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Contact Officer:

Sophie Butcher, Democratic Services Officer  
Tel no: 01483 444056

28 September 2021

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 6 OCTOBER 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  
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 - 34)**

To confirm the minutes of the meeting of the Committee held on 8 September 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 35 - 36)**

All current applications between numbers 20/P/00737 and 21/P/01135 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/00737 - Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 6JS (Pages 37 - 58)**

5.2 **20/P/01359 - Land North of Hambledon Cottage and East of, Ripley Lane, West Horsley, Leatherhead, KT24 6JS (Pages 59 - 70)**

5.3 **21/P/00153 - 20 Pit Farm Road, Guildford, GU1 2JL (Pages 71 - 84)**

5.4 **21/P/00378 - 227 High Street, Guildford, GU1 3BJ (Pages 85 - 94)**

5.5 **21/P/01135 - Aspen House, 107 Poyle Road, Tongham, Farnham, GU10 1DY (Pages 95 - 108)**

**6 PLANNING APPEAL DECISIONS** (Pages 109 - 120)

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.
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 must 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. [Councillors should notify the Committee Officer, in writing, by no later than midday the day before the meeting of their intention to speak]. 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).
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 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		
	<b>TOTALS</b>	<b>7</b>	<b>8</b>	<b>0</b>

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		
	<b>TOTALS</b>	<b>8</b>	<b>6</b>	<b>1</b>

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	
	<b>TOTALS</b>	<b>6</b>	<b>8</b>	<b>1</b>

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	
	<b>TOTALS</b>	<b>8</b>	<b>6</b>	<b>1</b>

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
	<b>TOTALS</b>	<b>4</b>	<b>8</b>	<b>3</b>

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
	<b>TOTALS</b>	<b>8</b>	<b>4</b>	<b>3</b>

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		
	<b>TOTALS</b>	<b>8</b>	<b>3</b>	<b>4</b>

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		
	<b>TOTALS</b>	<b>7</b>	<b>8</b>	<b>0</b>

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		
	<b>TOTALS</b>	<b>8</b>	<b>7</b>	<b>0</b>

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 .....

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Agenda item number: 5

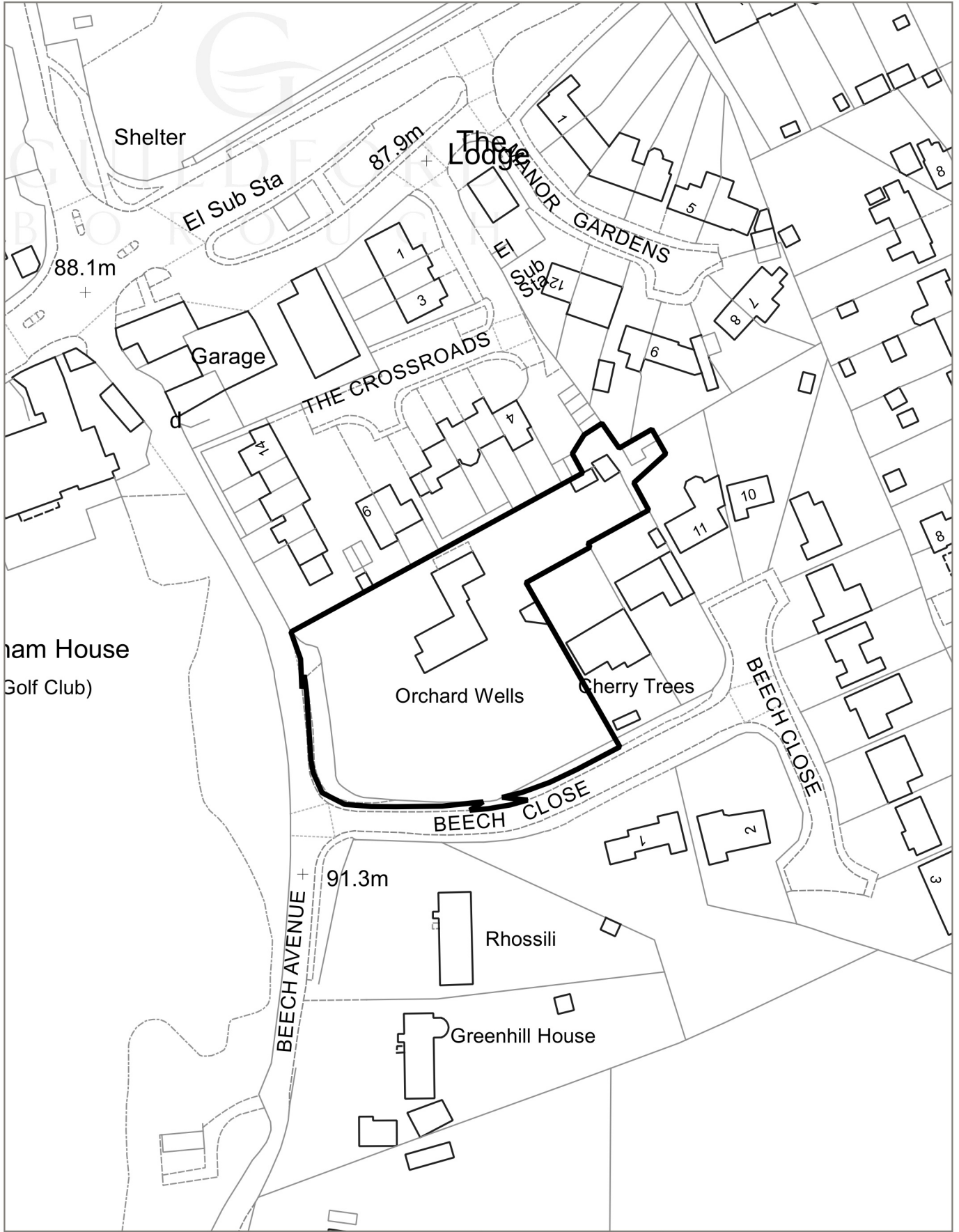
**GUILDFORD BOROUGH COUNCIL**  
**PLANNING COMMITTEE INDEX**  
**06/10/2021**

<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	Effingham	Mr Grimshaw, Claremont Finesse Ltd	Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG	20/P/00737	S106	37.
5.2	West Horsley	It's the Dogs Ltd, 15 High Street	Land North of Hambledon Cottage and East of Ripley Lane, West Horsley, Leatherhead, KT24 6JS	20/P/01359	APPC	59.
5.3	Christchurch	Mr F. Fernandez, 20 Pit Farm Road	20 Pit Farm Road, Guildford, GU1 2JL	21/P/00153	REF	71.
5.4	Holy Trinity	MALTBY MRTPI	227 High Street, Guildford, GU1 3BJ	21/P/00378	REF	85.
5.5	Tongham	Amiga Homes, Broadway Farm House	Aspen House, 107 Poyle Road, Tongham, Farnham, GU10 1DY	21/P/01135	APPC	95.

**Total Applications for Committee                      5**

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



am House  
Golf Club)

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Print Date: 27/09/2021



Page 37 Not to Scale



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



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

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

**Proposal:** Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close. (Amended description with amended plans received 21 July 2021 - changing the housing mix to provide smaller homes)

#### **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.

This application was originally presented to the Planning Committee on 31 March 2021 where the item was deferred by Members.

The item was deferred by Members to allow time for a review by the Council's independent consultants of the position on the commuted sum for affordable housing which had been provided at late notice by the applicant prior to that meeting.

Since that time the applicant has amended the scheme to alter the housing mix resulting in a change to the description and a reduction in number of units.

#### **Key Information**

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

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

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

Three no.4 bed dwellings and three no. 2 bed dwellings are proposed.

A commuted sum of £98,211.83 has been agreed via a Section 106 Legal Agreement.

#### **Summary of Considerations and Constraints**

The site is allocated in the Effingham Neighbourhood Plan for residential development, this was

for up to 6 homes (a net increase of five dwellings). The principle of housing development on this site is considered acceptable.

Through the process of the application, a significant number of amended plans were sought and received to address initial issues relating to design and layout; namely:

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

These amendments were subject of a full a public re-notification and consultees were re-consulted.

The revised proposals are considered to be in keeping with the character of this semi-rural surrounding area in terms of design and layout. The proposals would not result in any undue loss of neighbouring amenity in terms of loss of privacy, loss of light or overbearance/outlook.

The latest proposal seeks planning permission for a scheme, which provides three 4-bed dwellings and three 2-bed dwellings. As per Policy ENP-H2 this is now a compliant housing mix.

The applicant has agreed to enter into a legal agreement to secure payment of the commuted sum of £98,211.83, and the application is subsequently recommended for approval subject to a S.106 agreement.

**RECOMMENDATION:**

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

- **a financial contribution for affordable housing**

**If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.**

**(ii) That upon completion of the above, the application be determined by the Head of Place / Director of Service Delivery. The recommendation is to approve planning permission, subject to conditions.**

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

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

**Reason:** To comply with Section 91 of the Town and Country Planning



Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

- AAL-21-164-P01 (Site Layout, Block Plan & Site Location Plan)
- AAL-21-164-P02 (Site Comparison & Dimensions Plan)
- AAL-21-164-P03 (Plot One Plans & Elevations)
- AAL-21-164-P04 (Plot Two Plans & Elevations)
- AAL-21-164-P05 (Plot Three Plans & Elevations)
- AAL-21-164-P06 (Plot Four Plans & Elevations)
- AAL-21-164-P07 (Plot Five Plans & Elevations)
- AAL-21-164-P08 (Plot Six Plans & Elevations)
- AAL-21-164-P09 (Section AA)
- AAL-21-164-P10 (Section BB Street Scene)
- AAL-21-164-P11 (Section CC)
- AAL-21-164-P12 (Bicycle Sheds Plots 4-7)

all received 21 July 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 any development above slab level details and samples of the proposed external facing and roofing materials including colour and finish shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

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

4. 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 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 (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology shall be achieved. 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.

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

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

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Beech Close has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.AAL-21-164-PO1 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

7. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. No.AAL-21-164-PO1, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

8. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans Drawing No. No.AAL-21-164-PO1 for the secure parking of bicycles within the development site. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

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

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

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

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

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

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) management of HGV deliveries and hours of operation
- (f) measures to prevent the deposit of materials on the highway
- (g) on-site turning for construction vehicles
- (h) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

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

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

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

13. The development hereby approved shall not be first occupied until a hard and soft landscaping scheme, including details and samples of hard landscaping and details of the number and species type of proposed trees/plants, has been submitted and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme, other than planting, seeding or turfing, shall be implemented in accordance with approved details and samples prior to the first occupation of the development. All planting, seeding or turfing shown on the approved landscaping proposal shall be carried out in the first planting and seeding season following the occupation of the development or the completion

of the development whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

Reason: In the interests of residential amenity and privacy.

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

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

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

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

18. The Beech Hedge running along the site boundary adjacent to Beech Avenue and Beech Close as shown on plan no.AAL-21-164-P01 shall be retained, and in the event of death within 5 years of the date of decision notice, replanting shall occur.

Reason: In the interests of the character and appearance of the Effingham Conservation Area in accordance with Policy HE10 of the Guildford Borough Local Plan 2003 and Policy ENP-G2 of the Effingham Neighbourhood Plan.

19. The existing boundary walls to the site as shown on plan no.AAL-21-164-P01 shall be permanently retained.

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

20. No development shall commence until a Site Waste Management Plan has been submitted to an approved in writing by the Local Planning Authority that demonstrates how waste generated from construction and excavation activities would be dealt with in accordance with the waste hierarchy. The Site Waste Management Plan will subsequently be kept up-to-date throughout the development process in accordance with the established methodology.

Reason: To ensure that the development takes waste hierarchy into account to manage waste. It is considered necessary for this to be a pre-commencement condition because waste will begin to be generated as soon as any development commences on the site.

#### **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 as originally submitted was unacceptable but Officers chose to work with the applicant and sought amended plans and a viability report to overcome Officers concerns.

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs).
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991.
6. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

7. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

## **Officer's Report**

### **Site description.**

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

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

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

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

### **Proposal.**

Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close. (Amended description with amended plans received 21 July 2021 - changing the housing mix to provide smaller homes)

### **Amendments**

Through the process of the application, a significant number of amended plans were sought and received to address initial issues relating to design and layout; namely:

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

These amendments were subject of a full a public re-notification and consultees were re-consulted.

### **Relevant planning history.**

None relevant

**Consultations.**

Statutory consultees

County Highway Authority:

No objections. Recommend conditions and informatives

Thames Water:

No comments received

Internal consultees

Head of Environmental Health and Licensing:

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

Effingham Parish Council

Effingham Parish Council make no objection to this application following amended plans dated 21 July 2021.

Reasons for original objection can be viewed on the Council website, under this planning application reference number (20/P/00737).

Amenity groups/Residents associations

The Crossroads Residents Association

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

- the historic wall
- shadow plans to be submitted to see the effect of overshadowing
- construction access
- environmental surveys
- windows
- external lighting
- construction hours
- the beech hedging

No further comment has been received from the Crossroads Residents Association following the receipt of the final set of amended plans received 21 July 2021.

Effingham Residents Association

Upon the receipt of amended plans dated 21 July 2021, no updated comments were received from the Effingham Residents Association. Their objections to the original scheme are summarised as follows:

- contrary to the Effingham Neighbourhood Plan.
- concerns over the submitted Viability Report
- out of character with the area - height of dwellings
- potential future development due to existing gate from Orchard Walls into the garage area at The Crossroads
- impact on the Conservation Area
- risk to historic wall
- risk to the beech hedging
- highway safety
- parking



- harm to trees
- new houses are no longer essential

**Third party comments:**

With receipt of the final set of amended plans received on 21 July 2021; 11 additional letters of representation have been received from 9 individual households. Concerns raised are as follows:

- Housing density higher than surrounding area
- Out of keeping with the character of the area
- Plot 6 has potential for future development
- Loss of public visual amenity as a result of the loss of the existing dwelling
- Detrimental harm to the conservation area
- Harm to ecology as the village's bat colony will be impacted
- Loss of trees and vegetation
- Overlooking
- Increase in traffic
- Concerns regarding highway safety
- Vehicle access to the rear of plot 6 via The Crossroads is limited by covenant to agricultural and garden machinery only
- Site plans should indicate boundary fencing is the responsibility of the developer
- Loss of ecological habitats
- Noise and disturbance from construction
- Overburden utility companies supplying water, gas and electricity
- Increase pollution
- May restrict access to neighbouring garages
- No visitor parking
- Overshadowing
- The affordable housing contribution should be spent in Effingham
- External lighting should be prevented to ensure dark skies remain
- The historic wall should not be hidden, and should be maintained
- Future loft conversions should be prevented

Comments received prior to the reception of amended plans dated 21 July 2021, can be viewed on Guildford Borough Councils website.

**Planning policies**

- Chapter 2: Achieving sustainable development
- 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 16: Conserving and enhancing the historic environment

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

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

- Policy S1: Presumption in favour of sustainable development
- Policy H1: Homes for all
- Policy D1: Place shaping

## Agenda item number: 5(1)

Policy D2:	Sustainable design, construction and energy
Policy D4:	Character and design of new development
Policy D3	Historic Environment
Policy P5:	Thames Basin Heath Special Protection Area
Policy ID3:	Sustainable transport for new developments
Policy ID4:	Green and Blue infrastructure

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

G1(3)	Protection of Amenities Enjoyed by Occupants of Buildings
G1(8)	Light Pollution
G1(12)	Safeguarding and Enhancement of the Landscape and Existing Natural Features
G5	Design Code
HE10	Development Which Affects the Setting of a Conservation Area
NE4	Species Protection
NE5	Development Affecting Trees, Hedges and Woodlands

### Effingham Neighbourhood Plan 2018:

ENP-G1	A Spatial Plan for Effingham
ENP-G2	Landscape, Heritage, Character and Design
ENP-G3	Archaeology and the Historic Environment
ENP-G5	Assessing suitability of sites for residential development
ENP-H1	New Homes in Effingham
ENP-H2	Mix of Housing
ENP-ENV2	Wildlife Corridors and Stepping Stones
ENP-ENV4	Dark Skies
ENP-R1	Car Parking
ENP-SA3	Land at Orchard Walls

### Supplementary planning documents:

Residential Design Guide (2004)  
Vehicle Parking Standards 2006/SCC Vehicular and Cycle Parking Guidance 2018  
Climate Change, Sustainable Design, Construction and Energy 2020  
Planning Contributions 2017

### Other guidance

Guildford Borough Council - Guidance on the storage and collection of household waste for new developments July 2017  
Technical housing standards - Nationally described space standard 2015 (DCLG)  
National Design Guide (2021)

### **Planning considerations.**

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 8, this is therefore greater than the threshold set out in paragraph 222 (75%). Therefore, the Plan and its policies are regarded as up to date in terms of paragraph 11 of the NPPF.

