, WEST HORSLEY, LEATHERHEAD, KT24 6BT

The following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Guy Murray (West Horsley Parish Council) (to object);
- Mr Peter Williams (to object) and;
- Mr Kevin Scott (Agent) (in support)

The Committee considered the above-mentioned full application for erection of a replacement community hall, together with four new residential dwellings, internal road, car parking and associated landscaping following demolition of existing community hall.

The Committee received a presentation from Specialist Development Management Majors Officer, Jo Trask and noted that the application was subject to a non-determination appeal and that the decision on the proposal would be taken by the Secretary of State through the Planning Inspectorate. The appeal was formally submitted by the appellant on 27 April 2021 and was confirmed to be valid by the Planning Inspectorate on 19 May 2021. The appeal start date was yet to be established.

The Committee was informed that the application site measured 0.21 hectares, was rectangular in shape, located within the West Horsley settlement boundary, Conservation Area, inset from the Green Belt and within the Thames Heath Basin Special Protection Area (TBHSPA). A single storey community hall building known as the Goodhart-Rendel occupied the site and a public footpath ran along the eastern boundary. The proposal for a replacement community hall with four detached dwellings to the rear was two storeys in height and comprised of a smaller floor area than the existing building. Ten allocated parking spaces including one disabled parking space was proposed to the rear of the community hall. The dwelling mix proposed was two bed properties and two three bed properties with parking provision provided on a two space per unit basis.

The Committee noted that the proposal sought to replace the community facility for both the existing and expanding village. The harm identified to the Conservation Area was considered by planning officers to be outweighed by the public benefits afforded by the scheme. No unacceptable harm had been identified to neighbouring residential amenity or highway safety and the application was therefore recommended for approval subject to conditions.

The Chairman permitted Councillor Catherine Young to speak in her capacity as Ward Councillor for three minutes.

The Committee noted concerns raised that that application failed to meet policies both in the West Horsley Neighbourhood Plan and in our own Local Plan. Not enough weight had been given to WH1 in relation to design in the Conservation Area. The single storey hall would be replaced with a two-storey hall that was of a style and form completely out of character with the local area and other community facilities such as the village hall. It would completely dominate the street scene with houses squeezed onto a small plot with a density representative of 33 dwellings per hectare which was considered excessively high. The suburban layout was out of character with the other house patterns in this Conservation Area and therefore failed to be sympathetic to the scale, height, and form of the existing built environment. The open semi-rural aspect of the area should be retained rather than close boarded fencing and parking areas which would dominate the landscape. Concerns were also raised that the development would fail to meet policy D1 as it did not respond to the distinctive settlement patterns of the village. Policy D3 was also raised as being relevant as this was the last bit of green field left in the Conservation Area.

The planning officer, Jo Trask responded to points raised by public speakers and the Ward Councillor. It was confirmed that two solar panels would be installed on the hall delivered a 37.5% carbon reduction above what was required, and the dwellings would provide in excess of a 20% carbon reduction, which was policy compliant.

The Committee discussed the application and whether it was an enabling development, by virtue of building the four dwellings proposed to then facilitate the construction of the Community Hall. The Committee noted a query with regard to whether or not a Viability Report had been undertaken.

The Development Management Applications Lead, Dan Ledger confirmed that this was not an enabling development. Comments in the report referred to the developer putting forward this scheme to fund it but the development itself had been assessed in its own right. As to whether it was acceptable or not, the replacement of the community hall was given weight in the balancing exercise of the public benefits afforded by the scheme. It was also notable on the appeal that was dismissed in 2015 that the Inspectorate in that appeal did acknowledge that the replacement of the hall did constitute a public benefit that should carry weight. In that case, he did not consider it carried enough weight and the appeal was dismissed. However, it was important to be consistent with that approach. Officers had not undertaken a financial analysis of this, but weight had been given to the replacement of a community facility as a public benefit to outweigh the heritage harm identified in the report. The Committee had also noted reference had been made to the adjoining site, which was originally refused, 20/P/01430 but was confirmed had since been approved.

