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Contact Officer:

Sophie Butcher, Democratic Services Officer

19 April 2022

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 27 APRIL 2022 at 7.00 pm.**

Whilst Committee members and key officers will be in attendance in person for the meeting, registered speakers as well as ward councillors registered to speak, may also join the meeting via MSTeams. Ward Councillors, please use the link in the Outlook Calendar invitation. Registered speakers will be sent the link upon registration. If you lose your wi-fi connectivity, please re-join using the telephone number +44 020 3855 4748. You will be prompted to input a conference ID: 834 260 611#.

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

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

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

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

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

Yours faithfully

Tom Horwood

Joint Chief Executive

MEMBERS OF THE COMMITTEE

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

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

Authorised Substitute Members:

Councillor Tim Anderson	Councillor Bob McShee
The Deputy Mayor, Councillor Dennis Booth	Councillor Susan Parker
Councillor Graham Eyre	Councillor Jo Randall
Councillor Guida Esteves	Councillor Tony Rooth
Councillor Andrew Gomm	Councillor Will Salmon
Councillor Jan Harwood	Councillor Deborah Seabrook
Councillor Steven Lee	Councillor Cait Taylor
Councillor Nigel Manning	Councillor James Walsh
Councillor Ted Mayne	Councillor Catherine Young

QUORUM 5

THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

Our Vision:

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

Our Mission:

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

Our Values:

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

Our strategic priorities:

Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in 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 15 - 48)

To confirm the minutes of the meeting of the Committee held on 21 and 30 March 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 49 - 50)

All current applications between numbers 21/P/00030 and 22/P/00179 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 **21/P/00030 - Yana Alpacas, Hawthorn Farm, Polesden Lane, Ripley, Woking, GU23** (Pages 51 - 80)

5.2 **21/P/02454 - Land between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham, GU10 1LW** (Pages 81 - 98)

5.3 **22/P/00179 - Twynings, 33 Gateways, Guildford, GU1 2LF** (Pages 99 - 106)

6 PLANNING APPEAL DECISIONS (Pages 107 - 122)

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

WEBCASTING NOTICE

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

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

NOTES:

(i) Procedure for determining planning and related applications:

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

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

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

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

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

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

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

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

GUIDANCE NOTE For Planning Committee Members

Probity in Planning – Role of Councillors

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

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

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

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

Reason for Refusal

How a reason for refusal is constructed.

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

When formulating reasons for refusal Members will need to:

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

Example

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

Reason for Approval

How a reason for approval is constructed.

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

Example:

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

Reason for Deferral

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

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

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

NOTES:

Officers Report

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

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

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

Written Representations

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

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

Background Papers

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

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

Human Rights Act 1998

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

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

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

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

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

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

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

- 3 Article 14: prohibition from discrimination

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

- 4 Article 1 Protocol 1: protection of property;

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

- 5 Article 2 Protocol 1: right to education.

No person shall be denied the right to education.

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

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

Costs

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

However, where:

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

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

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PLANNING COMMITTEE

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

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

*Present

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillors Chris Barrass, Chris Blow and Paul Spooner. Councillors Tony Rooth, Deborah Seabrook and Jan Harwood attended as substitutes respectively. Councillor Fiona White sent her apologies and Councillor Colin Cross acted as Chairman in her absence.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

21/P/00428 – Howard of Effingham School

Councillor Liz Hogger declared a non-pecuniary interest in the above application and stated that although she is a member of Effingham Parish Council, she did not comment or vote on any planning applications which come before the parish council. She did not therefore participate in the parish council's decision to object to this application.

Secondly, her husband is a trustee for Effingham Village Recreation Trust, which owns the KGV Fields to the south of the application site. He has submitted an objection on behalf of the Trust and not in a personal capacity.

Councillor Hogger confirmed that neither of these issues would affect her judgement on this application, and she would approach the discussion on the application tonight with an open mind to all the arguments made.

PL3 MINUTES

The minutes of the Planning Committee held on 2 February 2022 were approved and signed by the Chairman.

PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL5 APPLICATION DEFERRED - 20/P/01057 - WHITE HORSE YARD, HIGH STREET, RIPLEY, GU23 6BB

The Committee noted that the above application had been deferred. Due to the scale of the application and proximity to a Grade II* listed building there was a requirement to consult Historic England. This had not taken place. In the absence of a statutory consultation a decision could not be made on the applications. Officers had now initiated the consultation and would bring the items to the next available planning committee updating Members on the response from Historic England.

PL6 APPLICATION DEFERRED - 20/P/01058 - WHITE HORSE YARD, HIGH STREET, RIPLEY, GU23 6BB

The Committee noted that the above application had been deferred. Due to the scale of the application and proximity to a Grade II* listed building there was a requirement to consult Historic England. This had not taken place. In the absence of a statutory consultation a decision could not be made on the applications. Officers had now initiated the consultation and would bring the items to the next available planning committee updating Members on the response from Historic England.

PL7 21/P/00428 - HOWARD OF EFFINGHAM SCHOOL, LOWER ROAD, EFFINGHAM, LEATHERHEAD, KT24 5JR

Prior to consideration of the above-mentioned application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Ian Symes (Chairman of Effingham Parish Council) (to object)
- Ms Vivien White (Chairman of Effingham Residents Association) (to object)
- Mr David Gilchrist (Agent) (In Support)

The Committee considered the above-mentioned Reserved Matters application pursuant to outline permission 14/P/02109 approved on 21/03/2018, to consider appearance, landscaping, layout and scale in respect of 99 dwellings.

The Committee received a presentation from Specialist Development Management Majors Officer, John Busher. The Committee noted the supplementary late sheets as some changes had been made to the southern and eastern boundaries of the application site, an amendment to condition 14 and a new condition. This was a reserved matters application for the construction of 99 dwellings following approval of outline planning permission by the Secretary of State in 2018 as part of the Effingham School development. The main phase of the development was planned on the Lodge Farm site. The site was located outside of but adjoining to Effingham Conservation Area and Little Bookham Conservation Area which was in Mole Valley. The site was previously Green Belt land. Residential properties were located mainly to the west, King George Recreation Ground to the south and to the east a school and a church. The planning officer referred to the Masterplan which had been approved by the Secretary of State. The largest part of the application site was set on the northern side of the road which included houses and the replacement secondary school and a smaller residential development accessed off Brown's lane. The Inspector considered the Masterplan as part of the appeal. The access from Lower Road led to a central open space in the middle of the site leading to cul-de-sacs with a variety of dwellings and apartment units. The approved parameter plans were also referred to by the Planning Officer, also considered by the Planning Inspector, which showed the approved building height parameters at two and a half storeys in height which was considered acceptable in those areas. A potential pedestrian/cycle link was

proposed along the eastern boundary which would link Lower Road into King George the Fifth Recreation grounds.