The main planning considerations in this case are:

- the principle of development
- the layout of the development and the scale and appearance of the buildings
- house types and tenure mix
- the impact on heritage assets

- the impact on residential amenity
- highway/parking considerations
- impact on trees
- ecology
- sustainable design and construction
- flooding
- infrastructure requirements
- presumption in favour of sustainable development
- legal agreement requirements

#### The principle of development

Following the adoption of the Local Plan 2019, the site is no longer designated as Green Belt land, and therefore Policy P2 (Green Belt) is no longer relevant; likewise Chapter 13 of the NPPF 2021.

The Effingham Neighbourhood Plan (ENP) is part of the Development Plan following adoption on 10.04.2018. This application site is allocated for residential development under policy ENP-SA3 of the Effingham Neighbourhood Plan. The allocation sets out a number of criteria which any proposal must be considered against. The main criteria being that the site is allocated for residential development up to 6 dwellings replacing the existing house (a net increase of 5).

As per Policy ENP-SA3, redevelopment of the site is subject to the following:

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

The five points above will be appropriately assessed within the relevant sections set out within this report.

#### The layout of the development and the scale and appearance of the buildings

Paragraph 126 of the NPPF states that "the creation of high quality, beautiful and sustainable 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 in paragraph 130 that decisions should ensure that developments:

Policy D1 of the LPSS provides the Council's requirements with regard to place shaping. Point 4 states that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting.

Policy ENP-G2 of the Effingham Neighbourhood Plan covers '*Landscape, Heritage, Character and Design*' and seeks to conserve the essential landscape, heritage and rural character of the Plan Area whilst promoting sustainable development within the village area in accordance with

ENP-G1, which sets out the spatial plan for Effingham.

6. None of the key strategic views and vistas described in schedule (A) of the Effingham Neighbourhood Plan are impacted by the proposal set out within this application.
  - No.22 of the Effingham Local List identified within schedule (B) of the Effingham Neighbourhood Plan relates to the old wall which runs along Beech Avenue to the north-west of the application site, and also forms boundaries of the application site. The wall is shown on the submitted site layout plan (dwg. no. AAL-21-164-P01) and is specifically noted to be retained. A condition is recommended to ensure the enforceability of retaining this wall in the interest of heritage.
  - The beech hedge is to be retained, as well as the historic boundary walls. Further to this, three of the properties (4, 5 and 6) are proposed as bungalows in order to respect the heights and scale of neighbouring properties, which allows the scheme to maintain the character of the built environment.
  - The elevations of the dwellings are of a design which are consistent with the character of the locality. As for the final palette of materials, these can be conditioned and therefore one is recommended seeking details and samples.

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

Given the application site does not fall within the Conservation Area, and the beech hedging is not TPO'd, there is nothing to protect/prevent the hedge from being removed prior-to/after development.

The beech hedging is considered an important feature in the locality, and significantly contributes to the appearance of the Effingham Conservation Area. It is therefore considered reasonable to attach a condition securing the retention of the hedge. In this instance, as infill planting is proposed within the existing site access and removal will occur along Beech Close to create a new access, it is suggested that the condition specify that in the event of death 5 years from the date of the decision notice, replanting will occur.

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

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

With the receipt of amended plans received 21 July 2021, it is considered that the initial concerns relating to design and layout have been overcome and the proposed development is now

compliant with Policy D1 of the LPSS, Policy ENP-G2 of the Effingham Neighbourhood Plan, the NPPF 2021 and the National Design Guide 2021.

#### House types and tenure mix

Policy ENP-H2 of the Effingham Neighbourhood Plan relates to Mix of Housing, providing a localised version of the LPSS Policy H1 in relation to Effingham. This Policy seeks that new residential developments of fewer than 10 units are required to provide the following mix of housing tenures, types and sizes to meet local housing requirements:

- At least 50% of market homes shall have one or two bedrooms.
- The percentage of affordable homes shall be as set out in the Guildford Borough Local Plan (Policy H2)

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

In addition to the above, Policy ENP-H2 seeks new residential development be designed in such a way to limit the opportunity for the future extension of small homes for the purposes of ensuring the retention of a sufficient stock of two-bedroom dwellings and provide choice into the future.

With the receipt of amended plans received 21 July 2021, the proposed development provides three 4-bed dwellings and three 2-bed dwellings. As such 50% of the market homes will have one or two bedrooms as required by Policy ENP-H2 of the Effingham Neighbourhood Plan.

Given the above and with the addition of a condition removing permitted development rights from the properties, it is considered that the proposal is compliant with Policy ENP-H2 of the Effingham Neighbourhood Plan; Policies H1 and H2 of the LPSS; and the NPPF 2021.

#### The impact on heritage assets

The heritage assets most affected by the proposals are:

- Effingham House (grade II listed)
- Crosslands (grade II listed)
- Effingham Conservation Area

#### *Listed Buildings*

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that "*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*". The NPPF sets out that in para 195 that the local planning authority "*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)*".

Paras 201-205 set 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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a statutory test, which 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.’

Policy D3 of the LPSS seeks development of the highest design quality that will conserve, sustain and, where appropriate, enhance the special interest, character and significance of heritage assets and their settings.

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

#### *Conservation Area*

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that ‘In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Saved Policy HE10 relates to development which affects the setting of a Conservation Area.

Given the location of the development on the edge of the Effingham Conservation Area, it represents an intervention into a sensitive historic context and visual intrusion into its setting.

The northern and western boundaries of the application site mark the boundary of the Effingham Conservation Area. The site itself does not lie within the Conservation Area. There is an existing locally listed wall that runs along the northern boundary of the site. The listing identifies that this was the old boundary wall from the site when the site formed part of the orchard/kitchen garden of the Effingham House Estate. The submitted plans reference that this wall is to be retained. A condition relating to the retention of the wall is recommended to ensure it is permanently maintained and retained. This meets one of the criteria set out within Policy ENP-SA3.

On the western boundary of the site which also forms the boundary of the Conservation Area is a mature Beech Hedge which then also runs along the southern boundary of the site. The Beech Hedge is to be retained with the existing access to the property infilled with beech hedging to match the existing. The new access to the development site will require a section of the hedge being removed on the southern boundary. The Beech Hedge is an important feature in the locality and is visually attractive. A condition to ensure the retention of the Beech Hedge is considered necessary and appropriate in this location. Given that Policy ENP-SA3 requires the main access for any proposed development on this site not be via Beech Avenue, as well as requiring the beech hedging to be conserved as far as possible; this scheme is considered to be compliant with Policy ENP-SA3 from this perspective.

Given the above assessment, it is considered that the proposed scheme has been designed to be in keeping with the buildings in the adjacent Effingham Conservation Area, and the setting of the Effingham Conservation Area is fully preserved by this development. This is therefore compliant with Policy D3 of the LPSS, Policy ENP-SA3 of the Effingham Neighbourhood Plan and Chapter 16 of the NPPF 2021.

#### The impact on residential amenity

##### *Neighbour amenity*

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

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

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

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

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

#### *Occupier amenity*

Policy H1(3) of the LPSS requires all new development to conform to the nationally described space standards (NDSS).

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

#### Highway/Parking Considerations

##### *Car Parking*

Policy ENP-R1 of the Effingham Neighbourhood Plan relates to Car Parking.

The proposed development proposes 6 visitor spaces and the following car parking spaces for each of the proposed dwellings:

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

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

### *Cycle storage*

The cycle parking requirement in the SPD is 1 cycle space per unit and in the guidance from Surrey County Council, it is one space for 1 and 2-bedroom units and two spaces for 3+ bedroom unit. Each dwelling will have a shed in the garden, which measures 1.96m (depth) by 1.24m (width), for the purposes of securely storing bicycles. It is therefore considered that the proposed dwellings would have suitable, covered and secure cycle storage.

### *Highway/Parking Summary*

The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds have raised no objections to the proposals subject to the imposition of conditions relating to:

- visibility zones to be constructed and provided and permanently kept clear of obstruction;
- parking and turning of vehicles so that they may enter the site in forward gear;
- bicycle secure parking;
- closure of the existing access on Beech Avenue;
- electric parking socket provision; and
- a Construction Transport Management Plan.

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

### Impact on trees

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

The assessment states:

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

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

### Ecology

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



### Sustainable design and construction

The NPPF emphasises the need to plan proactively for climate change and new developments are required to meet the requirements of paragraphs 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 adapting to climate change, and reducing carbon emissions and is supported by the Climate Change, Sustainable Design, Construction and Energy SPD 2020.

Policy D2 sets out that there is a requirement to achieve a 20 percent reduction in carbon emissions through the use of energy efficiency measures and low or zero carbon technologies and include water efficiency measures in line with building regulations. As this is not a major application these measures can be secured by condition.

The applicant has not submitted and details of waste management to address matters in relation to minerals efficiency, waste reduction and the prioritisation of reuse and recycling for waste material, which is a requirement of policy D2 and guidance set out in the Council's Climate Change, Sustainable Design, Construction and Energy SPD. Further details shall therefore, be secured by condition.

### Infrastructure requirements

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

### Legal Agreement Requirements

The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 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.

Regulation 123 of CIL Regulations 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.

### *Affordable Housing*

Policy H2 of the Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019) states that, "*developments of between 6 and 10 dwellings inclusive (gross), a financial contribution in lieu of on-site provision of affordable housing will be sought which is of broadly equivalent value relative to on-site provision*".

A Section 106 Legal Agreement has been signed by both the applicant and Guildford Borough Council securing a financial contribution in lieu of on-site provision of affordable housing. The

Agenda item number: 5(1)

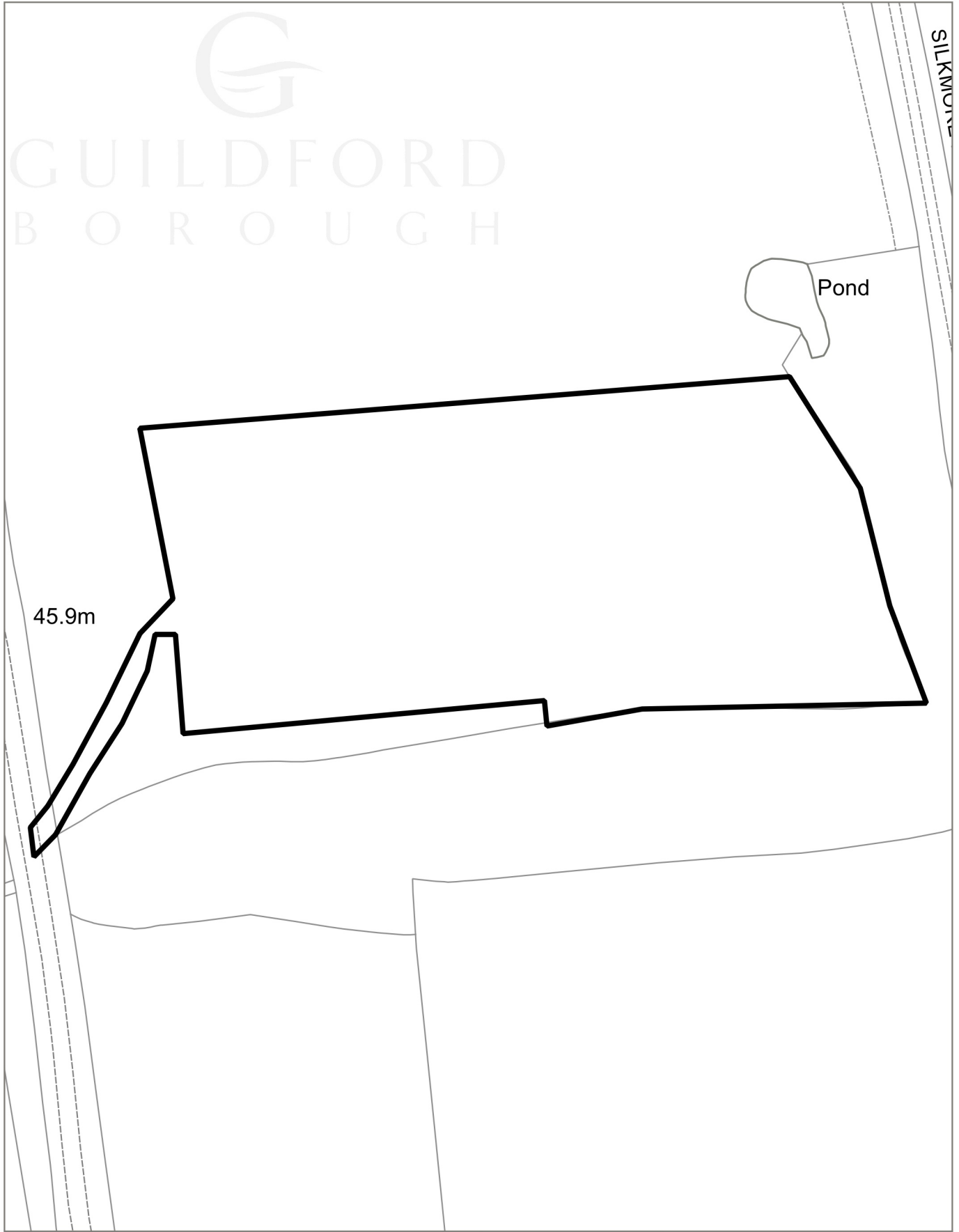
figure agreed is £98,211.83. This is therefore compliant with Policy ENP-H2 of the Effingham Neighbourhood Plan.

Conclusion:

The proposed scheme is found to be compliant in principle as set out by Policy ENP-SA3 of the Effingham Neighbourhood Plan. The proposed development is further compliant with the other relevant Policies set out within the Effingham Neighbourhood Plan; Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019); Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007); and the NPPF 2021.

The application is therefore recommended for approval subject to the S106.

# 20/P/01359 - Land North Of Hambledon Cottage And East Of, Ripley Lane, West Horsley, Leatherhead



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Page 59 Not to Scale



GUILDFORD  
BOROUGH

**20/P/01359 Land North of Hambledon Cottage and East of, Ripley Lane, West Horsley**



**App No:** 20/P/01359 **8 Wk Deadline:** 08/10/2020  
**Appn Type:** Full Application  
**Case Officer:** Sakina Khanbhai  
**Parish:** West Horsley **Ward:** Clandon & Horsley  
**Agent :** Mr. Geoff Douglass **Applicant:** Mrs Karen McCarthy  
Pelham Planning Associates  
Ltd  
2 Stag Leys  
Ashtead  
KT21 2TD  
Its the Dogs Ltd  
15 High Street  
West Molesey  
KT8 2NA

**Location:** Land North of Hambledon Cottage and East of, Ripley Lane, West Horsley, Leatherhead, KT24 6JS  
**Proposal:** Proposed change of use of land from agriculture to a use for the walking, day care and training of dogs. (retrospective application) (description amended 27/01/2021).

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee by Councillor Catherine-Anne Young who believes that the application represents inappropriate development in the Green Belt and no very special circumstances exist. Furthermore, there may be conflict with local character and West Horsley neighbourhood plan policy WH3 along with noise disturbance.

#### **Key information**

The application seeks retrospective permission for the material change of use of the land for dog walking/day care and training.

The site has been formed with two penned areas with dividing fence and is operated by collection of dogs off site and brought to the land.

The site is located within the Green Belt and within the West Horsley Neighbourhood Plan area.

The nearest residential properties are more than 200 metres from the site.

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

The material change of use of land within the Green Belt can be appropriate under para 150(e) of the NPPF subject to preserving the openness of the Green Belt. There is a limited amount of operational development associated (fencing) and the level of intensity would not be to a degree that erodes the openness of the Green Belt. Furthermore, there is little physical change to the land and therefore impact on character is not harmful.

Neighbouring dwellings are more than 200 metres away and the site is well screened by vegetation. Conditions are suggested limiting hours of operation and requiring a noise management plan. It is noted that the Council's environmental health officer has not objected.

No objections have been received by the County Highway Authority.

Weight has been given to the retrospective nature of the application.

**RECOMMENDATION:**

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 20066-01 received on 15/09/20 and P50 Rev C received on 22/12/20.

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

2. The use hereby permitted shall not operate other than between the hours of 08:00 to 19:00 Mondays to Sundays (inclusive) with the gates of the premises being closed and locked between the hours of 19:30 and 07:30.

Reason: To safeguard the residential amenities of neighbouring properties and to limit the intensity of the site in terms of Green Belt use.

3. There shall be no more than 24 dogs on the site at any one time during the operating hours.

Reason: To safeguard the residential amenities of neighbouring properties and to limit the intensity of the site in terms of Green Belt use.