The Committee noted concerns raised that the four dwellings proposed had been squeezed onto a very small space which would cause harm to the character of the area.

It was further confirmed by the planning officer, Dan Ledger that the community hall was a private building and therefore S106 restrictions did not apply, however condition 5 had been applied requiring it to be retained as a community building.

The Committee was minded overall that the proposed development did provide an identified public benefit through the replacement of the community hall and the provision of four residential dwellings was considered acceptable.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Chris Blow	X		
2	Maddy Redpath	X		
3	Cait Taylor	X		
4	Angela Gunning		X	
5	Chris Barrass		X	
6	Jon Askew			X
7	Ramsey Nagaty		X	
8	Marsha Moseley	X		
9	Paul Spooner	X		
10	David Bilbe			X
11	Colin Cross			X
12	Pauline Searle	X		
13	Ruth Brothwell	X		
14	Angela Goodwin			X
15	Fiona White	X		
	TOTALS	8	3	4

In conclusion, having taken account of the representations received, in the event that the Council could have determined this application the Committee RESOLVED that the decision would have been to approve application 21/P/00404 subject to the conditions and reasons as detailed in the report and amended condition 9.

PL9 21/P/00535 - LAND BETWEEN SMUGGLERS END AND MERLINS, SMUGGLERS WAY, THE SANDS, FARNHAM, GU10 1LW

The following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Chris Laver (CPRE) (to object);
- Mr Bill Nelson (Seale and Sands Parish Council) (to object) and;
- Mr Michael Conoley (Agent) (in support)

The Committee considered the above-mentioned full application for erection of a single dwelling and detached garage on land between Smugglers End and Merlins, Smugglers Way.

The Committee was informed by the Specialist Development Management Applications Manager, Becky Souter that the site was located in the Green Belt and formed part of the Surrey Hills Area of Outstanding Natural Beauty (AONB) and was in an Area of Great Landscape Value (AGLV). The site was predominantly surrounded by residential properties with the Barley Mow Public House located to the east with associated facilities and car park. The application proposed the construction of a 5-bedroom detached two-storey dwelling with a detached single garage and a new vehicular access created from Smugglers Way. The development would be concentrated in the northern half of the site so to minimise its visibility in the wider area. To the south of the site, the land would be retained as a paddock with access made available either side.

The pattern of development in the area was characterised by a fairly close-knit to a more sporadic and rural development with large dwellings situated in large plots. The application site was located in the Green Belt where new dwellings were permitted, if they fell under the NPPF's definition of limited infilling within villages. Therefore, the key consideration was whether the site was one within a village and whether it was substantially surrounded by built development. Planning officers considered that the site was on the transitional edge of the village and was substantially surrounded by other built development and therefore did form part of a gap within this continuous built-up frontage.

In terms of elevations, no first-floor windows were proposed on the side elevations except for two small windows that would serve a bathroom and would therefore be obscure glazed resulting in a limited impact in terms of any privacy issues with neighbours. The land level did rise to the south and as such the neighbouring property Merlin's was set at a much higher level and resulted in a gradual step up in ridge heights as you moved along the street scene.

In conclusion, planning officers had found the application to be acceptable and represented an appropriate form of development within the Green Belt. It had been designed sympathetically with its surroundings and was therefore recommended for approval.

The Chairman permitted Councillor Tony Rooth to speak in his capacity as Ward Councillor for three minutes.

The Committee noted the objections that had been submitted by CPRE and the Parish Council as well as the Surrey Hills AONB Officer. The findings of the AONB Officer was that the proposed house was much larger than neighbouring dwellings and given it was cited on raised land would be a much more dominant feature within the surrounding area owing to its overall bulk and mass. The development would be a blot on the landscape in AONB, AGLV and Green Belt land. The proposed development would materially impact the openness of the Green Belt, closing off an open space. The Committee considered concerns raised that the development did not represent limited infilling and was therefore contrary to policy P2, also policy D1 owing to a lack of a high-quality design that failed to respond to the distinctive local character of the Sands and would adversely impact on the character of the countryside and was therefore contrary to policy G5(2) of the Local Plan 2003.