The Committee noted that the appeal layout plan had been amended on a number of occasions to deal with issues raised by planning officers and residents. The main changes were focused on the eastern portion of the site where a much improved arrangement of buildings fronting onto the spine road had been achieved. Previously, the dwellings were located side onto the access road and the applicant had changed it so all the dwellings fronted onto the streetscene. The applicant had also swapped the terrace of four dwellings with an apartment block on the eastern boundary. The apartment block now had an active frontage onto Lower Road therefore improving the streetscene. The larger blocks were also located further away from the listed buildings and the conservation areas. The terrace of 4 dwellings had moved to the south-eastern corner with a greater gap to the southern and eastern boundaries. The building would also be slightly smaller in height. The taller buildings were located around the central open space and the existing lodge was still being retained and incorporated into the scheme.

The Committee noted that to address issues raised by residents, the applicant had reintroduced the cycle and pedestrian route that was shown on the parameter plan along the eastern boundary of the site. There would be a pedestrian and cycle link from Lower Road to the recreation area with the road flanked by a 1.5 metre high metal fence. The additional condition would secure the design and layout. To the southern boundary of the site there was the potential to have an access point between the two sites but was dependent upon an agreement being reached between the two private landowners.

The planning officer concluded that this was a reserved matters application, and as such the principle of development was deemed acceptable, including the access and the number of units which had already been agreed and established by the Secretary of State. The design and layout of the proposal was considered by planning officers to be an overall improvement compared to the indicative details submitted as part of the appeal proposal. The application did not result in any harm to heritage assets, neighbouring amenities, flooding or highways issues. No objections had been raised by statutory consultees other than the Parish Council. Planning officers were therefore of the opinion that the proposal was acceptable and recommended approval.

Planning officers were invited to comment on anything that the public speakers had referred to and confirmed that the fact Effingham Residents Association had objected to the application had been clarified on the supplementary late sheets.

The Chairman permitted Councillor Liz Hogger five minutes to speak in her capacity as ward councillor. The two amendments as laid out in the supplementary late sheets were welcomed and was hopeful that the precise design of the fence could be resolved shortly along the southern boundary. However, the provision of the cycle and pedestrian route along the eastern boundary was a concern. The southern part of the boundary in the vicinity of the row of terraced cottages and the land to the east of that land all belonged to All Saints Church which was a Grade II listed building and adjoined the existing graveyard of the church. The Mole Valley Historic Environment Officer had expressed strong concerns about the impact of the design and layout on Little Bookham's Conservation Area as well as on the setting of All Saints Church, and its graveyard, which was more harmful than the indicative layout presented at appeal. At the rear elevation of the terrace of cottages was a 9-metre high brick elevation, which was similar in height to the apartment building, whilst it was further away, it was still a very obvious structure when viewed from the graveyard of All Saints Church. The Inspector said at the appeal that there would be an opportunity at reserved matters stage for additional planting to screen this development from the Conservation Area, and from Little Bookham Church, to avoid material harm to the heritage assets as well as along the rear of the terraced cottages. However, there was no planting or green screening proposed, only a boarded wooden fence at the back of the gardens and then an open metal fence along the cycle path

with no trees or hedges along that particular boundary. The Rector of All Saints Church was also very concerned about the effect upon the tranquility of the graveyard. With regard to over-development, reference had been made to 12 bonus rooms which were to be treated as bedrooms and therefore the housing mix would be contradictory to the SHMAA and indicative plans at appeal. The proposal would also result in a scale of built form which was actually greater than the indicative scheme.

The Committee discussed the application and remained concerned about the lack of screening proposed between the graveyard and pedestrian and cyclist route. The bonus rooms proposed were noted as beneficial for people wanting to work from home which had become more prevalent since the pandemic.

The Committee discussed the design of the houses as being very block like and unattractive. The bonus rooms were also questioned as to their necessity as well as garages which people tended to convert into additional rooms. In addition, the number of affordable homes had been reduced by 20% as well as the number of affordable rented properties. The Committee also expressed concerns regarding the housing mix which had resulted in fewer smaller properties that were in demand and general affordability. Two cycling spaces per apartment would have also been good.

The Committee considered that the development proposed was out of character and an over-development of the site with insufficient affordable properties with bonus rooms potentially skewing the housing mix.

The Committee also noted comments that planning policy did not dictate how people should use the rooms in their homes. The SHMAA mix was agreed by the Planning Inspector at the appeal. The energy sustainability of the scheme was also very impressive.

The Committee queried why the rooms were called 'bonus rooms' and why it was described as having approximately 12 of those rooms. Were bonus rooms smaller than a standard room?

In response to points raised by the Committee, the planning officer, John Busher confirmed that the additional screening on the western boundary was negated by the change of layout, swapping the apartment building with the terraced block which therefore created a buffer. The pedestrian/cycle route was already a public right of way by the graveyard so there was movement in that area currently and was accepted by planning officers that it would likely increase as a result of this proposal. The extension of the graveyard was also something that the Committee should bear in mind. In terms of questions about the number of affordable units, the tenure and mix were all issues already dealt with by the Secretary of State and unfortunately there was no opportunity to re-open those aspects as part of the reserved matters application. In addition, whilst the Council was consulting on new parking standards, the proposal met the current standards. Lastly, the term 'bonus rooms' had been coined by the planning officer and just referred to rooms that you would not ordinarily expect to see as these were ancillary additional rooms which did provide flexibility in terms of how they were used. There was nothing to stop residents in planning terms from splitting up the room configurations.

The Committee considered the proposed built form along the eastern boundary as out of scale by way of its location and arrangement. The lack of green screening and planting along the southern section would harm the tranquility of the Little Bookham Conservation Area as well as its setting and significance as well as the Grade II Listed building, All Saints Church. The harm identified to these heritage assets was greater than that harm identified by the Planning Inspector at appeal.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Gunning		X	
2	Tony Rooth			X
3	David Bilbé	X		
4	Liz Hogger		X	
5	Pauline Searle		X	
6	Colin Cross		X	
7	Ruth Brothwell		X	
8	Deborah Seabrook	X		
9	Jan Harwood	X		
10	Ramsey Nagaty		X	
11	Angela Goodwin		X	
12	Jon Askew		X	
13	Maddy Redpath	X		
14	Marsha Moseley	X		
	TOTALS	5	8	1

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Goodwin	X		
2	Liz Hogger	X		
3	David Bilbé (left the meeting)			
4	Colin Cross	X		
5	Angela Gunning	X		
6	Jon Askew	X		
7	Tony Rooth			X
8	Pauline Searle	X		
9	Deborah Seabrook		X	
10	Ramsey Nagaty	X		
11	Marsha Moseley		X	
12	Jan Harwood		X	
13	Maddy Redpath			X
14	Ruth Brothwell	X		
	TOTALS	8	3	2

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

RESOLVED to refuse application 21/P/00428 for the following reasons:

1. By virtue of the location and arrangement of built form along the eastern boundary of the site, the scale of the built form in this area of the site, and the lack of planting to screen the built form along the southern section of this boundary, the proposal would harm the tranquillity, setting and significance of the Little Bookham Conservation Area, and the listed building (and its curtilage) known as All Saints Church. Their setting is an important contributor to the heritage significance of these designated heritage assets and the tranquillity of the Church yard and the rural character of its setting adds specifically to the significance of All Saints Church. The proposal would result in less than substantial harm (toward the higher end of this scale) to their significance. This harm is considered to be greater than the harm identified by the Inspector in the appeal decision giving outline consent. The proposal is therefore contrary to policy D3 of the Local Plan: Strategy and Sites, saved policies HE4 and HE10 of the Local Plan 2003, and policy ENP-G3 of the Effingham Neighbourhood Plan, as well as Chapter 16 of the National Planning Policy Framework 2021.