4. The vehicular access to Ripley Lane, hereby approved shall be provided with visibility zones in accordance with the approved plan 20066-01, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

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

5. Within 3 months of the date of this decision, a noise management plan must be submitted to and approved in writing by the local planning authority. The documented noise management plan should be produced by an independent consultant and specify noise management practices and noise mitigation measures for the control of noise emanating from the site. It should include a timescale for any measures to be implemented and those measures should be implemented in accordance with that timescale. The approved noise management plan shall then be maintained in perpetuity.

Reason: To safeguard the residential amenities of neighbouring properties from noise disturbance.

6. Within 3 months of the date of this decision, the unauthorised storage container on the site shall be removed. The land shall be restored to its condition before the development took place.

Reason: The development would constitute inappropriate development in the Green Belt.

**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 not sought prior to submission and minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes.

2. The applicant is reminded that any operation development at the site including development such as the laying of any additional hardstanding or erection of shelters and buildings would require further planning permission.
3. The applicant must also be aware of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Guidance notes for conditions for providing day care for dogs:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/936829/animal-welfare-licensing-providing-day-care-for-dogs-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936829/animal-welfare-licensing-providing-day-care-for-dogs-guidance.pdf). The applicant will have to apply for an animal licence to operate a day care for dogs.

## **Officer's Report**

### **Site description.**

The application site is an agricultural field located on land to the south east of Jury Farm and north of Hambledon Cottage. The site is one part of a larger agricultural field owned by the applicant. The field is accessed via Ripley Lane and the boundaries of the site are a mix of post and wire fencing, hedging and trees. To the south, the site is bounded by a dense area of Ancient Woodland. The site is currently in use for the walking of dogs, day care and training of dogs.

The site is situated within a rural area in the Green Belt outside of an identified settlement area.

### **Proposal.**

Proposed change of use of land from agriculture to a use for the walking, day care and training of dogs. (retrospective application) (description amended 27/01/2021).

Following discussions with Officers, the Applicant has agreed to remove the storage container from the site and therefore planning permission is not sought for this element. Therefore, the existing storage container no longer forms part of the assessment of the revised scheme. The removal of the unauthorised storage container is a matter for the Council's Planning Enforcement Team.

### **Relevant planning history.**

None.

### **Consultations.**

#### **Statutory consultees**

County Highway Authority: No objection subject to conditions. There is sufficient space within the site for vehicles to turn so they enter and leave in forward gear. Access onto Ripley Lane has the required visibility in both directions. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

Environment Health Officer: There is some concern regarding the length of time applied for dog day care throughout the year which could result in noise complaints. A noise management plan condition is recommended. Whilst preparing the noise management plan, the applicant must consider both management practices as well as noise mitigation measures, that must be put in place to control the noise.

#### **West Horsley Parish Council**

- Impact on the openness of the Green Belt
- The recreation use of the site is limited and is not open to the community.
- A laurel hedge has been planted which is out of keeping for the rural nature of the site. Any hedge should be of native species to ensure bio diversity (Officer note: this is not a material planning consideration to this application)
- A black screen material has been applied to the fence between the site and the rest of the field which remains in agricultural use, this is out of keeping with the rural nature of the site.
- The development has no economic or other gain to West Horsley as the business is based in West Molesey. The proposal results in a loss of agricultural land.
- Hours of use are excessive



**Third party comments:**

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

- The container will detract from the natural beauty of the area and is out of keeping
- Noise from dogs barking
- Change of use not in keeping with surrounding agricultural fields
- Laurel hedging planted are poisonous to farm animals (Officer note: Not a material planning consideration).
- Impact on the Green Belt
- Traffic will increase to the site

8 letters of support have been received outlining the following positive comments:

- The site is a considerable distance away from residential properties
- The storage container is not clearly visible from the road and has been carefully painted to be in with surroundings
- Noise from dogs barking is minimal. noise from dogs barking at the nearby kennels or farm is more intrusive.
- There is a lack of safe and secure areas to exercise dogs so this site is providing a much needed service in this area.

Following the receipt of amended plans to show the removal the detached storage container from the proposals and amended location plan to show the marked out parking bays and visibility lines no additional letters have been received.

**Planning policies.**

National Planning Policy Framework (NPPF):

Chapter 2. Achieving sustainable development

Chapter 6. Building a strong, competitive economy

Chapter 13. Protecting Green Belt land

Chapter 15. Conserving and enhancing the natural environment

New Local Plan 2019:

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

P2	Green Belt
D1	Place shaping
ID3	Sustainable transport for new developments
ID4	Green and blue infrastructure

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

G1	General Standards of Development
G5	Design Code

Neighbourhood Plans:

West Horsley Neighbourhood Plan

WH3: Design Management within Rural Areas

## **Planning considerations.**

The main planning considerations in this case are:

- the principle of development - Green Belt
- the impact on the character of the area and
- the impact on neighbouring amenity
- the impact on traffic and parking
- retrospective application

### The principle of development

The application is for a retrospective development for change of use of a agricultural land to be used for recreational dog walking and training area for dogs. The application also seeks permission for dog day care which is not currently in operation at the site. Following receipt of amended plans, the proposals include the provision of two pens divided by fencing with a small enclosed area in front of pen 1 which includes the parking area. The pens and reception area are bordered with 2m high post and wire fencing on the majority of the boundaries.

The dog walking facility is a business operation for the applicant, which is operated through a pay to access basis with bookings taken online via the website. The business allows no more than 24 dogs on the site at any one time. The applicant has advised that it would be unlikely this maximum number would be reached due to different booking options available to customers. For example, for dog walking, one of the pens may be booked by a customer with two dogs for private hire, whilst the other pen is used by a dog walking company with 12 dogs within the same hour slot. The next hour could be booked by dog walkers with up to 12 dogs in each pen and the following hour may be a private hire with one dog in each pen. The booking system is designed to be flexible but is monitored by the applicant and the booking system prevents double bookings. The other uses on the site include dog training and a proposed dog day care service. The Applicant has advised that whilst day care is in operation there would be no other bookings in the field. The site is either booked out for dog day care, training or walking with some exceptions where multi-uses occur. For example, a dog training session in one pen and private individual hire in another pen.

The dog walkers use vans and collect and deliver the dogs at different times. Private hire is scheduled outside of these times when the site is used by a company for dog walking. As there are only two pens this means that only two bookings could take place at any one time resulting in two vehicles parked on site at the same time.

The business operates, currently, a 14 hour day from 6am to 8pm everyday. Therefore if the site is used to its maximum capacity for just the walking of dogs, this would result in 336 dogs and 28 vehicles on the site per day everyday. During the course of the application, the applicant has agreed to reducing the operating hours which are set out in the recommended conditions. In this case, if the site is used to its maximum capacity for just dog walking, it would result in 264 dogs and 22 vehicles on site per day.

The site is used for dog training at set times in the week for 1 hour classes which take place on Thursdays at 1pm for 4 dogs, Friday 10.30-2.30pm up to 5 dogs, Saturday from 10-2pm between 1 and 7 dogs, Sundays 9.30-12pm up to 5 dogs and some 1 to 1 classes where the other pen could be booked out for private hire.

It should be noted that as the site can also be booked out for private hire, training classes and day care it is unlikely that this maximum capacity of 264 dogs and 22 vehicles per day could be reached due to the other booking options and services available to customers using the site. It is also unlikely that professional dog walkers would have 12 dogs each in both pens per booking slot. It is considered that limiting the number of dogs using the site at any one time would limit the intensification of the site rather than limiting each specific sub use.

Paragraph 150 (e) of the NPPF allows material changes on use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) provided it preserves the openness of the Green Belt and do not conflict with the purposes of including within it.

The submitted statement states that planning permission is required for the change of use of the land and no operational development forms part of the application. Whilst some fencing has been erected it is considered that both this and the access track is likely to fall under permitted development and therefore this would act as a fall-back position.

The material change of use of the land needs to be considered under the provisions of para 150 (e) set out above, the key test is whether it preserves the openness of the Green Belt.

The site comprises of open fields, bounded by a post and wire fence which is partially masked by trees and vegetation. Access would be via a field gate accessed from Ripley Lane. The siting of the storage container which originally formed part of the application has been removed from the application and therefore is no longer considered. Therefore, there is little physical effect on the Green Belt. In terms of the use the report has set out the maximum level of intensity, which is predominately general comings and goings of dogs and individual staff. This is not a particularly intensive activity and has a limited impact on openness in terms of on site activity. There is associated activity in terms of car parking etc. This is limited to the operation of the business and whilst it has some effect the test of para 150 is whether it preserves the openness of the Green Belt. Agricultural land (which was the previous use of the land) would have a level of comings and goings with machinery used on the land, therefore some level of activity is not unexpected on rural land in the Green Belt. The associated car parking would not erode the openness of the Green Belt beyond the expected activities with the previous use of the land.

The proposal is considered to preserve the openness of the Green Belt and is considered to be appropriate development in the Green Belt in accordance with Policy P2 of the adopted Local Plan and the NPPF.

#### Impact on character of the surrounding area

The surrounding area comprises of open fields, farm building and cottages set within a rural landscape setting. The site lies within an area which provides locally important roadside views as identified within the West Horsley Neighbourhood Plan. There are sweeping views towards the North Downs AONB west of Long Reach and via Ripley Lane and Silkmore Lane.

The site is screened by vegetation, trees and Ancient woodland beyond with some open vantage points from Ripley Lane. Following the removal of the storage container from the application, the proposal does not result in a very different appearance to a normal agricultural field and would not result in any detrimental harm to the rural character or appearance of the existing site or surrounding area.

The numbers of dogs and customers using the site is likely to be lower than the figures outlined in the paragraphs above due to the various booking options and services provided at that the site which are limited to the use of two pens only.

It should also be noted the number of dogs at the site at any one time could also be reasonably conditioned. Furthermore, it is considered that the comings and goings and the parking of cars are largely screened by landscaping and woodland.

From key public vantage points from Ripley Lane and Silkmore Lane, there is very little visual difference compared to the former agricultural use of the land. Overall, the proposal does not result in a negative visual impact on the rural nature of the area.

The proposal is therefore deemed to be compliant with policy G5 of the saved Local Plan 2003, policy D1 of the adopted Local Plan, the NPPF and policy WH3 of West Horsley Neighbourhood Plan Adopted (November 2018).

#### The impact on neighbouring amenity

The site is located a significant distance away from residential properties, the nearest dwelling is Hambledon Cottage which is located approximately 285m away from the site. There is also intervening landscape screening, a track road and woodland.

With regard to noise, the site is well screened by trees and vegetation which creates a buffer and the site is located in excess of 200m from the nearest neighbouring property. Whilst it is acknowledged that the dogs may bark occasionally, the dogs would be under the supervision of the dog walker at all times. The Council's Environment Health Officer has been consulted on the application and does not object to the application but raises a concern regarding the length of time for the proposed day care use throughout the year from 08:00 until 19:00hrs. The longer days over the summer months could result in noise complaints. It is recommended that the applicant provides a noise management plan to outline further details on management practices as well as noise mitigation measures to be put in place to control noise in respect of the dog day care use. This can be secured by a suitably worded condition.

It should be noted that audible noise on its own is not an indication of planning harm, additionally complaints investigated under statutory noise nuisance powers are not planning matters. These controls are set out under separate regulations and can be investigated as such. In planning terms any effect would be for small periods at a time and limited only to the operating hours of the business. The site will also require a dog care license (under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018) prior to the operation of dog day care services on the site. It is also important to note that the proposal does not include the boarding of animals. Furthermore, no customers call to the site and dogs are only transported there by pre-arranged booking sessions. This results in only a small number of vehicle trips to the site per day, which does not lead to any unacceptable level of noise and disruption to local residents.

Subject to the suggested conditions, it is considered that the proposal would not result in material harm to the amenity of occupants of nearby dwellings, in accordance with saved policy G1(3) of the Local Plan 2003.

#### The impact on traffic and parking

The site is located on north of Hambledon Cottage off Ripley Lane. The lane is an adopted unclassified highway. The site is accessed by an existing gate and there is a hard standing area which allows vehicles to turn and exit the site in forward gear.

It should be noted that during the course of the application, the applicant has agreed to reduce the operating hours from 08:00 to 19:00, with gates being closed by 7.30pm, which would result in no more than 22 vehicles per day. As such, it is considered that the trip generation of 22 vehicles per day would not be a significant increase in traffic travelling down Ripley Lane.

There is sufficient space within the site for vehicles to turn so they enter and leave in forward gear. Access onto Ripley Lane has the required visibility in both directions. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

The proposal is considered acceptable in accordance with policy ID3 of the adopted Local Plan and the NPPF.

#### Retrospective application

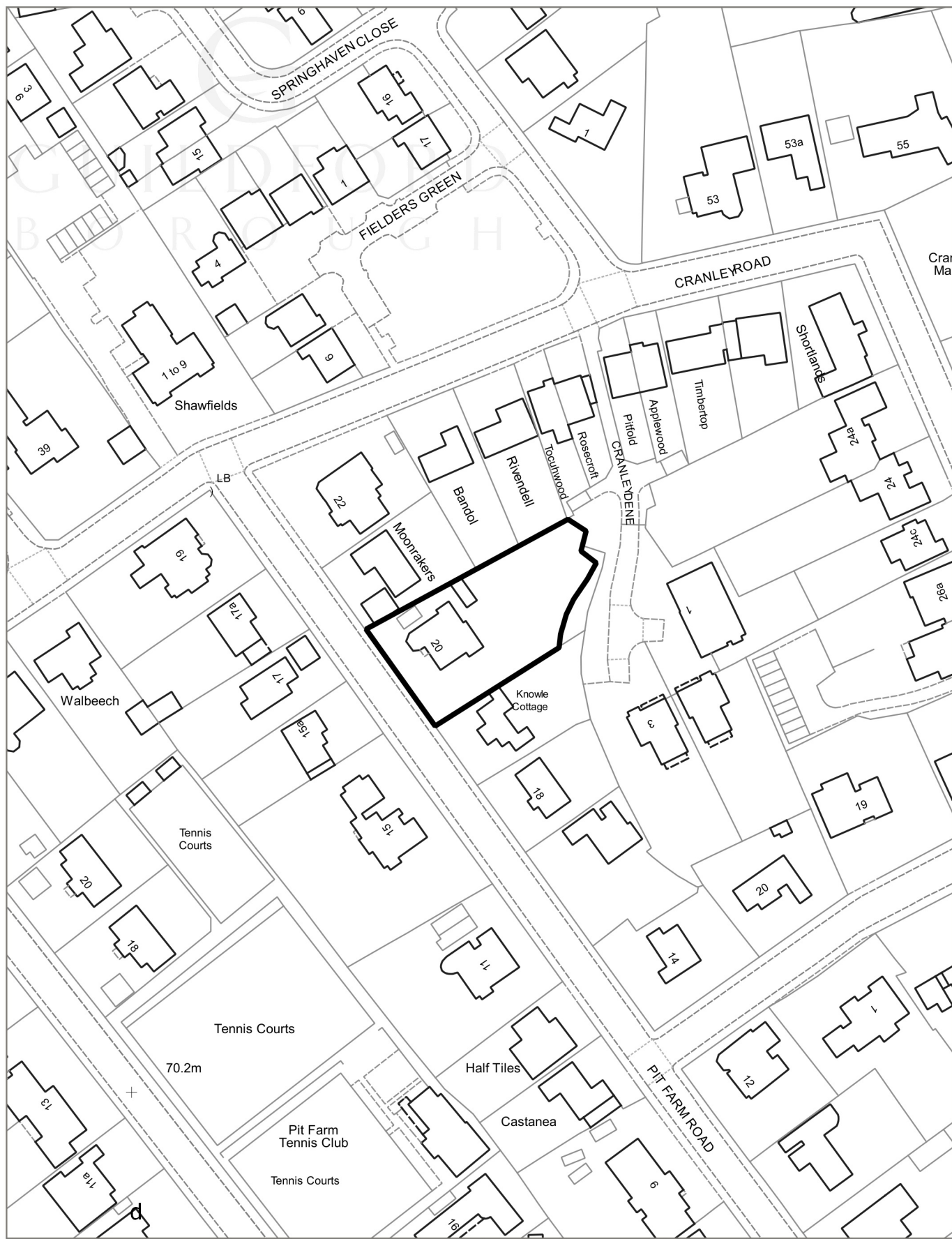
A ministerial planning policy statement on 31 August 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This has been supplemented by a written answer to the House of Commons on 19 October 2018 confirming that this remains a potential material consideration.

The statement does not advise the level of weight that should be applied, neither does it override Section 73A of the Town and Country Planning Act 1990 (as amended) which provides the legal basis for submitting a retrospective application. The NPPG also confirm the use of an application as a legitimate means of regularising a breach of planning control. Given these factors it is unlikely that where development accords with the provisions of the Development Plan that refusal could be justified only on the grounds that it was unauthorised.