The Development Management Applications Lead, Dan Ledger, confirmed in response to points raised by the public speakers and ward councillor that a previous appeal had been referred to from 1978 and therefore carried limited material weight owing to the change in policy context that had occurred over that period of time. With regard to appropriate development in the Green Belt, the starting point for that assessment was via the NPPF paragraph 149 which stated that the LPA should regard the construction of new buildings as inappropriate in the Green Belt with the exception of limited infilling in villages.

The Committee discussed the application and noted that members had attended a site visit. Members had found that site visit very useful in putting the site in context. Whilst the principle of limited infilling was supported the proposed house was perceived as too large both in terms of its size and bulk for the site. The garage had also been cited separate to the house which blocked the continuous views of the overall landscape.

The Committee also noted concerns that a review of the Development Management Policies and Regulation 19 needed to be reviewed. The Council needed a much clearer definition of a limited infilling policy, what was the definition of a small gap in an otherwise continuous built-up frontage.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Pauline Searle	X		
2	Jon Askew	X		
3	Chris Blow		X	
4	Fiona White	X		
5	Cait Taylor		X	
6	Chris Barrass		X	
7	Ruth Brothwell		X	
8	Angela Goodwin	X		
9	Ramsey Nagaty		X	
10	David Bilbe	X		
11	Paul Spooner		X	
12	Colin Cross		X	
13	Marsha Moseley	X		
14	Maddy Redpath		X	
15	Angela Gunning	X		
	TOTALS	7	8	0

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ruth Brothwell	X		
2	Angela Goodwin		X	
3	Jon Askew		X	
4	Marsha Moseley		X	
5	Fiona White		X	
6	Ramsey Nagaty	X		
7	Paul Spooner	X		
8	Colin Cross	X		

9	David Bilbe		X	
10	Pauline Searle		X	
11	Chris Barrass	X		
12	Cait Taylor	X		
13	Angela Gunning		X	
14	Maddy Redpath	X		
15	Chris Blow	X		
	TOTALS	8	7	0

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

RESOLVED to refuse application 21/P/00535 for the following reasons:

1. The proposal would, by virtue of the scale, bulk, and design of the dwelling and the location and positioning of the detached garage, have a materially harmful impact on the local character and appearance of the area. The proposal would therefore fail to comply with policies D1 of the Guildford Borough Local Plan: Strategy and Sites, 2015-2034, G5(2) of the saved Local Plan, 2003, and Chapter 12 of the NPPF, 2021.

Informatives:

1. This decision relates expressly to drawing(s) drawing numbers please: 1533/S-01; 1533/S-02; 1533/S-03; 1533/P-02; 1533/P-03; 1533/P-04; 1533/P-05; 1533/P-06 and 1533/P-07 received on 12/03/2021 and amended plan 1533/P-01B received on 13/07/2021.

PL10 20/P/01359 - LAND NORTH OF HAMBLEDON COTTAGE AND EAST OF, RIPLEY LANE, WEST HORSLEY, LEATHERHEAD, KT24 6JS

Owing to the late hour, the Committee agreed to defer this application to the next Planning Committee meeting scheduled on 6 October 2021.

PL11 21/P/00153 - 20 PIT FARM ROAD, GUILDFORD, GU1 2JL

Owing to the late hour, the Committee agreed to defer this application to the next Planning Committee meeting scheduled on 6 October 2021.

PL12 21/P/00378 - 227 HIGH STREET, GUILDFORD, GU1 3BJ

Owing to the late hour, the Committee agreed to defer this application to the next Planning Committee meeting scheduled on 6 October 2021.

PL13 PLANNING APPEAL DECISIONS

Owing to the late hour, the Committee agreed to defer the consideration of the appeals to the next Planning Committee meeting scheduled on 6 October 2021.

The meeting finished at 10.45 pm

Signed

Chairman

Date