1. This decision relates expressly to the following drawings:

	Drawing number
Site Layout	S857/HE/01 Rev O
Plots 1-5 Elevations 1	S857/HoE/P1-5/04 REV A
Plot 1-5 Elevations 2	S857/HoE/P1-5/05 REV A
Plot 1-5 Elevations 3	S857/HoE/P1-5/06
Plot 1-5 FF Plans	S857/HoE/P1-5/02 REV A
Plot 1-5 GF Plans	S857/HoE/P1-5/01 REV A
Plot 1-5 SF Plans	S857/HoE/P1-5/03 REV A
Plots 6-8 Elevations	S857/HoE/P6-8/02 REV B
Plot 6-8 Plans	S857/HoE/P6-8/01 REV B
Plot 9-10 Elevations	S857/HoE/P9-10/02 REV B
Plot 9-10 Plans	S857/HoE/P9-10/01 REV A
Plot 11-12 Elevations	S857/HoE/P11-12/02 REV B
Plot 11-12 Plans	S857/HoE/P11-12/01 REV B
Plot 13-14 Elevations	S857/HoE/P13-14/02 REV B
Plot 13-14 Plans	S857/HoE/P13-14/01 REV B
Plot 15 Elevations	S857/HoE/P15/02 REV B
Plot 15 Plans	S857/HoE/P15/01 REV A
Plot 16 Plans	S857/HoE/P16/01 REV A
Plot 16 Elevations	S857/HoE/P16/02 REV A
Plot 17-18 Elevations	S857/HoE/P17-18/02 REV B
Plot 17-18 Plans	S857/HoE/P17-18/01 REV B
Plot 19-20 Elevations	S857/HoE/P19-20/02 REV A
Plot 19-20 Plans	S857/HoE/P19-20/01 REV A
Plot 21-22 Elevations	S857/HoE/P21-22/02 REV A
Plot 21-22 Plans	S857/HoE/P21-22/01 REV A
Plot 23-24 GF&FF Plans	S857/HoE/P23-24/01 REV A
Plot 23-24 SF Plans	S857/HoE/P23-24/02 REV A
Plot 23-24 Elevations	S857/HoE/P23-24/03
Plot 25 Plans	S857/HoE/P25/01 Rev A
Plot 25 Elevations	S857/HoE/P25/02 REV B

Plot 26-27 Elevations 1	S857/HoE/P26-27/03 REV C
Plot 26-27 Elevations 2	S857/HoE/P26-27/04 REV C
Plot 26-27 GF&FF Plans	S857/HoE/P26-27/01 REV C
Plot 26-27 SF Plans	S857/HoE/P26-27/02 REV C
Plot 28 Elevations	S857/HoE/P28/02 REV B
Plot 28 Plans	S857/HoE/P28/01 REV A
Plot 29 Plans	S857/HoE/P29/01
Plot 29 Elevations	S857/HoE/P29/02 REV B
Plot 30 Elevations 1	S857/HoE/P30/03 REV B
Plot 30 Elevations 2	S857/HoE/P30/04 REV A
Plot 30 FF Plans	S857/HoE/P30/02 REV A
Plot 30 GF Plans	S857/HoE/P30/01 REV A

Plot 31 Elevations	S857/HoE/P31/02 REV B
Plot 31 Plans	S857/HoE/P31/01 REV A
Plot 32 Elevations	S857/HoE/P32/02 REV A
Plot 32 Plans	S857/HoE/P32/01 REV A
Plot 33 Elevations	S857/HoE/P33/02 REV A
Plot 33 Plans	S857/HoE/P33/01
Plot 34 Elevations	S857/HoE/P34/02 REV A
Plot 34 Plans	S857/HoE/P34/01
Plot 35 Elevations	S857/HoE/P35/02 REV A
Plot 35 Plans	S857/HoE/P35/01
Plot 36 Elevations	S857/HoE/P36/02 REV A
Plot 36 Plans	S857/HoE/P36/01
Plot 37 Elevations	S857/HoE/P37/02 REV B
Plot 37 Plans	S857/HoE/P37/01 REV A
Plot 38-41 FF Plans	S857/HoE/P38-41/02 REV C
Plot 38-41 GF Plans	S857/HoE/P38-41/01 REV C
Plot 38-41 Elevations 1	S857/HoE/P38-41/03 REV D
Plot 38-41 Elevations 2	S857/HoE/P38-41/04 REV D
Plot 42-43 GF Plans	S857/HoE/P42-43/02 REV A
Plot 42-43 FF Plans	S857/HoE/P38-41/04 REV D
plot 42-43 Elevations	S857/HoE/P42-43/03 REV B
Plot 44-45 Elevations 1	S857/HoE/P44-45/04 REV A
Plot 44-45 Elevations 2	S857/HoE/P44-45/05 REV A
Plot 44-45 FF Plans	S857/HoE/P44-45/02 REV A
Plot 44-45 GF Plans	S857/HoE/P44-45/01 REV A
Plot 44-45 SF Plans	S857/HoE/P44-45/03 REV A
Plot 46 Plans	S857/HoE/P46/01 REV B
Plot 46 Elevations	S857/HoE/P46/02 REV C
Plot 47-50 Elevations 1	S857/HoE/P47-50/04 REV A
Plot 47-50 Elevations 2	S857/HoE/P47-50/05 REV A
Plot 47-50 Elevations 3	S857/HoE/P47-50/06 REV A
Plot 47-50 FF Plans	S857/HoE/P47-50/02 REV A
Plot 47-50 GF Plans	S857/HoE/P47-50/01 REV A
Plot 47-50 SF Plans	S857/HoE/P47-50/03 REV A