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given weight to the fact that the application is retrospective. In this case, the applicant was informed the development is unauthorised and required planning permission by the Council's Planning Enforcement Team. Subsequently the applicant sought to regularise the unlawful development by applying for planning permission. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a limited degree.

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# 21/P/00153 - 20 Pit Farm Road, Guildford



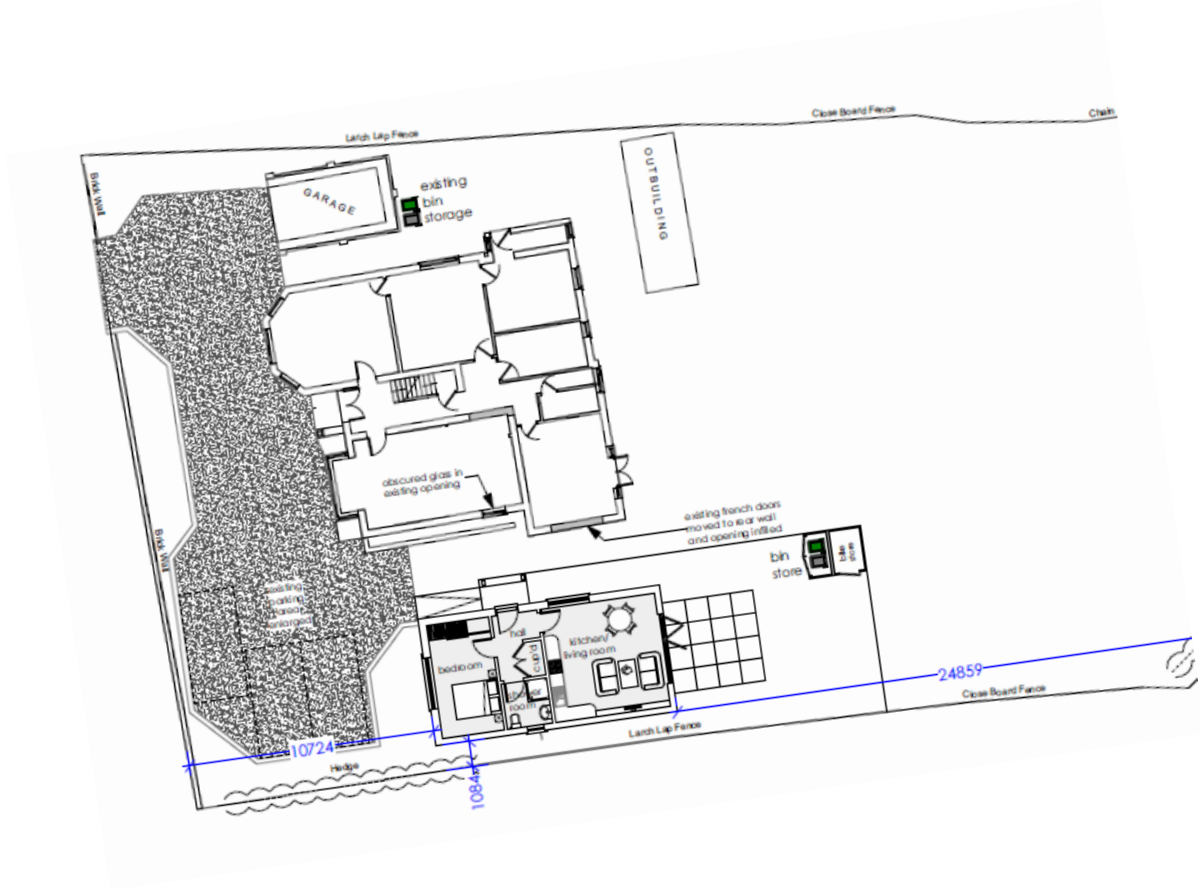
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Print Date: 25/08/2021



21/P00153 – 20 Pit Farm Road, Guildford



Not to scale





**App No:** 21/P/00153  
**Appn Type:** Full Application  
**Case Officer:** Emma Wachiuri  
**Parish:** Christchurch  
**Agent :** Mr. Richard Sloman  
Nye Saunders Ltd  
(Architects)  
3 Church Street  
Godalming  
Surrey  
GU7 1EQ

**8 Wk Deadline:** 25/03/2021

**Ward:** Christchurch  
**Applicant:** Mr F. Fernandez  
20 Pit Farm Road  
Guildford  
GU1 2JL

**Location:** 20 Pit Farm Road, Guildford, GU1 2JL

**Proposal:** The construction of a 1 bedroom bungalow and the recombining of 20 Pit Farm Road from two flats into a single dwelling with minor fenestration changes.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee by Cllr Joss Bigmore who contrary to officer's recommendation considers that the proposal would not conflict with local plan policies relating to character of the area. They are also of the view that the size of the new dwelling is similar to many garages and there is no evidence of harm to the character of the area where there is not a single objection from the residents of the area.

The Councillor also considers that the conflict with amenities as this could be overcome with a condition on glazed windows.

#### **Key information**

The construction of a one bedroom bungalow on the site, by subdividing the land. This would have a pitched roof, (maximum height of 5.746 metres), in a gable to gable end design. The external materials would comprise brickwork, timber boarding on render on the walls and plain clay tiles on the roof.

20 Pit Farm Road would be converted back to a single dwelling from two flats into a single dwelling. There would be changes to the windows and doors with at ground floor level the existing French doors would be moved to the rear wall, and the resulting hole will be filled. Then the existing ground floor side window would be replaced by obscured glazing.

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

Policy H1 of the saved 2003 Local Plan states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the existing building which has two flats back to a single dwellinghouse would result in the net loss a dwelling from the one flat. To offset this, it is proposed to build a new detached bungalow.

Therefore, there would be no net loss of housing and would comply with policy H1.

The new dwelling would be in very close proximity to both the host dwelling and to the neighbouring property Knowle Cottage to the south-east, eroding the natural spacing that currently exists between properties and is characteristic of the road. Although the structure would be single storey, the tall pitched roof would be prominent in the street scene, compared to a garage or outbuilding. Also the scale and form of the bungalow, would be at odds with the existing pattern of development and appear incongruous in the streetscene.

The proposal would result in the sub-division of the existing plot and the resulting garden for new bungalow would be significantly smaller than other properties in the vicinity, due to the small plot size. This would not respect the existing pattern of development which comprises large spacious plots.

The donor property of no. 20 Pit Farm Road has a total of four upper floor side facing windows, which face in the direction of the proposed bungalow. These windows and the rear facing windows, would overlook the 'private' amenity space proposed to the rear of the new bungalow, this would result in perceived and actual overlooking which would result in an unacceptable relationship and poor quality private amenity space for the new bungalow.

### **RECOMMENDATION:**

#### **Refuse - for the following reason(s) :-**

1. The proposal would be out of character in the surrounding area due to the small scale of the new dwelling and the small resultant garden area that would not reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development. As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to Policy D1 of Guildford borough Local Plan: Strategy and Sites 2015 – 2034; Policies G5 and H4 of Guildford Borough Local Plan 2003; the Residential Design SPG 2004 and the NPPF 2021.
2. The proposed dwelling would be overlooked by No.20 Pit Farm Road. The rear private amenity space would also be overlooked by side windows in the facing elevation of No.20 and also from the rear facing windows. Given the small area of external space it is important to retain a high degree of amenity within it and the overlooking would reduce the quality of the space provided to an unacceptable level. Therefore, by reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with Policies G1 and G5 of Guildford Borough Local Plan 2003.
3. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). 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). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat,

disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of 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 (LPSS) 2015-2034 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.

### **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 been unable to overcome these issues and therefore the application has been recommended for refusal.

### **Officer's Report**

#### **Site description.**

This site is located in the urban area of Guildford. The area is characterised predominantly by large, detached properties within large garden/sizeable plots. The land slopes from south to north along Pit Farm Road.

The site itself comprises a large, detached building which has been subdivided into two flats. There are also a number of outbuildings within the site.

The site also lies within the 400m - 5km buffer zone of the Thames Basin Heath Special Protection Area.

**Proposal.**

The construction of a 1 bedroom bungalow and the recombining of 20 Pit Farm Road from two flats into a single dwelling with minor fenestration changes.

The external materials are brickwork, render, tile hanging and mock timber framing and plain clay tiles to match the existing building.

The existing property and the new bungalow would share the existing vehicle access and front gravel driveway. 4 no. parking spaces would be provided; 3 on the gravel driveway and one within the existing garage.

**Relevant planning history.**

Reference:	Description:	Decision Summary:	Appeal:
20/P/00604	Conversion of two dwellings (flats) to provide a single dwelling house. Erection of a single storey rear extension following demolition of outbuildings. Demolition of existing garage and erection of new double garage with one bedroom flat over.	Withdrawn 30/06/2020	N/A
19/P/02050	Conversion of two dwellings (flats) to provide a single dwelling house. Erection of a single storey extension following demolition of outbuildings.	Refuse 30/01/2020	N/A
19/P/01439	Certificate of Lawfulness to establish whether the proposed change of use from two residential flats to a single dwelling house would be lawful.	Refuse 16/10/2019	N/A
19/P/00702	Conversion of two dwellings to provide a single dwelling house.	Refuse 12/06/2019	N/A
13/P/00154	Retrospective application for change of use of single residential dwelling to ground floor flat and maisonette on first and second floor.	Approve 27/03/2013	N/A
12/P/01900	Retrospective application for change of use of single residential dwelling to ground floor flat and maisonette on first and second floors.	Withdrawn 13/12/2012	N/A

## **Consultations.**

### Statutory consultees

County Highway Authority:

Conditional- Recommends conditions on secure cycle parking and a fast charge socket provision.

Thames Water:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Based on the information provided, we would not have any objection to the application with regard to waste water network and sewage treatment works infrastructure capacity.

### Internal consultees

Head of Environmental Health and Licensing:

No comment received

### **Third party comments:**

6 letters of support have been received outlining the following positive comments:

- No detrimental impacts on neighbour amenities
- Design fits in well within the streetscene
- Retention of no.20 as a single-family house is important

### **Planning policies.**

#### National Planning Policy Framework (NPPF) 2021:

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 11: Making effective use of land

Chapter 12: Achieving well-designed places

#### 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).

Policy S1: Presumption in favour of sustainable development

Policy H1: Homes for all.

Policy D1: Place shaping.

Policy D2 Climate Change, sustainable design, construction and energy

Policy ID3: Sustainable transport for new developments.

Policy P5: Thames Basin Heath Special Protection Area

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

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

G1: General Standards of Development

G5: Design Code

H4: Housing in urban areas

Supplementary planning documents:

Residential Design SPG 2004

Climate Change, Sustainable Design, Construction and Energy SPD 2020

Vehicle Parking Standards SPD 2006

Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

**Planning considerations.**

Principle of development

The development site is located within an urban area of Guildford, part of it is previously developed land as it relates to garden space used in connection with the application site. The residential character of the area is largely defined by large properties with sizeable rear gardens behind.

Policy H4 of the Guildford Borough Local Plan 2003 states that planning permission will be granted for residential development in the urban areas of Guildford and Ash and Tongham provided that the development:

1. Is in scale and character with the area;
2. Has no unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of privacy and access to sunlight and daylight;
3. Has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings.

Policy H1 states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the 2no. flats property to a single dwellinghouse would result in the net loss of one flat. However, a new separate unit is also being proposed.

To ensure that there is no loss of a residential unit if permission was granted, a condition or obligation would be necessary to ensure that the new unit was occupied before the works to the existing dwelling were undertaken. Therefore, in principle the proposal to combine the two flats into one larger house is only acceptable on the basis that the loss of the unit in the existing building is replaced.

Given the above, in order to determine the acceptability in principle of the proposed development the key considerations are:

- Impact on the character of the area
- Amenity and living standards of future occupiers
- Impact on neighbouring amenity

Impact on the character of the area

Paragraph 134 of the NPPF states that "*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

*a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".*

Policy D1 of the Local Plan: Strategy and Sites, 2015-2034 states that all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set. All new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting. Proposals will take account of local design guidance contained within conservation area appraisals, DPD's, neighbourhood plans and SPDs.

Policy G5 of the Local Plan 2003 seeks to ensure that new buildings respect the scale, height and proportions and materials of the surrounding environment and that existing spaces of value are respected and new spaces created through development should have an attractive and identifiable character.

Policy H4 of the Local Plan 2003 states that planning permission will be granted for residential development in the urban areas of Guildford and Ash and Tongham provided that the development is in scale and character with the area.

The Residential Design SPG 2004 states that when developing a site it is important to reflect the existing scale, height and proportions of surrounding buildings.

The surrounding area comprises of large detached two-storey properties in large garden plots

The properties within the immediate vicinity are detached and benefit from sizeable gaps between the actual built forms and good sized gardens. The proposed new dwelling would subdivide the application site into two plots and the proposed new dwelling would be of a much smaller scale, single-storey in nature and smaller plot size which is out of character in the area.

The new dwelling would be in very close proximity to both the host dwelling and to the neighbouring property Knowle Cottage to the south-east, eroding the natural spacing that currently exists between properties. Although the structure would be single storey, the tall pitched roof (maximum height of 5.746 metres) causes it to be visible in the street scene. In addition, the single storey appearance between two storey houses would cause the proposed development to look odd and incongruous in the streetscene.

The proposed garden area for the new dwelling in particular would result in a useable amenity space/garden area that would be significantly smaller than other properties in the vicinity. This area would be fenced off resulting in an artificial subdivision of the plot that would detract with the character of large spacious plots in the surroundings.

The proximity of the new dwelling to the host dwelling, the short boundary gaps, the scale of the new dwelling and the small resultant garden area to the new dwelling would result in a cramped form of development which would fail to reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development.

As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to Policy D1 of the LPSS 2015-2034; Policies G5 and H4 of the Local Plan 2003; the Residential Design SPG 2004 and the NPPF 2021.

#### Amenity and living standards of future occupiers

The proposal results in the alteration of the existing building to form a 5-bed dwellinghouse and the construction of a detached one bedroom, two person, bungalow. Policies H1 and D1 of the LPSS require new development to meet the requirements of the Nationally Described Space Standards:

5 bedroom, 8 person, 3 storey dwelling: Requirement = 134 square metres/Proposed = 371 square metres.

1 bedroom, 2 person, 1 storey dwelling: Requirement = 50 square metres/Proposed = 50 square metres.

The space standards have further room dimension requirements and the bedroom within the proposed bungalow would also meet with these requirements being approximately 11.8 square metres for a double compared to the standard of 11.5 square metres.

With regards to external amenity space, the proposed converted dwelling would have adequate amenity space for the proposed size of accommodation. The proposed bungalow would have a private amenity space measuring 67 square metres, which is considered adequate for the resultant 1-bed dwellinghouse.

Therefore, the proposal would comply with Policies H1 and D1 of the LPSS 2015-2034.

No. 20 Pit Farm Road has a total of 4 top floor side facing windows, which face in the direction of the proposed bungalow. At ground floor level the existing French doors are proposed to be moved to the rear wall, and the resulting hole will be infilled. The existing ground floor side window is proposed to be replaced by obscured glazing.

It is considered that the upper floor side facing windows as well as the rear facing windows, will overlook the 'private' amenity space proposed to the rear of the new bungalow. Given the small area of external space it is important to retain a high degree of private amenity within it and the overlooking, which would occur as a result of this proposal would reduce the quality of the amenity space provided to an unacceptable level.

The floor upper floor windows on no. 20 serve bedrooms, which are habitable rooms. The rooms on the first floor are dual aspect so, these could be obscurely glazed, however, bedroom 3 has its largest window on the flank elevation and the rear facing windows are north east facing so get less sunlight. The rooms in the roof are single aspect and it would not be reasonable to have these windows obscurely glazed. Even if the first floor windows were obscurely glazed to reduce direct overlooking, the rear facing windows on no.20 would still result in oblique views. Therefore, the use of conditions would not overcome the overlooking of the garden to the bungalow.

By reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with Policies G1 and G5 of the Local Plan 2003.

#### Impact on neighbouring amenity

The amenity of Knowles Cottage will not be harmed as a result of the proposal, in relation to overlooking, overshadowing or outlook.

Likewise, the proposed development will not have a detrimental impact upon Moonrakers.



### Conclusion of the Principle of Development

The above assessment has determined that the proposal will have a detrimental impact on the context and character of the surroundings; and the amenity of the occupiers of the proposed bungalow would be detrimentally impacted as a result of overlooking from No.20 Pit Farm Road.

As such the proposed development fails to comply with Policy H4 of the Guildford Borough Local Plan 2003; and therefore is not acceptable in principle.

Whilst the principle of development has been assessed and determined to be unacceptable, it is still important to assess the application against other the relevant planning policies. This report will therefore continue to assess the following:

- Housing mix/conversion from 2no. flats to single dwelling
- Highway/parking considerations
- Refuse storage
- Sustainability
- Thames Basin Heath Special Protection Area (SPA) mitigation
- Legal agreement requirements

### Housing mix/ Conversion from 2no. flats to single dwelling

One element of the proposal seeks to recombine 20 Pit Farm Road from two flats into a single dwelling.

Policy H1 states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the 2no. flats property to a single dwelling would create a large 5no. dwellinghouse, which would result in the net loss of one flat.

Although, the proposal would result in the loss of one flat, a new separate unit is being proposed and as long as the new unit is built the proposal would be not considered contrary with Policy H1 of the LPSS 2015-2034. This can be addressed via a planning condition or obligation.

### Highway/parking considerations

The County Highway Authority have not raised any objection to the proposal on highway capacity or safety grounds.

In terms of parking provision, the existing 3 parking spaces within the front driveway would be retained. In addition, the host property has a detached garage and therefore 4 parking spaces would adequately meet the parking requirements of the two resultant dwellinghouses as stipulated in the Vehicle Parking Standards SPD.

The Highways Authority has recommended conditions to secure cycle parking and fast charge socket to satisfy the Guildford Local Plan (2019) policy ID3 and the National Planning Policy Framework 2019.

### Refuse/bin storage

A bin store is proposed to the rear of the new dwelling. No details of the bin store have been submitted with the application, but this information could have been secured by way of a condition were the application recommended for approval.

### Renewable energy

In order for the development to comply with Policy D2 of the New Local Plan and the Climate Change, Sustainable Construction and Energy SPD 2020, the new dwelling would need to achieve a 20% reduction in carbon emissions through the use of renewable energy.

The proposed bungalow would incorporate solar photovoltaic panels (4no) on the north-east roof slope. However, no detailed information has been provided by the applicant in this respect. This information could have been secured by way of a condition had the application been considered acceptable.

### Thames Basin Heath Special Protection Area (SPA)

The proposed development for an additional residential unit may adversely impact on the Thames Basin Heath SPA (TBHSPA). The Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management contribution to avoid any adverse impact.

The SANG avoidance site will be determined at the time of, or following payment of contribution. A planning obligation is required in accordance with the terms of the Strategy, however the applicant has not been invited to enter into a legal agreement as the scheme is unacceptable.

### Legal agreement requirements

The three tests as set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) require Section 106 Legal 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.

### *Thames Basin Heaths Special Protection Area*

As the application proposes the provision of 1 additional residential unit in order for the development to be acceptable in planning terms, a Section 106 Legal agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of the Conservation of Habitats and Species Regulations 2017, a Section 106 Legal agreement is required to ensure that the additional residential unit proposed by this development will not have any likely significant effect on the TBHSPA.

While Regulation 123 of the CIL Regulations seeks to prevent the pooling of financial contribution 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.

As noted above, the applicant has not been invited to enter into a legal agreement as the scheme is unacceptable.

**Conclusion.**

It is found that the proposal would be out of character in the surrounding area due to the scale of the new dwelling and the small resultant garden area that would not reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development. As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to policy D1 of Guildford borough Local Plan: strategy and sites 2015 – 2034, saved policies G5 and H4 of Guildford Borough Local Plan 2003, the Residential Design SPG 2004 and the NPPF.

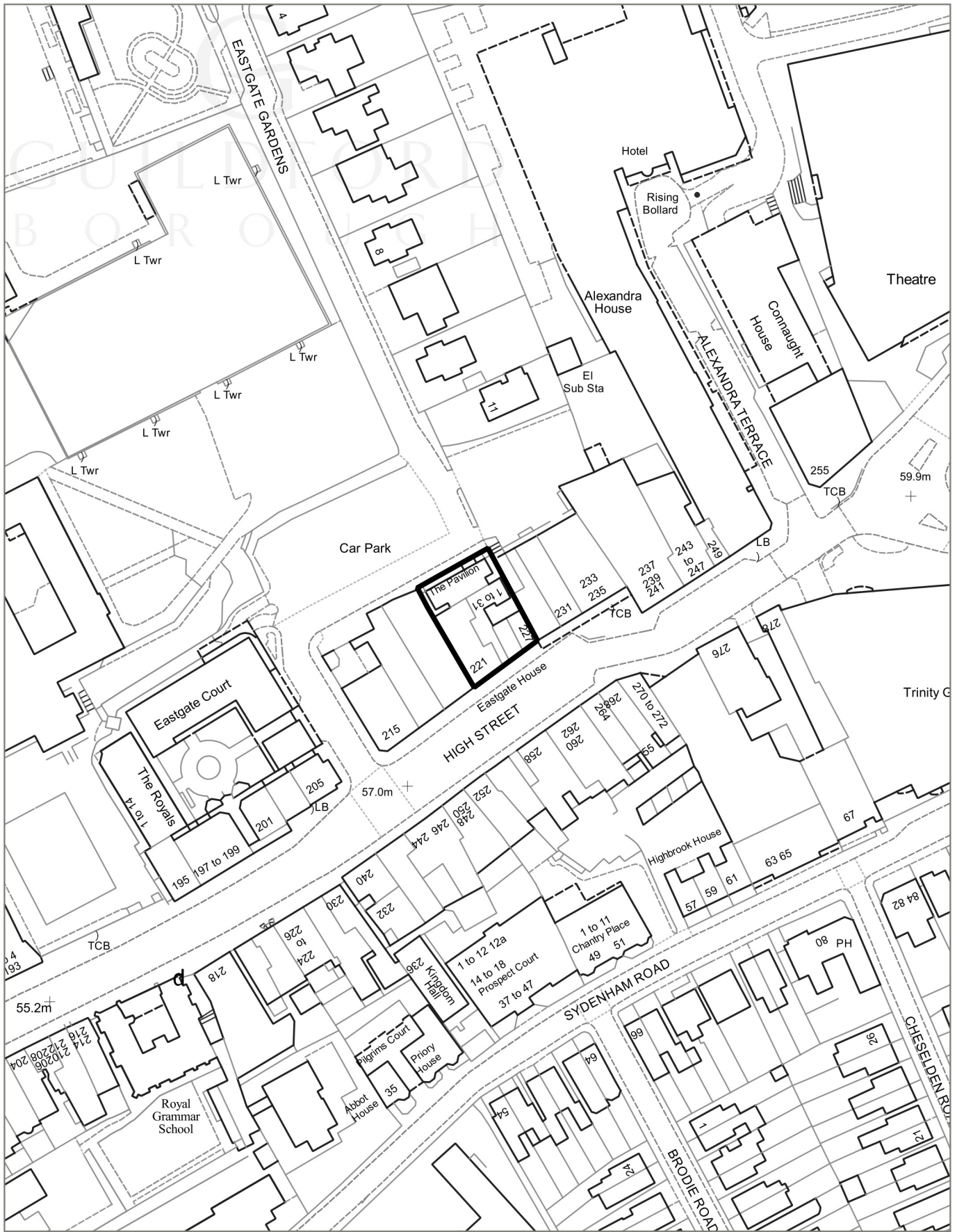
In addition, the proposed dwelling would be overlooked by No.20 Pit Farm Road. The rear private amenity space would be overlooked by the side windows in the facing elevation of No.20 and also from the rear facing windows. Given the small area of external space it is important to retain a high degree of amenity within it and the overlooking would reduce the quality of the space provided to an unacceptable level. Therefore, by reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with saved policies G1 and G5 of Guildford Borough Local Plan 2003.

Due to the fact that the Council has an up to date Local Plan and the development is considered to be contrary to the development plan, it is not considered that paragraph 11 of the NPPF is engaged in this case.

The application is therefore recommended for refusal.

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# 21/P/00378 - 227 High Street, Guildford



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Page 85 Not to Scale



GUILDFORD  
BOROUGH

21/P/00378 – 227 High Street, Guildford



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**App No:** 21/P/00378 **8 Wk Deadline:** 04/05/2021  
**Appn Type:** Full Application  
**Case Officer:** Kelly Jethwa  
**Parish:** Holy Trinity **Ward:** Holy Trinity  
**Agent :** Maltby **Applicant:** MALTBY MRTPI  
Giles Maltby MRTPI  
33 Longmead  
Guildford  
GU1 2HN  
227  
High Street  
Guildford  
GU1 3BJ

**Location:** 227 High Street, Guildford, GU1 3BJ  
**Proposal:** Change of use of the existing ground floor E(a) use retail shop to E(b)/Sui Generis (hot food takeaway) Lebanese lunch restaurant and takeaway.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee by Cllr John Rigg, who believes that a departure from policy E7(4) is justified.

#### **Key information**

Change of use from a retail shop use class E3(a) (formerly Class A1) to a mixed use as a E(b)/Sui Generis (hot food takeaway) Lebanese lunch restaurant and takeaway.

This is a vacant unit at the top of the High Street outside the cobbled street and in the secondary shopping frontage.

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

Policy E7(4) (a) and (b) were intended to prevent dilution of E(a) (previously class A1) retail uses i.e. no more than two or more adjacent non-retail uses, and no more than a third of the secondary frontage in non-retail use.

46% of the frontage is currently within uses that would have been considered non-A1 uses. This frontage already exceeds the 33% threshold for non-A1 uses. The situation after implementation of the proposal would not be "no more than one third".

The purpose of paragraph (4) of the policy is to prevent piecemeal loss of shop (former A1) uses which would have a weakening effect on the viability of remaining units in the secondary shopping frontage. In respect of paragraph (4), we could accept that the proposed takeaway is not entirely out of character at this easternmost end of the High Street, however loss of this shop use would conflict with (4) (a) and (b), and thereby further reduce the town centre's shopping function under (4) (d).

**RECOMMENDATION:**

**Refuse - for the following reason(s) :-**

1. The proposed change of use would result in more than one third of this section of the defined street level frontage being in non-retail use, eroding the shopping function of the town centre, contrary to Policy E7 of the Guildford Borough Local Plan: strategy and sites 2015-2034 and Chapter 7 of the National Planning Policy Framework (NPPF).

**Informatives:**

1. This decision relates expressly to drawing(s) E101, E102, E103, E107, E108, E109, E110, E111, E112, P109, GU1 3BJ - 1 and GU1 3BJ - 2 received on 24 February 2021; E104 REV A, E105 REV A, E106 REV A, P103 REV A, P104, P105, P106 and P107 received on 22 March 2021.
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 there are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application.

**Officer's Report**

**Site description.**

The application site relates to a vacant commercial unit in the Guildford Town Centre, the unit presently has a retail E(a) use.

The site is also within the Town Centre Conservation Area, a Primary Shopping Area and Secondary Shopping frontage (167-235 High Street), a District Heat Priority Area, an Area of High Archaeological Potential (AHAP) and is covered by an Article 4(2) Direction.



The site is located towards the top of the High Street, beyond the cobbled area. The unit is situated on the ground floor of a six storey building, residential flats development occupies the upper floors.

**Proposal.**

Change of use of the existing ground floor E(a) use retail shop to E(b)/Sui Generis (hot food takeaway) Lebanese lunch restaurant and takeaway.

On submission the application was for a change of use of the existing ground floor A1 use retail shop to A3/A5 Lebanese lunch restaurant and takeaway. However, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) were introduced by the government on 20 July, and took effect on 1 September 2020. The proposal description was updated to reflect the changes to the use classes and the type of uses sought by the applicant with their agreement.

**Relevant planning history.**

None.

**Consultations.**

Internal consultees

Head of Environmental Health and Licensing: No objection. Conditions regarding noise, and extraction equipment recommended should permission be granted.

Amenity groups/Residents associations

Holy Trinity Amenity Group: no response.

**Third party comments:**

None received.

**Planning policies.**

National Planning Policy Framework (NPPF), 2021:

Chapter 2: Achieving sustainable development

Chapter 4: Decision Making

Chapter 6: Building a strong competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 12: Achieving well-designed places

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).

Policy E7: Retail and leisure uses in Guildford Town Centre

Policy D1: Place shaping

Policy D3: Historic environment

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

G1 General Standards of Development

G5	Design Code
HE4	New Development Affecting Setting of a Listed Building
HE7	New Development in Conservation Areas

Supplementary planning documents:  
Vehicle Parking Standards SPD 2006

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the heritage assets
- impact on neighbour amenity
- parking/highway considerations

### The principle of development

This application seeks permission for a change of use of the premises from an E(a) use retail shop to E(b)/Sui Generis Lebanese lunch restaurant and takeaway. Policy E7 of the LPSS is relevant for this proposal which regards retail and leisure uses in the Guildford Town Centre and seeks to protect both A1 and Class A uses within the area.

The application site lies within an area designated as Secondary Shopping Frontage and as such the proposal must be compliant with point (4) of policy E7.

Policy E7 (4) sets out that within the Secondary Shopping Frontage defined on the Policies Map, planning permission for the change of use of ground floor shops (Class A1) to Class A3, A4 or A5 will be permitted where all the following criteria are met:

- (a) the additional uses result in no more than two permitted ground floor non-retail uses adjacent to each other; and
- (b) the additional use results in no more than one third of this section of the defined street level frontage in permitted non-A1 Use Class; and
- (c) the use will not result in loss of amenity in terms of noise, disturbance, smell, litter or traffic generation; and
- (d) the proposed use will not be detrimental to the shopping function or character of the town centre.

The new Class E use now encompasses a number of uses which were formally separated into different use classes (A1, A2, A3, B1a, B1b, B1c, and some D1 and D2 uses). Class E therefore includes gymnasiums and indoor recreation (not involving motorised vehicles or firearms), clinics, health centres, creches, day nurseries, day centres, office uses, research and development of products and process's, industrial processes which can be carried out in any residential area without causing detriment to the amenity of the area, financial and professional services (not medical) and shops. Planning permission is therefore not required for changes of uses within this new use Class E.

The previously A5 takeaway use is not covered by Class E and is defined as 'Sui Generis'. Therefore the change of use to hot food takeaway element of the proposal requires planning permission and the existing shop use is protected by the still applicable policy E7 (4). The old use classes A1 to A5 remain relevant to policy E7 (4) insofar as they are taken to mean the actual uses they refer to, i.e. A1 means "shops" A5 means "hot food takeaways". References to use classes in policy retain their meaning as referenced in the list of uses in Appendix 2: Glossary of

the LPSS. Criteria (a) to (d) of policy E7 (4) were intended to prevent dilution of E(a) (previously Class A1) retail uses beyond these thresholds, as such all are still applicable to the sui generis element of the proposal, which falls outside of the new Class E.

The criteria shall be assessed below.

Would the proposal result in no more than two permitted ground floor non-retail uses adjacent to each other?

The immediate neighbouring unit to the west is Magic Scissors barbers (previously A1) and immediately to the east is Romans estate agents (previously A2). On the other side of Romans is Phyllis Tuckwell a charity shop (previously A1). Therefore, the change of use of this unit would result in there being a row of two adjacent non-retail uses, which complies with the criterion.

Would the proposal result in no more than one third of this section of the defined street level frontage in permitted non-A1 Use Class?

Appendix 5 of the LPSS sets out the Guildford Town Centre shopping frontages, the application site falls within the shopping frontage 167-235 High Street. Officers have visited the site and reviewed historic planning permissions and determine that approximately 46% of the frontage is currently within uses that would have been considered non-A1 uses. This frontage already exceeds the 33% threshold for non-A1 uses. The situation after implementation of the proposal would not be "no more than one third". The additional non-retail use would exacerbate the situation and as such fails to comply with this criterion. Policy E7 provides no exemptions to this. Despite the changes to the Use Classes Order the aims of this policy remain and therefore this matter continues to carry significant weight.

Impact on amenity

It needs to be assessed whether the proposal would result in material harm to amenity in terms of noise, disturbance, smell, litter or traffic generation.

The application unit is set between two commercial units and beneath a multi-storey block of flats. To the front of the site are additional retail and commercial premises opposite. To the rear of the unit is an enclosed courtyard which serves a few of the ground floor commercial units and the flats above. The proposal involves the installation of an extractor riser on the rear of the unit within the central courtyard, it would climb from ground floor level up to the roof.

The Environmental Health team have assessed the proposal and do not raise any objections with regard to noise, disturbance or odour, based on the submitted supporting details including noise survey and assessment report and equipment specification. Had the application been otherwise acceptable, a condition requiring the ventilation and extraction system be implemented in accordance with the submitted details would have been recommended, in order to ensure suitable noise, disturbance and odour control.

By virtue of its size and siting the proposed external extractor riser would have no adverse effect on the residential amenity enjoyed by the occupants of surrounding properties, in terms of loss of light and overbearing impact.

It is expected refuse bin provision would be made within the unit and there are bins nearby out of the street, as such the proposal is unlikely to result in a litter problem. The application is found to be acceptable in this regard.