Plot 51 Elevations	S857/HoE/P51/02
Plot 51 Plans	S857/HoE/P51/01
Plot 52-55 Elevations 1	S857/HoE/P52-55/03 REV A
Plot 52-55 Elevations 2	S857/HoE/P52-55/04 REV A
Plot 52-55 FF Plans	S857/HoE/P52-55/02 REV A
Plot 52-55 GF Plans	S857/HoE/P52-55/01 REV A
Plot 56-57 Elevations 1	S857/HoE/P56-57/03
Plot 56-57 Elevations 2	S857/HoE/P56-57/04
Plot 56-57 FF Plans	S857/HoE/P56-57/02
Plot 56-57 GF Plans	S857/HoE/P56-57/01
Plot 58-59 Elevations	S857/HoE/P58-59/02
Plot 58-59 Plans	S857/HoE/P58-59/01
Plot 60-62 Elevations	S857/HoE/P60-62/03
Plot 60-62 FF Plans	S857/HoE/P60-62/02
Plot 60-62 GF Plans	S857/HoE/P60-62/01
Plot 63-66 Elevations 1	S857/HoE/P63-66/03
Plot 63-66 Elevations 2	S857/HoE/P63-66/04
Plot 63-66 FF Plans	S857/HoE/P63-66/02
Plot 63-66 GF Plans	S857/HoE/P63-66/01
Plot 67-78 Elevations 1	S857/HoE/P67-78/04 REV C
Plot 67-78 Elevations 2	S857/HoE/P67-78/05 REV C
Plot 67-78 FF Plans	S857/HoE/P67-78/02 REV B
Plot 67-78 GF Plans	S857/HoE/P67-78/01 REV B
Plot 79 Plans	S857/HoE/P79/01 REV C
Plot 79 Elevations	S857/HoE/P79/02 REV C
Plot 80 Plans	S857/HoE/P80/01 REV A
Plot 80 Elevations	S857/HoE/P80/02 REV C
Plot 81-82 Elevations	S857/HoE/P81-82/02 REV C
Plot 81-82 Plans	S857/HoE/P81-82/01 REV C
Plot 83-84 Elevations	S857/HoE/P83-84/02 REV C
Plot 83-84 Plans	S857/HoE/P83-84/01 REV C
Plot 85-86 Plans	S857/HoE/P85-86/01 REV B
Plot 85-86 Elevations	S857/HoE/P85-86/02 REV C
Plot 87 Elevations	S857/HoE/P87/02 REV B
Plot 87 Plans	S857/HoE/P87/01 REV A
Plot 88-89 Plans	S857/HoE/P88-89/01 REV B
Plot 88-89 Elevations	S857/HoE/P88-89/02 REV C
Plot 90-91 Elevations	S857/HoE/P90-91/02 REV B
Plot 90-91 Plans	S857/HoE/P90-91/01 REV B
Plot 92-93 FF Plans	S857/HoE/P92-93/02 REV B
Plot 92-93 GF Plans	S857/HoE/P92-93/01 Rev B
Plot 92-93 Elevations 1	S857/HoE/P92-93/03 REV C
Plot 92-93 Elevations 2	S857/HoE/P92-93/04 REV C
Plot 94-95 Elevations 1	S857/HoE/P94-95/03 REV C
Plot 94-95 FF Plans	S857/HoE/P94-95/02 REV B
Plot 94-95 GF Plans	S857/HoE/P94-95/01 REV B
Plot 96-99 Elevations 1	S857/HoE/P96-99/04 REV D

Plot 96-99 Elevations 2	S857/HoE/P96-99/05 REV D
Plot 96-99 FF Plans	S857/HoE/P96-99/02 REV C
Plot 96-99 GF Plans	S857/HoE/P96-99/01 REV C
Plot 96-99 SF Plans	S857/HoE/P96-99/03 REV C
Bin and cycle store plots 67-78	S857/HoE/P67-78/BCS
Car barn plots 1-3	S857/HoE/P1-3/GD
Car barn plots 4-7	S857/HoE/P4-7/GD REV A
Car barn plots 48&54	S857/HoE/P48-54/GD
Garage plots 32-37	S857/HoE/P32+37/GD REV B
Garage plots 8-11	S857/HoE/P8+11/GD REV B
Garage plots 15-79-81	S857/HoE/P15-79&81/GD REV B
Garage plots 16-99 20-21	S857/HoE/P16-99 +20-21/GD REV A
Garage plots 79-81	S857/HoE/P79&81/GD REV A
Garage plots 82-87	S857/HoE/P82-87/GD REV A

2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process.

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

In this case pre-application advice was not sought before submission. Officers secured amendments to the scheme during the formal assessment. However, the Local Planning Authority found that the amended scheme was still not acceptable and permission was therefore refused.

PL8 21/P/00976 - LOT 5, LAND TO THE WEST OF MANOR FARM COTTAGES, WESTWOOD LANE, WANBOROUGH, GUILDFORD, GU3 2JF

Prior to consideration of the above-mentioned application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Oscar de Chazal (to object) and;
- Ms Mary Adkins (to object)

The Committee considered the above-mentioned full application for provision of a water tap and a manhole to facilitate the provision of a mains water supply for the purposes of agriculture.

The Committee received a presentation from the planning officer, John Busher. The Committee noted that the application was for planning permission for a tap and manhole cover on land off Westwood Lane in Wanborough. The site was comprised of part of an agricultural field, in the Green Belt and an Area of Great Landscape Value (AGLV) and located outside of the AONB boundary. The Committee noted the supplementary late sheets where it had been incorrectly stated in the report that the site was within the AONB but the site actually sits outside of it. An additional comment had also been received from the Surrey Hills Area of Outstanding Natural Beauty officer.

The site was largely open and undeveloped and the proposed tap was very similar to an application the Committee had approved back in May 2021. The application sought permission for a water tap and no other development was proposed. The land remained in agricultural use. The application did not seek material change to the use of the land. Given the development was for an engineering operation in the Green Belt, the only consideration was the impact on the surrounding openness. As the proposed was for a tap and manhole cover, officers did not believe that there would be any loss of openness or discernable harm to the Green Belt nor impact on its character or appearance and had therefore recommended the application for approval.

The Committee discussed the application and noted that a significant piece of beautiful and open landscape had been sold off in various lots, in some cases to plant trees which would need water as well as possibly to graze livestock on. The Committee noted concerns therefore that this would not be the last tap application and the recommendation that the Article 4 Direction that covered this land was placed as an informative if it was approved.

The Committee noted that enforcement action was a regular activity on the adjacent site. Concern was noted that a tap or a proposal for tree planting would impact on the views in and out of the AGLV and views of the AONB as well as an impact on the openness. The planting of trees or use of livestock on the land would also require the erection of fences which was contrary to the Article 4 Direction as it would break up the openness of the land. The fields also flooded regularly and therefore the need for a tap was questioned.

The Head of Place, Dan Ledger confirmed that the Committee had to consider the application before it for a tap. The proposal was not for a change of use of the land. As the application was for an engineering operation and not a new agricultural building there was no requirement to establish whether the proposed works were 'reasonably necessary' for the purposes of agriculture.

The Committee noted the concerns raised however accepted that there was no relevant planning policies on which to refuse the application. The Committee agreed that the Article 4 Direction was attached as an informative.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ruth Brothwell	X		
2	Pauline Searle	X		
3	Jan Harwood	X		
4	Deborah Seabrook	X		
5	Colin Cross	X		
6	Ramsey Nagaty			X
7	Angela Goodwin	X		
8	Marsha Moseley	X		
9	Angela Gunning			X
10	Tony Rooth			X
11	Liz Hogger	X		
12	Jon Askew	X		
13	Maddy Redpath	X		
14	David Bilbé (was not present for this application)			
	TOTALS	10	0	3

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

RESOLVED to approve application 21/P/00976 subject to the conditions and reasons as detailed in the report and the additional informative referring to the Article 4 Direction as detailed below:

2. The applicant’s attention is drawn to the Article 4 Direction which is currently in place on this land. The applicant is advised to carefully consider the Article 4 Direction before commencing any work at this site.