The application site is in the Guildford Town Centre and as such is a sustainable location close to transport links and public car parks, therefore, the application is found to be acceptable in regard to traffic generation.

Would the proposal development be detrimental to the shopping function or character of the town centre?

The proposed change of use would retain the existing shop frontage and would therefore maintain the character of the unit, however, the loss of an existing retail unit would add to the existing unacceptable erosion of retail uses in the area. It is noted there are a significant number of takeaways and restaurants now at this easternmost end of the town centre, which have been gradually changing its character. As such the proposal would result in a cumulative adverse impact on the function of the town centre as a retail destination. The underlying purpose of the amendments to the Use Classes Order was to stimulate the vitality of town centres by allowing greater flexibility in terms of changes of use, not to permit development which potentially could have a detrimental impact on that vitality; it is of considerable relevance that takeaway uses were not included within the new Class E.

Impact on heritage assets

Statutory provisions:

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

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that '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'. the NPPF sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 200-208 set 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.

The site is located within the Guildford Town Centre Conservation Area opposite a number of listed and locally listed buildings. No changes are proposed to the front of the unit. The proposed extractor riser would be a large, unattractive structure climbing 6 storeys of the building.

It would project 1m above the tallest point of the building. It would be set in from the front and rear elevations of the building, located within the central courtyard where it would not be visible in either the front or rear street scene. As such, the proposed development would not result in any material harm to the designated or non-designated heritage assets.

Fall back position?

The unit's existing use could change to any other use now falling within Use Class E, which include non-retail uses, without the need for express consent. This is a material consideration which has to be weighed against the identified breach of policy E7, greater weight can be given to it if new 'fallback' options for developers being implemented as an alternative to their pursuit of planning permission are likely and taking into account the relative impact.

In this case, a potential fallback position for the applicant could be use of the unit solely as a restaurant, since this would not require planning permission being within the existing use Class E. The proposal is for a mixed use lunch restaurant and takeaway, the submitted floor plan identifies a limited space for customers to dine in, does not identify customer seating or toilet provision, which are required for a restaurant. As such it not clear from the information provided that the unit could realistically be used solely as a restaurant, the takeaway element is likely to make up a significant proportion of sales. No supporting information has been submitted to identify any alternative realistic Class E uses that are likely to come forward in the event permission is refused.

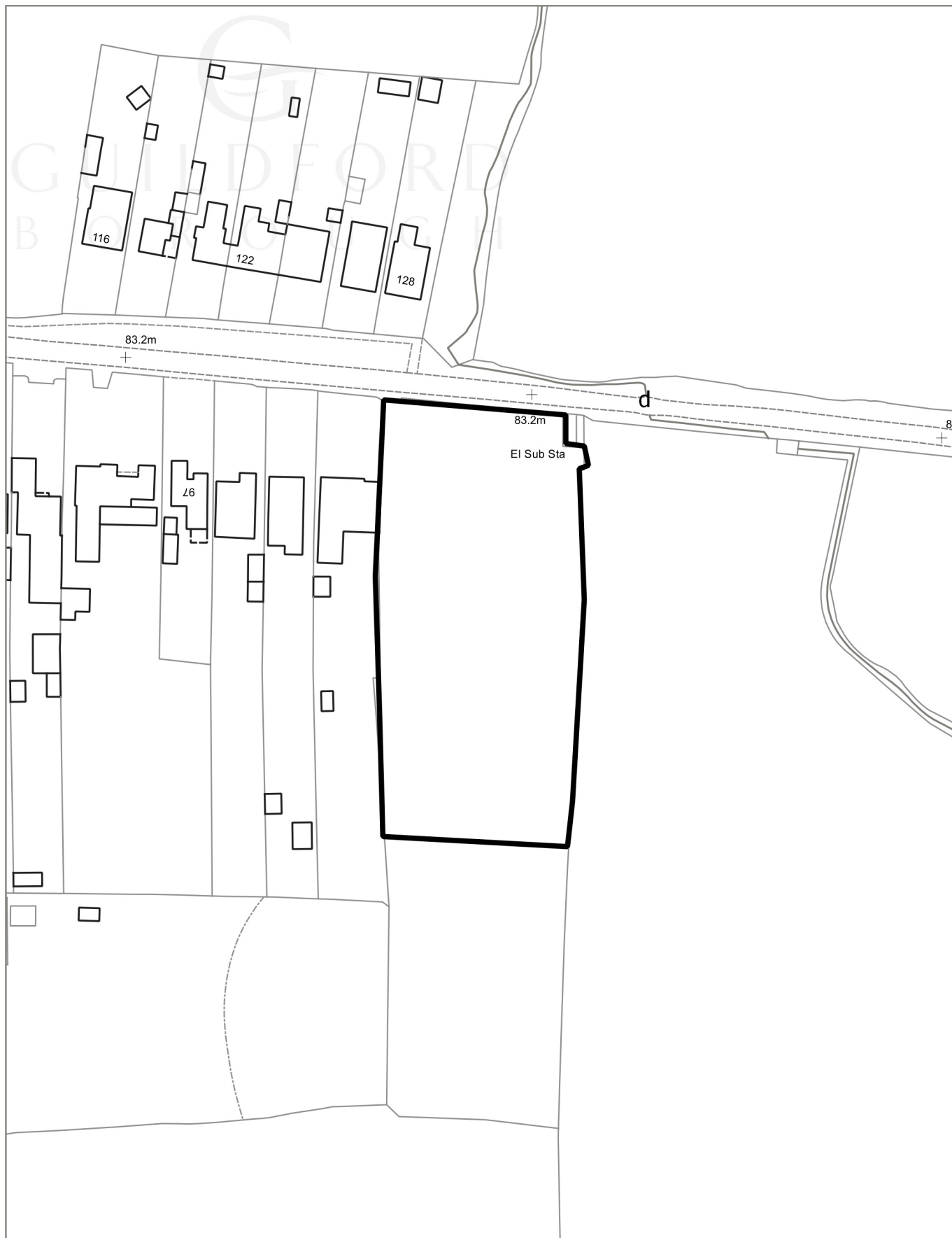
Despite it being necessary to give some weight to the fact that planning permission is not required to change sections of the defined street level frontage to certain non-retail uses (within Class E), there is uncertainty over whether the application unit is suitable for such alternative uses, therefore it remains the case that policy E7 (4) carries relatively greater weight and remains the determinative factor in the balance.

**Conclusion.**

The proposed development would result in the loss of a retail unit within a Secondary Shopping Frontage where the appropriate balance between the number of retail and non-retail complementary uses has already been adversely affected. The proposal would add to the cumulative effect of the erosion of the shopping function of the town centre and would fail to comply with Policy E7(4) of The Guildford Borough Local Plan: Strategy and Sites 2015-2034 and Chapter 7 of the NPPF.

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# 21/P/01135 - Aspen House, 107 Poyle Road, Tongham, Farnham



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Page 95 Not to Scale



21/P/01135 – Aspen House, 107 Poyle Road, Tongham, Farnham



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**App No:** 21/P/01135  
**Appn Type:** Full Application  
**Case Officer:** James Overall

**8 Wk Deadline:** 24/09/2021

**Parish:** Tongham  
**Agent :** Mr Whittall  
Archatech Ltd  
1 Jersey Cottages  
Long Common  
Shamley Green  
Guildford  
GU5 0TG

**Ward:** Ash South & Tongham  
**Applicant:** Mr Stone  
Amiga Homes  
Broadway Farm House  
Broadway Lane  
lovedean  
Waterlooville  
PO8 0SJ

**Location:** Aspen House, 107 Poyle Road, Tongham, Farnham, GU10 1DY  
**Proposal:** Variation of Condition 1 (drawing numbers) of planning application 17/P/02349 approved 09/02/2018 for drawings AR07 rev D, AR08 rev D, AR09 rev A, as approved to be replaced with AR 07 rev F, AR08 rev E, AR09 rev B as built, to allow for minor variation to road alignment (retrospective application).

**RECOMMENDATION:**

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

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

AR 0S (Location Plan)  
AR00 (Site Plan Existing)  
AR06 (Elevation House Type 3)  
AR05 (Floor Plans House Type 3)  
526-LA-P-02 Rev B (Landscape Sketch & Proposals Plan)  
received on 13/11/2017;

AR11 (Elevation House Type 1)  
AR01 rev A (Floor Plan House Type 1)  
AR02 rev A (Elevation House Type 1)  
AR03 rev A (Floor Plan House Type 2)  
AR04 rev A (Elevation House Type 2)  
received on 12/01/2018;

AR07 rev F (Proposed Site Plan with Roof Profile)  
AR08 rev E (Proposed Site Plan)  
AR09 rev B (Proposed Site Plan with Context Elevation)  
received on 13/07/2021

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

2. The hedge fronting Poyle Road, shown on the approved plans AR07 Rev F, AR08 Rev E & AR09 Rev B shall be cut/trimmed/maintained to ensure the vehicular access to Poyle Road has appropriate visibility splays with no sight obstructions over 1.05m high.

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

3. Parking/shared surface turning area hereby approved shall be retained and maintained for their designated purpose in accordance with approved plan AR08 Rev E.

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

4. Within three months of this decision notice, an amended surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority. The amended surface water drainage scheme shall be based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological conditions of the site and include timescales for the scheme's implementation, completion and maintenance. The amended scheme shall replace the Technical Note ref: Acl281/18-009 dated 26th March 2018; as this does not display the drain located within the grounds of Plot 5. The latest approved surface water drainage scheme shall thereafter be retained at all times in the future.

Reason: Due to breach of condition 5 of planning permission 17/P/02349, the surface water drainage condition is required again to ensure that the development can be adequately and sustainably drained. Whilst this would usually be a pre-commencement condition, given the application is retrospective, a three month time period is given for the information to be received.

5. The development hereby approved shall be carried out in accordance with the Section 5.1: Mitigation Measures of the Ecological Appraisal, prepared by Green Earth dated 4th November 2015 submitted under 15/P/02267, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the scheme is constructed in accordance with the mitigation measures proposed, to protect the ecological value of the site.

6. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting 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.

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

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

#### **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.

Pre-application advice was not sought prior to submission and minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes.

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. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs).

4. 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).

5. The developer is advised that as part of the detailed design of the highway works required by conditions related to this decision notice and/or the previous approval (17/P/02349), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

### **Officer's Report**

#### **Site description.**

The site is located within an Area of Great Landscape Value (AGLC), lies on Countryside Beyond the Green Belt (CBGB) and lies outside the urban area of Ash and Tongham. The application site also lies within the 400m - 5km of a Special Protection Area (SPA).

The application site comprises a residential close, providing access to 7 dwellinghouses - six from 15/P/02267 & 17/P/02349; and one from 19/P/00795.

#### **Proposal.**

The original proposal was a Variation of Condition 1 (drawing numbers) of planning application 17/P/02349 approved 09/02/2018 for drawing AR07 rev D, as approved to be replaced with AR 07 rev E as built, to allow for minor variation to road alignment (retrospective application).

After conducting a site visit, it was noted that the submitted plans were not a true representation of what was built. Amended plans were requested as well as additional plans for completeness of replacing previously approved plans, which displayed areas being amended. The description was therefore altered to:

Variation of Condition 1 (drawing numbers) of planning application 17/P/02349 approved 09/02/2018 for drawings AR07 rev D, AR08 rev D, AR09 rev A, as approved to be replaced with AR 07 rev F, AR08 rev E, AR09 rev B as built, to allow for minor variation to road alignment (retrospective application).

Amended plans were received on 13th July 2021.

**Relevant planning history.**

Reference Number	Description	Outcome
GU/R 12071	Erection of 12 dwellings	Application Refused on 17 Oct-63
14/P/00560	Outline application for the demolition of existing dwelling and erection of four dwellings.	Application Refused on 19 Nov-14
14/P/02301	Outline application to consider access for the erection of four dwellings following demolition of existing dwelling.	Application Refused on 5 Feb-15 Appeal Allowed on 26 Aug-15
15/P/00693	Outline planning application for demolition of existing buildings and erection of three dwellings all matters reserved except access.	Application Refused on 8 Dec-15
15/P/02267	Outline planning application for demolition of existing buildings and erection of six dwellings all matters reserved except access (amended plans received on 28/01/2016).	Application Refused on 10 Feb-16 Appeal Allowed on 16 Aug-16
16/P/02332	Outline planning application for demolition of existing buildings and erection of nine dwellings all matters reserved except access.	Application Refused on 16 Feb-17 Appeal Dismissed on 8 Aug-17
17/P/02056	Outline application for erection of one dwelling (all matters reserved except access).	Application Refused on 27 Nov-17 Allowed at Appeal on 28 Sep-18
17/P/02349	Reserved matters application pursuant to outline planning permission 15/P/02267, granted on appeal on 16/08/2016, to consider appearance, landscaping, layout and scale in respect of the erection of 6 residential dwellings (amended plans received).	Application Approved on 9 Feb-18
19/N/00002	Non-material amendment to planning application 17/P/02349, approved on 09/02/2018 to amend the road layout within the site.	Application Approved on 5 Feb-19
19/P/00795	The erection of a single dwelling and associated works.	Application Approved on 20 Sep-19
21/N/00061	Non-material amendment to planning application 17/P/2349 approved on 09/02/18 for a minor modification to the road as approved to that as built.	Application Withdrawn on 24 May-21

Key

	Full plot
	Top and Middle parts of the plot
	Top part of the plot only
	This application relates
	Applicant: Mr. D Traylen   Agent: Bell Cornwell
	Applicant: Amiga Homes Ltd   Agent: Archatech

**Consultations.**

Statutory consultees

County Highway Authority:  
 Surrey County Council Highways Authority responded on 25th June 2021 on the originally submitted plans (which did not truly represent what was built) with the following comments: THE COUNTY HIGHWAY AUTHORITY has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements. The changes in road alignment do not affect the requirements of the access onto Poyle Road. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

After the reception of amended plans dated 13th July 2021, Surrey County Council Highways Authority responded on 16th August 2021 with the following comments: The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds. The changes in road alignment do not affect the requirements of the access onto Poyle Road. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

Guildford Borough Council sought clarification from Surrey County Council Highways Authority to ensure that they had picked up on the amendment relocating the hedge closer to the road, thus potentially impacting the previously approved viability splays. It was highlighted that a number of third party comments had picked up on this entrance/exit being dangerous as they claim they cannot see down the road before pulling out.

Surrey County Council Highways Authority apologised for missing this amendment in the plans and subsequently visited the site to check. They requested their response dated 16th August 2021 was disregarded.

Given this is a retrospective application, Surrey County Council Highways Authority were able to view the new viability splays and as such submitted their latest consultation response on 2nd September 2021, which made the following comments: THE COUNTY HIGHWAY AUTHORITY has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements. The height of the hedging running along the front of the site has been reduced by the Applicant. Photographs showing this have been provided. The visibility at the access onto Poyle Road is now deemed to be acceptable. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

On 7th September 2021 An e-mail from a third party was sent to Surrey County Council Highways Authority requesting their consultation response be retracted due to a disagreement regarding the visibility splays.

Guildford Borough Council sought clarification from Surrey County Council Highways Authority regarding this, and their response was as follows:

*"No further comments will be made on this application from us...[Surrey County Council Highways Authority] has dealt with the developer on the access concerns".*

Natural England:  
No comment to make.

Thames Water:  
No response was received.

Internal consultees

Head of Environmental Health and Licensing:  
No response was received.

Trees:  
No response was received.

External consultees

Surrey Wildlife Trust:  
No comment to make.

Parish Council

Tongham Parish Council:  
No response was received.

**Third party comments: .**

8 individual households have submitted letters of representations raising the following objections and concerns:

- Dangerous junction
- Design landscape and road access is not to the as built drawings submitted
- Inadequate parking and turning
- The road is also in awful condition full of potholes and very badly made
- Alteration reduces visibility
- There is a blind corner within the site
- Visibility splays are not in accordance with condition attached to 17/P/02349
- The tree planting within the site omits a number of trees and some of the trees which have been planted are planted in different positions
- The eastern boundary to the rear garden of Plot 1 has a close boarded fence in place of the approved post and rail fence and hedge planting
- The post and rail fence to the north-eastern boundary to Plot 5 has been omitted
- No hedge has been provided to the boundary of Plot 5
- Hedges to Plot 6 have been altered and part replaced with a close boarded fence
- Changes to the approved drainage details
- Changes have been made to the approved drainage scheme, including the provision of an attenuation tank within the garden of Plot 5

## Agenda item number: 5(5)

- The development would be harmful to the amenity of adjoining residents in breach of saved policy G1(3) the Guildford Local Plan 2003
- The proposal fails to satisfy paragraph 126 of the National Planning Policy Framework as it fails to achieve high quality and beautiful place
- Fails to satisfy paragraph 130 as it fails to provide good layout and appropriate and effective planting and a high quality of amenity for occupiers of the development
- The quality of the approved development has been significantly diluted by the changes made between permission and implementation contrary to paragraph 135 of the NPPF

### **Planning policies.**

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

Chapter 2	Achieving sustainable development
Chapter 4	Decision Making
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 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 (adopted 25 April 2019):

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

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

S1	Presumption in favour of sustainable development
D1	Place shaping
D2	Climate change, sustainable design, construction and energy
ID1	Infrastructure and Delivery
ID3	Sustainable transport for new developments
ID4	Green and Blue infrastructure

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

G1(3)	Protection of Amenities Enjoyed by Occupants of Buildings
G5	Design Code
NE5	Development Affecting Trees, Hedges & Woodland



Neighbourhood Plans:

This application site does not lie within a Neighbourhood Plan Area.

Supplementary planning documents:

Vehicle Parking Standards 2006 SPD

Climate Change, Sustainable Design, Construction and Energy SPD (2020)

Emerging Local Plan:

The document 'Development Management Policies' will eventually form the second part of the adopted Local Plan, but currently it is in the early stages of development. The Regulation 18 consultation marks the start of the engagement stage of the Plan and represents the scoping stage to decide what should be included in the Plan. The Regulation 18 consultation took place between 3 June 2020 and 22 July 2020.

Currently the next version of the plan is being prepared for consultation: the Regulation 19 Proposed Submission Local Plan: development management policies.

**Planning considerations.**

Background

After comparing and contrasting the plans submitted and approved within the following applications:

- 15/P/02267 (Outline)
- 17/P/02349 (Reserved Matters)
- 19/N/00002 (NMA)
- 19/P/00795 (Full) - application for the single dwelling to the far south of the site
- 21/P/01135 (Variation of condition) - current application

the following discoveries were made:

- The 4 properties at the front of the site are slightly deeper than the original outline application showed; however these deeper footprints were permitted at reserved matters.
  - As a result the gardens of these 4 properties are slightly shallower than shown in the original outline application.
- The Parking area at the north of the site is 1 metre wider than it should be (with the 1 metre being placed on the side closest the road), which has narrowed the grass frontage and has therefore resulted in the hedge being closer to the road.
- The plots themselves are all in the correct locations, and there is no alteration of their positions on any of the previously approved plans.
- The Full application submitted for the dwelling to the far south of the site, shows the same road layout as agreed under the NMA.
- All of the approved plans (excluding the outline application), show part of 109 Poyle Road's driveway to be a shared surface.

Amended plan were therefore requested in order to display what is actually on site. These amendments related to:

- The hedges around Plot 5
- The tarmacked parking area at the north of the site
- The grass verges at the north of the site
- The front hedge
- The vehicular turning circle

Condition 5 discharged under 18/D/00057 (Discharge of conditions 2, 5, 6, 9, 10 & 11 on application 17/P/02349) relating to water drainage was also discussed with the agent. The reason for this is because the approved plans relating found within the Technical Note ref: Acl281/18-009 dated 26th March 2018 does not show the drain which lies within the grounds of Plot 5.

Discussing this matter with the agent, it is understood that this drain was installed for the purposes of the single dwelling approved at the far south under application 19/P/00795. It was suggested that an amended plan were submitted under this variation of condition application, or alternatively a new condition could be attached in the event of a positive decision notice for this current application, if the agent wished to address this at a later date. The agent wished for this to be addressed at a later date.

Therefore the plan alterations that differ from previously approved plans, which shall be considered under this application are:

- Adjustments to the road/tarmac layout within the site
- Adjustments to driveway for plot 5
- Adjustments to hedges within the site
- Adjustments to trees within the site

#### Principle of Development

The principle of development has already been approved under the numerous planning decisions already granted previously. The application seeks minor alterations as described above to address not having built the development out in accordance with the previously approved plans.

Therefore this report will focus on the relevant planning considerations, which have been identified as relevant to the application:

- highway/parking considerations
- the impact on neighbouring amenity
- impact on trees and vegetation
- concerns of consultees

#### Highway/Parking Considerations

As described above in detail within the "consultations" section, Surrey County Council Highways Authority has thoroughly assessed the latest plans and conducted a site visit. Given that the application is retrospective, this usefully allowed Surrey County Council Highways Authority's to fully assess and consider any potential issues relating to highway safety. It has been confirmed by Surrey County Council Highways Authority, that the development is acceptable and the latest set of plans are acceptable from a highways perspective.

Given this, it is considered that the amended plans conform with Policy ID3 of the LPSS.

#### The Impact on Neighbouring Amenity

The amended plans are not considered to cause detrimental harm to the amenity of occupiers inhabiting any of the plots.

There is a hedge opposite the amended driveway relating to plot 5, and therefore this would restrict potential light from cars manoeuvring in/out of this driveway.

In relation to hedge amendments, these are not considered detrimental to amenity, and additional boundary screening can be added in the form of planting/fencing/walls under permitted development, if occupants so wish.

As such the proposed amendments are considered to comply with saved Policy G1(3).

#### Impact on Trees and Vegetation

The amendments relating to trees/vegetation are considered to not have a detrimental impact. As such the amended plans are considered to comply with Policy ID4 of the LPSS and saved Policy NE5.

#### Concerns of Consultees

Planning permission is all related to land use, and some of the concerns raised by consultees do not have merit with relation to the amendments sought under this variation of condition application.

This application seeks to address development built not in accordance with previously approved plans. Therefore the assessment only relates to sought amendments differing from those plans previously approved.

Concerns relating to quality of built development etc. are an enforcement matter and not one which is assessed as part of the amendments sought under this variation of condition application.

It should also be noted that as previously stated, planning permission simply relates to land use; and therefore concerns relating to boundary disputes and land ownership are not a civil matter and not one which Guildford Borough Council Planning Department would involve themselves with.

#### **Conclusion.**

The proposed variation of condition application has fully assessed the sought amendments, which differ from previously approved plans. It is considered that the amendments do not cause detrimental harm and are in accordance with the relevant adopted Policies.

Given the above, this variation of condition application is recommended for approval.

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**Planning Committee**

**6 October 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))

<p><b>1.</b></p>	<p><b>Rockwood Homes Ltd</b>  <b>Burpham Court Farm, Clay Lane, Jacobs Well, Guildford GU4 7NA</b></p> <p><b>20/W/00060</b> –The development proposed is described in the application form as ‘conversion of existing agricultural buildings (referred to as buildings 1 to 4) to form 4 no. residential dwellings’.</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 whether the proposals constitute permitted development under the GPDO, taking account of the relevant limitations and conditions, having particular regard to: (i) the extent of the proposed works and (ii) flood risk.</li> <li>• Overall, the proposed conversion works would be reasonably necessary to convert the buildings to dwellinghouses in each case. The internal works would not significantly alter the main structure of the buildings and the external works would be fairly limited in their nature and within the permitted criteria of Class Q(b), being to the extent reasonably necessary for each of the buildings to function as a dwellinghouse.</li> <li>• The proposals would not, whether considered individually or cumulatively, amount to a rebuild of the existing buildings that goes beyond what is reasonably necessary for conversion to residential use. Furthermore, the works would not amount to either a complete or substantial re-building of the pre-existing structures, or in effect, the creation of a new building or buildings.</li> <li>• The proposed building operations would be reasonably necessary to convert the buildings to dwellinghouses and would fall within the scope of works allowed under Class Q (b).</li> <li>• Three of the proposed buildings to be converted would be located in Flood Zone 3(b) with the remaining building in Flood Zone 3(a). The proposed change of use would introduce a ‘more vulnerable’ residential use for the buildings in comparison to the previous ‘less vulnerable use’. In such cases, the PPG<sub>2</sub> states that the applicant will need to show that future users of the development would not be placed in danger from flood hazards throughout its lifetime and that, depending on the risk, mitigation measures may be needed.</li> <li>• Drawing upon the Officer’s report and in the absence of any subsequent planning appeal statement, the Council’s main objection appears to relate to there not being a satisfactory access/egress route from each dwelling</li> </ul>	<p><b>*ALLOWED</b></p>
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	<p>and the lack of sufficient details of an evacuation plan, along with the enforceability of the conditions suggested by the EA.</p> <ul style="list-style-type: none"> <li>• As referred to above, the Council has recently granted planning permission for the conversion of building 1 into a residential dwelling. This building is located the furthest of the appeal buildings from Flood Zone 1. As such the practicality of access and egress from other buildings would be no worse than that for building 1 as recently permitted by the Council. Whilst this building is located in Flood Zone 3a rather than 3b the appellant has demonstrated that, through raised ground floors, buildings 2, 3 and 4 would be likely to be safe from flooding of the habitable areas of the buildings whilst also providing a safe refuge during any significant flooding.</li> <li>• I am satisfied that, subject to the imposition of the conditions discussed above the proposals would be appropriately flood resilient and would not be likely to result in unacceptable flooding risks at the site or elsewhere.</li> <li>• The site is located within 5km of the Thames Basin Heath Special Protection Area. Article 3(1) of the GPDO grants planning permission for permitted development subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Although not a matter for consideration in this appeal, permitted development cannot be lawfully begun until the developer has made a Regulation 77 application and the local planning authority is satisfied that the development would not have an adverse effect on the integrity of the protected habitat.</li> <li>• The proposal satisfies the requirements of the GPDO for change of use from agricultural buildings to dwellinghouses, as set out under Schedule 2, Part 3, Class Q. Therefore, the appeal is allowed and prior approval is granted.</li> </ul>	
<p>2.</p>	<p><b>355 Automobile Restorations Ltd</b>  <b>The Hayloft, Water Lane Farm, Water Lane, Albury, GU5 9BD</b></p> <p><b>20/P/00968</b> – The development proposed is change of use from B8 storage to B2 (Light Industrial) for classic and sports car restoration.</p> <p>Planning Committee: 6 Jan 2021  Officers Recommendation: To Approve  Committee’s 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 rural character of the area in relation to noise, fumes and vehicle movements and the living conditions of occupiers of nearby dwellings in relation to noise and disturbance.</li> <li>• The appeal relates to a detached rectangular building positioned between two similar buildings. These were originally agricultural buildings but have been used for storage purposes in recent years. There is a vehicular access and parking area to the southern end of the building. To the south of this and to the west of the site are dwellings. The surrounding area is rural in character comprising open fields with blocks of woodland on undulating land. The site is located within the Green Belt, within an Area of Outstanding Natural Beauty (AONB) and within an Area of Great Landscape Value (AGLV). Water Lane is narrow and in a valley bottom with rising land to both sides.</li> <li>• A steel extraction flue with an accelerator has been added to the northern end of the building serving an internal paint spray booth. The end of the flue</li> </ul>	<p><b>*ALLOWED</b></p>

	<p>does not rise significantly above the roof eaves. Whilst visible from close quarters the flue is not a conspicuous feature from vantage points beyond the site. No other external alterations are proposed to the building other than a small enclosure on the northern end elevation. The parking area between the building and a fence to the nearest residential garden is closely aligned to the building and would have been available for parking when the appeal site had a lawful storage use. The appearance of the site would be little changed as a result of the proposal. Its setting remains as part of a small miscellany of employment activities within a cluster of farm and former farm buildings of varying size. The physical changes involved in the proposal do not significantly change or detract from the rural appearance or character of the area.</p> <ul style="list-style-type: none"> <li>• The appellant has explained that the restoration of customers' cars is a time consuming business and that therefore there is not a high turnover of cars. Staff are likely to drive to work but the overall volume of vehicle movements associated with the development is unlikely to be materially different from other employment activities that could lawfully take place at the site. The appellant's traffic survey indicates an average of 66 vehicle movements for a week to and from the appeal site. This is comparable to traffic movements associated with the farm and significantly lower than those associated with the totals for both dwellings and other businesses in the immediate area. The proposal is to contain noise generating activities and paint spraying within the building, matters that can be adequately controlled by planning conditions. My findings are that noise, fumes and vehicle movements associated with the development would not adversely impact on the rural character of the area, nor how it is experienced by pedestrians, cyclists and horse riders passing nearby on the network of bridleways.</li> <li>• The evidence from the appellant's sound level recordings indicates that noise levels from the spray booth extractor fan, from sanding and dust extraction and from grinding and panel beating are all close to the ambient noise level in Water Lane and that traffic and in particular tractors produce higher noise levels. This corroborates the findings from my own site visit that noise from vehicles associated with other activities in the vicinity and from passing traffic exceeded that from the appellant's industrial activities. Even allowing for the proximity of the nearest dwellings, such noise levels would not result in a material nuisance for local residents.</li> <li>• The proposal is for the paint spraying of vehicles to take place inside and only within the paint spray booth. I note comments made on behalf of the Council that dispersal of odours depends on wind speeds and directions but have no reason to disagree with the findings of the Council's Environmental Health Officer that subject to appropriate planning conditions there should not be material nuisance to local residents from toxic smells.</li> <li>• There would not be conflict with Saved Policy G1(3) of the Guildford Borough Local Plan (2003) which requires "<i>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</i>". The impacts of pollution on health, living conditions and the natural environment referred to in Paragraph 185 of the Framework should be capable of being satisfactorily mitigated by the use of suitable planning conditions.</li> <li>• The proposal, subject to suitable planning conditions would not be detrimental to the rural character of the area or to the living conditions of</li> </ul>	
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	<p>occupiers of nearby dwellings in relation to noise, fumes, disturbance or vehicle movements. For the reasons given appeal should be allowed.</p>	
<p>3.</p>	<p><b>Mr and Mrs De Speville</b></p> <p><b>8 Blackwell Avenue, Guildford, Surrey, GU2 8LU</b></p> <p><b>20/P/00996</b> – The use for which a certificate of lawful use or development is sought is the change of use from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The change of use of the dwelling from a use within Class C3 (dwellinghouses) to a use within Class C4 (houses in multiple occupation) would normally comprise permitted development under Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, the Council suggest that the change of use would not be lawful until they have granted approval under Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) confirming that the proposed development would not adversely affect the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).</li> <li>• The main issue in this appeal is whether the Council's decision to refuse to grant the LDC for this reason was well-founded.</li> <li>• The site is located within 5km of the TBHSPA, the zone of influence, where the Avoidance Strategy sets out that some forms of development would have a significant effect on the integrity of the TBHSPA in combination with other plans or projects.</li> <li>• Paragraphs 2.10 and 2.14-2.15 of the TBHSPA Avoidance Strategy 2017 Supplementary Planning Document (the Avoidance Strategy) suggest development that can have a significant effect on the integrity of the TBHSPA include houses in multiple occupation.</li> <li>• In this case, the proposal would contain six bedrooms and the Avoidance Strategy makes a clear assumption that this would accommodate an additional person beyond the numbers in an equivalent dwellinghouse. These assumptions are not backed up by evidence as the Avoidance Strategy states that occupancy data for homes larger than five bedrooms is not available.</li> <li>• However, taking into account the precautionary principle, it is not an unreasonable assumption and no evidence has been presented to dispute it. I understand that Natural England agreed the Avoidance Strategy prior to adoption. On that basis, the Avoidance Strategy assumes there is likely to be a significant effect in combination with other plans or projects.</li> <li>• consider it is likely that there would be a significant effect on the TBHSPA, either alone or in combination with other plans or projects, such that approval is required under regulation 77 of the Habitats Regulations. As no approval has been given under that regulation, the change of use of the property from use class C3 (dwellinghouses) to use class C4 (houses in multiple occupation) cannot comply with the requirements of article 3(1) of the GPDO. Consequently, such a change of use cannot be lawful.</li> </ul>	<p><b>DISMISSED</b></p>