PL9 21/P/01456 - LAND AT POYLE ROAD, TONGHAM

Prior to consideration of the above-mentioned application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr David Neame (Agent) (in support)

The Committee considered the full application for the erection of 38 no. dwellings, vehicular and pedestrian access, car parking and cycle storage together with associated landscaping and servicing (description amended 02/11/2021).

The Committee received a presentation from Jo Trask, Planning Officer. The Committee noted that there was a typo in condition 7 where reference to sooner should be replaced with ‘season’. The application site was allocated for housing under policy A31 and fell within the urban area of Ash and Tongham. The site was also located within 400 metres to 5 kilometres of the Thames Basin Heaths Special Protection Area (TBHSPA). The site was also adjoined to a nature conservation area and a footpath ran along the western boundary. A total of 36 dwellings were proposed, comprising of a mix of detached and semi-detached flat and terrace style properties. Allocated and visitor parking would also be provided within the site. The site approved in 2020 was granted planning permission for 35 units and had been implemented. The proposed scheme sought an additional three units on a large site area and were

accommodated on plot A. The majority of the built form would be located in the middle of the plot therefore retaining the existing rural character as per the already approved scheme.

Planning officers accepted that there would be an inevitable change in the character and appearance of the land. The principle of development had already been found to be acceptable in the granting of the 35 units in 2020. The scheme currently proposed a net increase of 3 units on a slightly enlarged area. The proposal complied with the development plan and would not result in any material harm to the character of the area. The landscape buffer around the site would also be retained and would help the development integrate into its site. The proposed dwellings were considered to provide a good level of internal and external amenity for future residents. There would be no unacceptable harm to neighbouring residents and subject to conditions, the scheme would also be acceptable in terms of highway safety, trees, ecology, archaeology and sustainable construction. The planning officers recommendation was therefore to approve the application subject to a S106 agreement which would secure 40% affordable housing on site, contributions towards Thames Basin Heath mitigation, education, Ash Road Bridge Highways and NHS healthcare.

The Committee discussed the application and concerns raised that Tongham Parish Council had in fact been consulted given it referred to Ash Parish Council in the report. The Committee welcomed the good proportion of affordable housing offered as part of the development proposal. The Committee also sought clarification on the number of visitor parking spaces to be provided.

The Head of Place, Dan Ledger, confirmed that Tongham Parish Council had been consulted with and the reference to Ash Parish Council was a typo. It was also confirmed that a total of 7 visitor parking spaces would be provided.

The Committee agreed that the proposal for a net increase of 3 dwellings was acceptable and that no material harm would be caused to the character of the area. The landscape buffer around the site provided the opportunity for the scheme to be integrated into the wider area. The dwellings provided a good level of amenity and caused no unacceptable harm to neighbouring residents.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Jon Askew	X		
2	Colin Cross	X		
3	Pauline Searle	X		
4	Ruth Brothwell	X		
5	Jan Harwood	X		
6	David Bilbé (not present for this application)			
7	Angela Gunning	X		
8	Liz Hogger	X		
9	Marsha Moseley	X		
10	Tony Rooth	X		
11	Angela Goodwin	X		
12	Maddy Redpath	X		
13	Ramsey Nagaty	X		
14	Deborah Seabrook	X		
	TOTALS	13		

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

RESOLVED to approve application 21/P/01456 subject to a S106 Agreement securing the following contributions:

Contributions towards education infrastructure:

- Early years £25,576
- Primary years £124,925
- Secondary years £137,348

Total contribution towards education infrastructure: £287,849

SANG to be secured at Ash Green Meadows (privately owned SANG).

SAMM contribution of £26,187.80

40% affordable housing 15 units in perpetuity

Open space:

- A contribution based on 0.14ha provision towards formal playing space;
- Children's play space 0.1ha to be secured on site
- Amenity open space 1.65ha to be secured on site

A contribution of £1824 towards Highway safety improvements for a road safety scheme in the vicinity of the site

A contribution of £78,104.82 towards Heath Care

A contribution of £409,084 towards Ash Road Bridge

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.

(iii) In the event that a satisfactory s.106 is not completed, the application be refused by the Head of Place/Director of Service Delivery.

PL10 APPEAL DECISIONS

The Committee discussed and noted the appeal decisions.

The meeting finished at 9.09 pm

Signed

Chairman

Date

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PLANNING COMMITTEE

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

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

*Present

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors David Bilbé, Chris Blow, Angela Goodwin and The Mayor, Councillor Marsha Moseley. Councillor Deborah Seabrook and Will Salmon attended as substitutes for Councillors Blow and Goodwin respectively. No substitutes were in attendance for Councillors Bilbé or The Mayor, Councillor Marsha Moseley.

In addition, Councillors Tom Hunt, Julia McShane and John Rigg were in attendance online as well as Councillor Chris Blow who were all observing the meeting only.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

21/P/01283 – Howard of Effingham School Lower Road, Effingham, Leatherhead, KT24 5JR
and 21/P/01306 – Land at Effingham Lodge Farm, Lower Road, Effingham, Leatherhead, KT24 5JP

Councillor Liz Hogger declared a non-pecuniary interest in the above applications. She stated that although she was a member of Effingham Parish Council, she did not comment or vote on any planning applications which came before the Parish Council and therefore did not participate in the Parish Council's decision to object to these applications. Councillor Hogger also stated that several of her friends and acquaintances in Effingham had objected to these applications, she had played no part in their decision to object. Neither of these issues would affect her own judgement and would approach the discussions on both applications with an open mind.

PL3

The minutes of the Planning Committee meeting held on 21 March 2022 would be available for approval at the next meeting scheduled on 27 April 2022.

PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

MINUT

PL5 21/P/01306 - LAND AT EFFINGHAM LODGE FARM, LOWER ROAD, EFFINGHAM, LEATHERHEAD, KT24 5JP

The Committee considered the hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and full planning permission for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works on land at Effingham Lodge Farm, Lower Road, Effingham.

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Cllr Bronwen Roscoe (On behalf of Effingham Parish Council) (to object) (in person);
- Mr Ian Smith (Vice-Chairman of Effingham Resident's Association) (to object) (in person);
- Mr John Rhodes OBE, Quod – Planning Consultant on behalf of the applicant (In Support) (online) and;
- Ms Rhona Barnfield, The Howard Partnership Trust – on behalf of Howard of Effingham School (In Support) (in person)

The Committee received a presentation from the planning officer, John Busher. The Committee noted the supplementary late sheets which detailed some corrections, additional information and late representations. The Committee were also reminded that Mr Anthony Lee (Viability Consultant) was online in order to answer any queries. The application was a hybrid planning application for part outline consent for 114 dwellings and open space on land to the north of Effingham. Whilst the proposal was a separate planning application, it was also linked to the Howard of Effingham enabling proposal which was allowed on appeal by the Secretary of State in 2018. The construction of 295 dwellings on three sites within the village would fund the construction of a new and expanded secondary school. The appeal proposal was no longer viable, therefore the additional 114 dwellings proposed through this application was now required to make the scheme viable again. The current proposal consisted of three sites, this site where 110 of the 114 dwellings would be located, a smaller site for outline planning permission for four detached dwellings and a new area of open space fronting onto Lower Road. All three parcels of land were located within the Green Belt and were outside of the Effingham Conservation Area. However, the parcel of land for outline planning permission did not adjoin the boundary of the Conservation Area. A number of residential pockets were located along Effingham Common Road. The largest parcel of land to the north would have 110 dwellings with the proposed access from Effingham Common Road and would use the spine road, approved at appeal. The proposed four detached self and custom build houses would result in the demolition of two existing detached properties which currently occupied the site but were vacant and derelict and had been for some time. The village green would also be located at the entrance to the wider development fronting onto Lower Road.

The main residential site that would accommodate 110 dwellings would lead to two parcels of development with 40 apartments and 70 dwellings of which 19 per cent would be affordable which equated to 22 units. Three apartment blocks would comprise of a mix of two and three storey buildings. The proposed dwellings were a mix of terraces, semi-detached and detached properties. The site would front onto the open space south of Thornet Wood and would include a linear path that would run through the centre of the site.

The area of open space would include a mixed fruit community orchard, a grass amenity area in the centre, a new hedge and tree planting and a new natural children's play area. Community growing gardens which were essentially allotments would also be provided and included sheds and composting facilities.

The three storey apartment blocks, planning officers believed were not excessively high and compared to other three-storey blocks already approved onsite at appeal. The new village green would be surrounded by trees on all sides and a specimen oak planted in the middle. There would also be a small path located around the perimeter of the open space as well as some benches. The self and custom build properties would front onto Lower Road and would replace the existing two detached properties and would be accessed from the appeal proposal. Planning officers were content that the four dwellings could be accommodated on the site and that access arrangements were acceptable. The exact layout and design of the scheme would of course be considered at reserved matters stage.

The Committee noted that the appeal scheme approved by the Secretary of State was no longer viable and that in the current situation the replacement school could not be delivered. Since the appeal was determined, the cost of delivering the scheme had significantly increased. There was no prospect of public sector subsidies on the scale required and therefore the only feasible remedy to the lack of viability was to increase the number of houses which were necessary to pay for the school. The scheme proposed an additional 114 dwellings which would meet most of the new deficit and rendered the scheme and replacement school as viable again. This had also been independently verified by the Council and via the applicant's own viability assessment.

This proposal was inextricably linked to the appeal scheme and as such, planning officers had carried out a thorough examination of the Inspector and Secretary of State's decision. Planning officers had concluded that there were numerous harms arising from the proposal which were acknowledged both as a whole and combined with the appeal proposal did weigh against the scheme. This included substantial weight given to the harm to the Green Belt and designated heritage assets and harm caused to the character of the area as well as the lack of the required number of self-build dwellings. However, conversely the provision of a new modern purpose-built school with increased pupil spaces and dedicated special education needs facility would attract very substantial weight in favour of the proposal. Significant weight was also afforded to the sustainability and energy improvements which were being offered by the applicant and secured by condition as well as the provision of new areas of public open space and gardens which would benefit the village more generally. Planning officers considered that the benefits of the scheme did clearly and demonstrably outweigh the identified harm and as such the application was recommended for approval subject to a S106 Agreement.

In response to comments made by the public speakers, the planning officer, John Busher confirmed that the current application was separate and self-contained but that the appeal decision was also an important material consideration. Planning officers had therefore undertaken a balancing exercise in reflecting the change in circumstances in the appeal scheme and the existing application. In terms of housing need, the Council had a 7.1-year housing supply currently which was very healthy, however, despite that, the government had tasked local authorities with increasing housing availability overall and such provisions should therefore be given significant weight. The need for the new school had been confirmed by the Surrey County Council Education Authority who supported the rebuilding of the Howard of Effingham School.

The Chairman permitted Councillor Liz Hogger to speak for five minutes in her capacity as Ward Councillor. The Committee noted the key argument put forward was that whether the increased construction costs which affected the viability of the appeal scheme constituted very special circumstances for this development in the Green Belt. The school architects Scott Brownrigg, who gave evidence at the public enquiry stated that the cost of building a new 2000 place school was 38 million pounds which had now gone up to 53.5 million pounds. The Committee noted concerns raised whether the school was over-specified or if it was more expensive than you would expect for a normal state school. Could more cost-effective options be explored, as looked at in the public inquiry, for delivering the improved facilities without needing additional homes in the Green Belt in order to pay for it. The Committee also noted

questions over whether the additional 400 places were required given that since the appeal a number of new schools had already been built and or extended. In addition, with the five-year housing land supply, the extra homes were arguably significant rather than substantial. The proposed development also represented substantial harm to be caused to the Green Belt, causing a loss of openness and encroachment onto the countryside as well as substantial harm caused to the Effingham Conservation Area and harm caused to the character and appearance of the village. The provision of affordable homes, at 19% was also concerning as well as the impact upon Thornet Wood.

The Committee discussed the application and noted comments that it was enabling development which had been supported by a viability assessment. The proposed development in the Green Belt was disappointing but acknowledged that the balancing exercise undertaken found in favour of the development proceeding.

The Committee also noted remaining concerns regarding the change in costs in construction which had occurred over a relatively short space of time. The rapid increase in house prices over the last two-three years had in particular affected the viability equation and would in turn affect how much money the developer would receive from the current proposal. The Committee noted that they should look at this application in isolation from the school. However, they were being advised that the two were inextricably linked. Were additional school places required when the demand was falling overall, and school place numbers had generally increased elsewhere.

In response to comments made so far, the planning officer, John Busher confirmed that the Committee had to consider the application before it. There was not an option for a remodelled application with fewer houses. The newly proposed school was in fact 15sqm smaller than the school that was originally approved by the Secretary of State. Through various different reserved matters applications, planning officers had sought to reduce the spread and number of buildings and so the applicant had combined the sixth form centre with the sports hall as well as made some changes to the layout and design of the school so to try to save costs at an early stage. The County Council also had not objected to the proposal and were consulted on the number of places proposed.

The Committee considered that a key question for the Viability Consultant, was what were their findings, having factored in the rise in property prices as opposed to the costs of building the school. The Viability Consultant confirmed that values and costs were looked at that would be achievable as of today. The issue in the assessment was that the school construction costs had increased and had been assessed by a QS School Advisor in Construction and the costs identified were in fact noted to be slightly light as certain items had been excluded from those costs. Therefore, the amount of money made by the additional housing proposed was the minimum necessary to deliver the school. There was no other money available in the scheme to do this.

The Committee noted further comments from the planning officer, John Busher that this application was inextricably linked to the school as it was enabling the school's construction and had been included in the planning balance.

The Committee noted concerns raised that the additional school places were not fundamentally necessary given the education authority was not paying for them. Surely the education authority would be paying for the additional spaces if they were desperately needed. The green belt harm had therefore significantly increased as the benefits afforded by the additional school places were not generated from a place of need.

The Committee also asked what the diversity of the school places would look like when considering the very low percentage of affordable home provision at 19% and large uplift in

school places from 600 to 2000. The Committee also noted concerns raised regarding the play space and its impact upon the ancient woodland.