	<ul style="list-style-type: none"> <li>For these reasons, I conclude that the Council’s decision to refuse to grant the LDC was well-founded.</li> </ul>	
<p>4.</p>	<p><b>Mr Yiu Wan</b>  <b>13 Epsom Road, Guildford GU1 3JT</b></p> <p><b>20/P/01877</b> – The development proposed is the erection of a two-storey extension and three storey addition to the existing building to form a one-bedroom flat and an additional bedsit with reconfiguration of existing two-bedroom flat to form a one-bedroom flat, following the demolition of the existing rear single storey extension. The existing ground floor commercial use is to be reduced in size and changed from A3 to A1/A2 use.</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; whether the proposed development would preserve or enhance the character or appearance of the Waterden Road Conservation Area (WRCA),</li> <li>The effect of the proposal on the living conditions of 15 Epsom Road (No 15), with particular regard to daylight, sunlight and outlook, and</li> <li>Whether the proposal would affect the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).</li> <li>The appeal site is within a parade of retail units on the edge of Guildford town centre. The two-storey row is arranged around the junction where Epsom Road meets London Road. The parade is of a traditional design, located on a prominent corner site, and makes a positive contribution to the character and appearance of the WRCA.</li> <li>The two-storey element of the scheme would be of a sizeable depth and height resulting in a sizeable addition to the building. This would be disproportionate to its existing simple form of the host building. Furthermore, the second-floor roof element would add significant further mass to the existing roof with a dominant and disproportionate projecting gable roof form. The aggregated mass of both components would be substantial when taken in combination. This would be at odds with the generally discrete form of existing rear additions and would especially dominate the roof form of the terraced row. Although the proposal would include matching materials and a tiled roof, these design merits would not negate the harm that would be caused by the proposed anomalous addition within this context.</li> <li>Consequently, the proposed development would neither preserve nor enhance the character or appearance of the conservation area. Accordingly, the proposal would not satisfy saved policy H4, HE7 and G5 of the LP1 and policy D1 of the Guildford Borough Local Plan Strategy and Sites 2015-2034 (2019)(LP2). These policies seek, inter alia, for development to be in scale and proportion with the surrounding area and to preserve or enhance the character or appearance of the conservation area. These policies are in conformity with the Framework which seeks development to be sympathetic to local character and history.</li> <li>The rear elevation of No 15 includes windows that serve residential accommodation. The proposed rear extension would place a large and bulky addition within close proximity of these rear windows. This rear projection would detrimentally reduce the field of vision of occupiers of the flat and create a dominating sense of enclosure for its occupiers. This would have a</li> </ul>	<p><b>DISMISSED</b></p>

	<p>substantial and demonstrable effect on both the occupier's outlook and access to daylight.</p> <ul style="list-style-type: none"> <li>• There is some dispute between parties as to whether the second-floor window serves a separate flat or acts as a light well to serve the first floor flat. In either event, the harm found to the living conditions would not be materially reduced whether the second-floor window serves a habitable room or not. This is because of the overall scale and proximity of the proposal and its primary and overt impact on first floor windows.</li> <li>• As such, the proposal would result in significant harm to the living conditions of occupiers of No 15 with respect to outlook and daylight. Consequently, the proposed development would not accord with saved policies H4 and G1(3) of the LP1 which seek development to have no unacceptable effect on the amenities of occupiers of buildings in terms of daylight. These are generally consistent with the Framework which seeks to achieve a high standard of amenity for existing and future users.</li> <li>• The proposal would harm the character and appearance of the area and living conditions. It would therefore conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.</li> </ul>	
<p>5.</p>	<p><b>Mr Paul Boag (Appeal A) and Mrs Melanie Boag (Appeal B)</b>  <b>Land at Heath Cottage, Cuttmill Road, Shackleford, Godalming GU8 6BJ</b></p> <p><b>Appeal A</b> is made by Mr Paul Boag and <b>Appeal B</b> by Mrs Melanie Boag against an enforcement notice issued by Guildford Borough Council. The breach of planning control as alleged in the notice is: <i>Without planning permission the construction of three extensions to the property in approximate locations in green and marked A, B and C [on the plan attached to the notice].</i> The requirements of the notice are:</p> <ol style="list-style-type: none"> <li>Demolish in their entirety the unauthorised extensions in the approximate location outlined in green and labelled A, B and C;</li> <li>Upon demolition, reinstate the affected walls and roof of the dwellinghouse to what existed prior to the works commencing as per plan SHA 1359/3 Rev A on application 05/P/00377 which is attached to this Notice, using materials to match the existing dwellinghouse;</li> <li>Permanently remove from the land all materials, rubble, rubbish and debris arising from steps (i) to (ii).</li> </ol> <ul style="list-style-type: none"> <li>• The period for compliance with the requirements is 6 months.</li> <li>• Both appeals are proceeding on the grounds set out in section 174(2 (a), (f) and (g) of the Act. Since appeals have been brought under ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.</li> </ul> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are whether the appeal development would be inappropriate development in the Green Belt, having regard to the Framework and the development plan, and the effect of the appeal development on the openness of the Green Belt and purposes of including land within it;</li> <li>• The effect of the appeal development on the character and appearance of the property;</li> </ul>	<p><b>APPEALS  A AND B  DISMISSED</b></p>

<ul style="list-style-type: none"> <li>• The effect of the proposal on the character and appearance of the Surrey Hills Area of Outstanding Natural Beauty (the 'AONB') and Area of Great Landscape Value (the 'AGLV'); and</li> <li>• If the proposed development constitutes inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to very special circumstances required to justify a grant of planning permission for the alleged development.</li> <li>• The appeal site comprises a detached 'replacement' two-storey dwelling to which the three appeal extensions have been added to the rear and sides. There is also a detached timber garage/store building and a detached pool house that have been erected, but these do not form part of the appeal before me. The dwelling occupies a large plot surrounded by woodland and accessed via a private track through woodland off Cuttmill Road, which is a rural lane. There is some sporadic housing along the road. As the site is surrounded by woods and fields it clearly occupies a countryside location. It is also located within the Metropolitan Green Belt and the Surrey Hills AONB.</li> <li>• At the Hearing the appellants accepted the Council's position that the previous dwelling on the site was the 'original building' for the purposes of the Framework and Policy P2 of the new Local Plan, rather than the replacement dwelling as it was first built. In the High Court Consent Order of 2019 submitted by the Council it was conceded by the Secretary of State<sup>2</sup> that for the purposes of interpreting Policy P2 [only] the 'original building' is the one that existed on the site on 1 July 1948, and not the replacement building.</li> <li>• There is no dispute between the parties that the combined floor area of the three appeal extensions A, B and C is circa 287 sqm. This gives the 'existing' dwelling a total floor area of about 530 sqm, compared with a floor area of approximately 243 sqm as built. This more than doubles the floor area of the approved replacement dwelling, which is already more than double the floor area of the pre-1948 dwelling. Therefore, based on floor area alone the three extensions represent a substantial enlargement of the dwelling.</li> <li>• Taking account of all these components, alone and in combination, I conclude the appeal development amounts to a substantial enlargement of the dwelling that represents disproportionate additions over and above the size of the previous and replacement dwelling as originally built. Consequently, the development constitutes inappropriate development in the Green Belt.</li> <li>• The appeal site may be small in area compared to the overall size of the Metropolitan Green Belt, but the appeal extensions nonetheless, individually and in combination, are physically present and occupy space on the ground that was previously free of built development. They also have volume and have changed the shape and massing of the dwelling. The extensions have therefore significantly reduced the spatial and visual openness of the Green Belt.</li> <li>• Furthermore, whilst the appeal extensions are sited within the private garden and curtilage of the property, they physically extend the footprint of the dwelling and take built form further towards the adjacent woodland and surrounding countryside. As such, the appeal development also fails to safeguard the countryside from encroachment.</li> <li>• I find the appeal development represents disproportionate additions over and above the size of the previous or replacement dwelling as originally built. As such the development does not fall within the exception set out in paragraph 149c) of the Framework. It is therefore inappropriate development in the</li> </ul>	
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	<p>Green Belt for the purposes of Policy P2 and the Framework. There is also a reduction in openness and conflict with one of the purposes of including land within the Green Belt contrary to paragraphs 137 and 138 of the Framework, respectively.</p> <ul style="list-style-type: none"> <li>• By not following the guidance in the design SPD, I find Extensions A and Chave caused unacceptable harm to the character and appearance of the dwelling. Accordingly, they are in conflict with saved Policy G5 of the old Local Plan and Policy D1 of the new Local Plan, which collectively seek to ensure development is of a high quality that respects the context, scale, proportions and materials of the surrounding environment.</li> <li>• Extension B is a simple single storey extension on the rear elevation that does not interfere with the front elevation of the property. Whilst it is has a sizeable footprint, it is a relatively lightweight structure that is subservient to the dwelling. In isolation, Extension B does not adversely affect the character or appearance of the dwelling to contravene saved Policy G5 of the old Local Plan and Policy D1 of the new Local Plan or the guidance in the design SPD, whose aims are outlined above.</li> <li>• There was originally a dwelling on site. The approved replacement dwelling was double in size and the appeal extensions effectively double the size of the replacement dwelling. Whilst there are no public views of the site and the materials used for the extensions harmonise with the dwelling and are of a high design quality, the extensions nonetheless represent a sizeable amount of built development, with the carer's wing appearing as a separate dwelling.</li> <li>• For the reasons given I conclude that the appeals should not succeed. I shall uphold the enforcement notice with variation and refuse to grant planning permission on the deemed applications.</li> </ul>	
<p>6.</p>	<p><b>Mrs Ann Thomas</b>  <b>Oak End, Oak Tree Close, Jacob's Well, Guildford, Surrey GU4 7PU</b></p> <p><b>20/P/00541</b> - The development proposed is erection of three dwellings following demolition of existing dwelling and outbuildings.</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 development on (a) the character and appearance of the area in relation to the site's layout and the scale of built form, and (b) the integrity of a Special Protection Area (SPA).</li> <li>• Oak End is a detached bungalow on a deep plot at the southern end of Oak Tree Close, a private road parallel to Woking Road and separated from it by a belt of trees. There are detached and semi-detached dwellings with comparable long back gardens to the eastern side of the Close. To the south of the site is more recent housing built to a higher density. Adjacent to Oak End are semi-detached houses 1 and 2 Finglebridge Cottages and at Malvern and Evesham which have shorter back gardens; vehicular access is direct from Woking Road. To the rear of these houses are semi-detached and terraced houses in Brookside, also with modest rear gardens. To the rear of Brookside and the appeal site is a vacant former commercial yard.</li> <li>• There are several similarities between the proposed dwellings and the more recent developments to the south. The front and rear walls to the proposed frontage houses would align with those of 1 and 2 Finglebridge Cottages and there would also be alignment between the proposed rear detached dwelling and the adjacent semi-detached houses fronting</li> </ul>	<p><b>DISMISSED</b></p>

	<p>Brookside. The back to back facing distances between the proposed dwellings would be similar to that on the adjacent dwellings and garden sizes would be comparable. The massing of the proposed dwellings would be a little smaller than those of adjacent buildings, but there are variations in design, size and form in the immediate vicinity. The larger house proposed to the rear of the site would reflect the size of detached frontage dwellings to the north.</p> <ul style="list-style-type: none"> <li>• But there would also be several differences between the proposed dwellings and those to the south of the site, mainly arising from access arrangements. Whereas the adjacent dwellings all have vehicular accesses to their frontages, the proposed detached house would rely on a tandem access arrangement with a driveway to the side of the house on plot 1 leading to parking and turning areas between the dwellings. This would increase the proportion of hard surfaced areas required and constrain the width of land otherwise available for the houses on plots 1 and 2.</li> <li>• The driveway would also pass close to the side entrance and back garden to 'Edgewood' the adjacent house to the north, previously known as 'Grouville'. Edgewood is set deeper within its plot than the proposed frontage houses and there would be a closer overlooking relationship between the rear windows at Edgewood and the front bedroom window to the proposed detached house. A garden tree has been removed that would have helped to filter these views and to soften the appearance of the development. The scale of the proposed dwelling at the rear of the site would be similar to that of some dwellings fronting Oak Tree Close to the north, but its context as a backland dwelling with modest garden areas would not reflect the more generous setting of these larger dwellings.</li> <li>• In all these respects, the proposed development would result in a relatively cramped layout with a greater proportion of hard surfaced areas and a harsher appearance compared with neighbouring developments. Whilst views of the area between the proposed building would be mainly private rather than from public land, these differences would nonetheless detract from the pleasant residential character of the area.</li> <li>• The proposal would thereby conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (adopted 2019) which requires all new development to achieve high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set. There would also be conflict with parts of Saved Policy G5 of the Guildford Borough Local Plan 2003 (GBLP) relating to respect for the context of the development, space around buildings and the layout of the site.</li> <li>• The application site is located within the 400m – 5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA) within which Natural England advise that new residential development has the potential to significantly impact on the integrity of the site through increased dog walking and recreational use. The appellant has entered into a S.106 Agreement with the Council to mitigate impacts in accordance with an adopted TBHSPA avoidance strategy. This would involve paying contributions towards "Strategic Access Management and Monitoring" (SAMM) and "Suitable Accessible Natural Green Space" (SANGS).</li> <li>• These contributions would satisfy the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010) and would address the Council's concerns in its second refusal reason. However, I have not undertaken an Appropriate Assessment in respect of the Habitat Regulations as the appeal is to be dismissed for other reasons.</li> </ul>	
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	<ul style="list-style-type: none"> <li>• The proposal would result in the net increase of two dwellings which would contribute towards the general need for additional homes. I note that the Council can demonstrate a five year housing land supply, so the tilted balance at Paragraph 11 of the Framework does not apply. In my judgement, the benefit of two additional homes does not outweigh the harm arising to the character and appearance of the area. The development would result in an overly cramped layout that would be detrimental to the character and context of the surrounding area.</li> <li>• I conclude that the appeal should be dismissed.</li> </ul>	
<p>7.</p>	<p><b>COSTS APPEAL</b>  <b>Mr W Gong Appeal Withdrawn against Guildford Borough Council for refusal of application 20/P/01719</b>  <b>32 Queen Eleanors Road, Guildford</b></p> <p><b>20/P/01719</b> - Conversion of the dwelling house to create 1 additional residential unit.</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• All the available evidence has been carefully considered. Although the Council are seeking a full award of costs it has not been alleged that the appeal was unreasonably made at the outset and that it did not have a reasonable prospect of success. The decisive issue is considered to be whether or not the appellant acted unreasonably, with the result that the Council were put to unnecessary expense, by withdrawing the appeal when he did. The guidance at paragraphs 052 &amp; 054 of the costs policy guidance is relevant. Paragraph 054 states that if an appeal is withdrawn without any change in the planning authority’s case, or any other material change in circumstances relevant to the planning issues arising on the appeal, an award of costs may be made against the appellant. The relevant circumstances, leading to the withdrawal of the appeal, have therefore been carefully examined.</li> <li>• It is noted that the appeal was submitted on 8 February 2021 and was accompanied by a statement of case which included an application for an award of costs against the Council. The Inspectorate’s procedural “start date” letter of 12 April 2021 explained that the appeal would be decided via an exchange of written representations and that arrangements would be put in hand for a site inspection by a Planning Inspector. A timetable was set for the submission of appeal documentation. The Council was required to submit a completed appeal questionnaire and a statement of case. The letter to the appellant drew attention to the guidance on awards of costs and warned that withdrawal of the appeal, at any stage of the proceedings without good reason, might result in a successful application for an award of costs.</li> <li>• The Council proceeded to submit the appeal questionnaire, their statement of case and a response to the appellant’s costs application. The appellant submitted final comments on 25 May 2021 and, on 26 May 2021, he provided the Inspectorate with confirmation that the relevant Planning Inspector would be able to gain access, to carry out a site inspection, on 10 June 2021. However, by letter dated 23 June 2021 the appellant informed (without explanation) of the decision to withdraw the appeal.</li> <li>• Having noted the reasons stated above it is concluded that the appeal was not withdrawn as a result of a material change in the Council’s case or any other material change in circumstances relevant to the planning issues</li> </ul>	<p><b>COSTS AWARDED TO GUILDFORD BOROUGH COUNCIL</b></p>

	<p>arising on the appeal. It was withdrawn in the light of perceived changes in the housing market and to pursue alternative proposals with the Council. However, these are not matters which are considered to constitute “good reason” for withdrawal. The decision to appeal should not be taken lightly and the appellant should have been sure of his position and commitment, from the outset, to pursue the appeal to a formal determination. The perceived changes to the housing market and decision to pursue alternative proposals with the Council does not amount to a material change in circumstances. The withdrawal of the appeal was therefore unreasonable with reference to paragraph 054 of the costs policy guidance and caused the Council to incur wasted expense in the appeal proceedings.</p> <ul style="list-style-type: none"> <li>• In the circumstances described an award of costs is considered justified. As to the extent, a partial award of costs is being made from 26 April 2021 (inclusive). This allows a nominal period of 2 weeks for the appellant to fully consider the warning on costs contained in the Inspectorate’s procedural letter of 12 April 2021 and to decide whether or not to proceed with the appeal. If he had withdrawn at that stage of the appeal proceedings the Council’s expense would have been minimised.</li> <li>• For these reasons it is concluded that a partial award of costs against the appellant, on grounds of “unreasonable” behaviour resulting in unnecessary or wasted expense, is justified in the particular circumstances.</li> <li>• Accordingly, the Secretary of State for Housing, Communities and Local Government in exercise of his powers under section 250(5) of the Local Government Act 1972, and sections 78 and 322 of the Town and Country Planning Act 1990, and all other powers enabling him in that behalf, <b>HEREBY ORDERS</b> that Mr W Gong shall pay to Guildford Borough Council their costs of the appeal proceedings before the Secretary of State limited to those costs incurred from 26 April 2021 (inclusive); such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in paragraph 1 above.</li> </ul>	
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