In response to comments made by the Committee that there could be further houses built at a later date, the planning officer, John Busher confirmed that if that were to happen, then that would be subject to a separate planning application and was not for consideration now. It was also confirmed that the school pupils would come from the local catchment area, and it was not known how many pupils would come from affordable homes. The Council’s Ecologist and Tree Officer had also assessed the application and were happy with the relationship between the play area and ancient woodland.

The Committee considered that the very special circumstances put forward did not outweigh the very significant harm that would be caused to the Green Belt by virtue of the size of the development and its location. The openness of the countryside would be damaged and create an overbearing form of development particularly when viewed from Effingham Common Road harming the character and appearance of the area.

A motion was moved and seconded to approve the application subject to a S106 which was lost.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Jon Askew		X	
2	Cllr Ramsey Nagaty		X	
3	Cllr Will Salmon		X	
4	Cllr Fiona White	X		
5	Cllr Chris Barrass		X	
6	Cllr Colin Cross		X	
7	Cllr Maddy Redpath	X		
8	Cllr Deborah Seabrook	X		
9	Cllr Liz Hogger		X	
10	Cllr Paul Spooner	X		
11	Cllr Ruth Brothwell	X		
12	Cllr Pauline Searle		X	
13	Cllr Angela Gunning	X		
	TOTALS	6	7	0

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Ramsey Nagaty	X		
2	Cllr Pauline Searle	X		
3	Cllr Colin Cross	X		
4	Cllr Will Salmon	X		
5	Cllr Ruth Brothwell	X		
6	Cllr Jon Askew	X		
7	Cllr Deborah Seabrook		X	
8	Cllr Paul Spooner		X	
9	Cllr Angela Gunning		X	
10	Cllr Liz Hogger	X		
11	Cllr Chris Barrass	X		
12	Cllr Maddy Redpath		X	
13	Cllr Fiona White			X
	TOTALS	8	4	1

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

RESOLVED to refuse application 21/P/01306 for the following reasons:

1. The proposal represents inappropriate development within the Green Belt which is harmful by definition. In addition, due to the quantum of development and its location, the proposal would result in a harmful loss of openness to the Green Belt and would result in further encroachment into the countryside, thereby conflicting with the purposes of including land within the Green Belt. The case for very special circumstances has been considered, however, the benefits of this proposal are not considered to clearly outweigh the inherent harm to the green belt (and any other harm). As such, the proposal is contrary to policy P2 of the Guildford Borough Local Plan Strategy and Sites, policies ENP-G1 and ENP-G5 of the Effingham Neighbourhood Plan and chapter 13 of the National Planning Policy Framework.
2. Taking into account the rural character of the surroundings, the proposal would represent an overly urban form of development which would result in harm to the character and appearance of the area, including the prominent views of the development from Effingham Common Road. The proposal is therefore contrary to policy D1 of the Guildford Borough Local Plan Strategy and Sites, policy ENP-G2 of the Effingham Neighbourhood Plan, chapter 12 of the National Planning Policy Framework and the National Design Guide.
3. 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.

4. 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 22 affordable housing units;
 - provision of SAMM contributions;
 - secure SANG land to mitigate the impact of the development on the TBHSPA;
 - contribution towards Police infrastructure;
 - contribution towards early years education projects;
 - contribution towards health care infrastructure;
 - contribution towards but not limited to, the Digital Demand Responsive Transport (DRT) bus service and enhancements of the existing local public bus service as required;
 - a contribution towards the 'Lower Road/Effingham Common Road Traffic Calming' scheme;
 - a Travel Plan auditing fee;
 - secure triggers which prohibit the commencement of the development until certain circumstances are met (these may be tied to the construction of the replacement school and/or the already approved residential phase on Lodge Farm); and
 - securing the provision, maintenance and management of the open space areas proposed through the planning application, including the new village green area, the natural play area, community growing gardens, amenity space and a community orchard. Accordingly, the proposal is contrary to policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, the Council's Planning Contributions SPD 2017 and the NPPF.

Informatives:

1. This decision relates expressly to drawing(s):

No.	Drawing / Document Title
01023C_S01	Site Location Plan
01023C_MP02	Illustrative Masterplan
01023C_S01	Site Sections - Sheet 1
01023C_S02	Site Sections - Sheet 2
01023C_S03	Site Sections - Sheet 3
01023C_S04	Site Sections - Sheet 4
01023C_S05	Site Sections - Sheet 5
01023C_001A	Plot 1 - Elevations
01023C_001C	Plot 1 - Plans
01023C_002A	Plot 2 - Elevations
01023C_002B	Plot 2 - Plans
01023C_003A	Plot 3 - Elevations

01023C_003B	Plot 3 - Plans
01023C_004A	Plot 4 - Elevations
01023C_004B	Plot 4 - Plans
01023C_005A	Plot 5-6 - Elevations 1
01023C_005B	Plot 5-6 - Elevations 2
01023C_006A	Plot 5-6 - Plans 1
01023C_006B	Plot 5-6 - Plans 2
01023C_007A	Plot 7-8 - Elevations 1
01023C_007B	Plot 7-8 - Elevations 2
01023C_008A	Plot 7-8 - Plans 1
01023C_008B	Plot 7-8 - Plans 2
01023C_009A	Plot 9 - Elevations
01023C_009B	Plot 9 - Plans
01023C_010A	Plot 10 - Elevations
01023C_010B	Plot 10 - Plans
01023C_011A	Plot 11 - Elevations

01023C_011B	Plot 11 - Plans
01023C_012A	Plot 12 - Elevations
01023C_012B	Plot 12 - Plans
01023C_013A	Plot 13 - Elevations
01023C_013B	Plot 13 - Plans
01023C_014A	Plot 14 - Elevations
01023C_014B	Plot 14 - Plans
01023C_015A	Plot 15 - Elevations
01023C_015B	Plot 15 - Plans
01023C_016A	Plot 16 - Elevations
01023C_016B	Plot 16 - Plans
01023C_017	Plot 17-18 - Elevations
01023C_018	Plot 17-18 - Plans
01023C_019A	Plot 19-20 - Elevations 1
01023C_019B	Plot 19-20 - Elevations 2
01023C_020A	Plot 19-20 - Plans 1
01023C_020B	Plot 19-20 - Plans 2
01023C_021A	Plot 21 - Elevations
01023C_021B	Plot 21 - Plans
01023C_022A	Plot 22 - Elevations
01023C_022B	Plot 22 - Plans
01023C_023A	Plot 23 - Elevations
01023C_023B	Plot 23 - Plans
01023C_024A	Plot 24 - Elevations
01023C_024B	Plot 24 - Plans
01023C_025A	Plot 25-26 - Elevations 1
01023C_025B	Plot 25-26 - Elevations 2
01023C_026A	Plot 25-26 - Plans 1
01023C_026B	Plot 25-26 - Plans 2
01023C_027A	Plot 27 - Elevations
01023C_027B	Plot 27 - Plans

01023C_028	Plot 29-30 - Elevations1
01023C_029	Plot 29-30 - Elevations1
01023C_030	Plot 29-30 - Plans
01023C_031A	Plot 31-32 - Elevations 1
01023C_031B	Plot 31-32 - Elevations 2
01023C_032	Plot 31-32 - Plans
01023C_033	Plot 33-34 - Elevations
01023C_034	Plot 33-34 - Plans
01023C_035A	Plot 35 - Elevations
01023C_035B	Plot 35 - Plans
01023C_036	Plot 36-39 - Elevations 1
01023C_037	Plot 36-39 - Elevations 2
01023C_038	Plot 36-39 - Plans
01023C_040	Plot 40-41 - Elevations
01023C_041	Plot 40-41 - Plans
01023C_042	Plot 42-47 - Elevations 1
01023C_043	Plot 42-47 - Elevations 2
01023C_044	Plot 42-47 - Plans 1
01023C_045	Plot 42-47 - Plans 2
01023C_048	Plot 48-53 - Elevations 1
01023C_049	Plot 48-53 - Elevations 2
01023C_050	Plot 48-53 - Plans 1
01023C_051	Plot 48-53 - Plans 2
01023C_054A	Plot 54 - Elevations
01023C_054B	Plot 54 - Plans
01023C_055A	Plot 55 - Elevations
01023C_055B	Plot 55 - Plans
01023C_056A	Plot 56 - Elevations
01023C_056B	Plot 56 - Plans
01023C_057A	Plot 57 - Elevations
01023C_057B	Plot 57 - Plans
01023C_058A	Plot 58-59 - Elevations 1
01023C_058B	Plot 58-59 - Elevations 2
01023C_059A	Plot 58-59 - Plans 1
01023C_059B	Plot 58-59 - Plans 2
01023C_060A	Plot 60 - Elevations
01023C_060B	Plot 60 - Plans
01023C_061A	Plot 61 - Elevations
01023C_061B	Plot 61 - Plans
01023C_062A	Plot 62 - Elevations 1
01023C_062B	Plot 62 - Elevations 2
01023C_062C	Plot 62 - Plans
01023C_063A	Plot 63 - Elevations 1
01023C_063B	Plot 63 - Elevations 2
01023C_063C	Plot 63 - Plans
01023C_064A	Plot 64 - Elevations
01023C_064B	Plot 64 - Plans

01023C_065	Plot 65-67 - Elevations
01023C_066	Plot 65-67 - Plans
01023C_068	Plot 68-69 - Elevations
01023C_069	Plot 68-69 - Plans
01023C_070	Plot 70-71 - Elevations
01023C_071	Plot 70-71 - Plans
01023C_072	Plot 72-79 - Elevations 1
01023C_073	Plot 72-79 - Elevations 2
01023C_074	Plot 72-79 - Plans 1
01023C_075	Plot 72-79 - Plans 2
01023C_080A	Plot 80 - Elevations
01023C_080B	Plot 80 - Plans
01023C_081A	Plot 81-82 - Elevations 1
01023C_081B	Plot 81-82 - Elevations 2
01023C_082	Plot 81-82 - Plans
01023C_083A	Plot 83 - Elevations
01023C_083B	Plot 83 - Plans
01023C_084	Plot 84-91 - Elevations 1
01023C_085	Plot 84-91 - Elevations 2
01023C_086	Plot 84-91 - Plans 1
01023C_087	Plot 84-91 - Plans 2
01023C_092	Plot 92-94 - Elevations
01023C_093	Plot 92-94 - Plans
01023C_095	Plot 95-106 - Elevations 1
01023C_096	Plot 95-106 - Elevations 2
01023C_097	Plot 95-106 - Plans 1
01023C_098	Plot 95-106 - Plans 2
01023C_099	Plot 95-106 - Plans 3
01023C_107A	Plot 107-108 - Elevations 1
01023C_107B	Plot 107-108 - Elevations 2
01023C_108A	Plot 107-108 - Plans 1
01023C_108B	Plot 107-108 - Plans 2
01023C_109	Plot 109-110 - Elevations 1
01023C_110	Plot 109-110 - Plans
1581-002E	Thornet Wood Community Open Space
1581-003D	Residential Landscape Masterplan
1581-004E	Village Green Landscape Plan

2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been

followed we will advise applicants/agents of any further issues arising during the course of the application

Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

In this case pre-application advice was sought before submission and the applicant addressed some concerns raised before submission. However, the Local Planning Authority found that the submitted scheme was not acceptable and permission was therefore refused.

PL6 21/P/01283 - HOWARD OF EFFINGHAM SCHOOL, LOWER ROAD, EFFINGHAM, LEATHERHEAD, KT24 5JR

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Cllr Bronwen Roscoe (On behalf of Effingham Parish Council) (to object) (in person)
- Mrs Vivien White (Chairman of Effingham Resident's Association) (to object) (in person)
- Mr John Rhodes OBE, Quod – Planning Consultant on behalf of the applicant (in support) (online)

The Committee considered the above-mentioned full application for variation of condition 1 (approved plans) of planning permission 14/P/02109 approved at appeal on 21/03/2018, to refer to updated parameter plans annotated to show the areas no longer to be developed pursuant to that application.

The Committee received a presentation from the planning officer, John Busher and noted the supplementary late sheets. This application also related to the Howard of Effingham site and was a Section 73 application. The application should be determined on the basis of the effect of varying the specified condition. The principle of the appeal scheme could not be re-opened or re-examined and was only an assessment of the changes which were being proposed in the context of current planning policies and the Local Plan. The Section 73 application only related to the Lodge Farm site and the other sites remained unaffected by the proposal. The proposal sought to remove, two parcels of land from the approved consent associated with application 14/P/02109. The first parcel of land to be removed was located to the west of the school playing fields. However, the orientation of the school sports facilities was amended and therefore this parcel of land had become surplus to requirements. The second parcel of land was located at the entrance to the site fronting Lower Road and was originally proposed to be used as outdoor amenity space for the school.

Planning officers had concluded that that the removal of these areas of land from the appeal scheme would have no particular harm on the operation of the school or the character and appearance of the site. The proposal did not amend the original description of development and was not inconsistent with it. The application was therefore recommended for approval subject to conditions and the completion of a Deed of Variation.

In response to comments made by the public speakers, the planning officer, John Busher confirmed that in their opinion it was not a fundamental change proposed to the scheme. The removal of the two parcels of land did not result in a development which was significantly different to that which had already been approved and did not introduce any new dwellings which the developer would need to seek planning permission for separately.

The Committee considered the application and noted concerns raised that whilst it was accepted the two parcels of land were no longer required for the purposes of the school, they were still required to deliver a balance of open space for the permitted scheme. The Planning Inspector had taken this into account regarding the amount of open space to be made available and stated that the northern element comprising the sports pitches would be entirely free of built development. He suggested that less than half the site would be built on, so that a balance would be achieved between the amount of open space in the green belt against the amount of built form. By taking these two pieces of land out completely altered that balance and would introduce the potential for more built form which was not considered acceptable.

The Committee considered the application and noted comments that the two parcels of land were effectively excluded at the reserved matters stage. Despite the fact they went through an appeal, we now have a Section 73 application to remove those two parcels of land because they are no longer required and was therefore merely a tidying up exercise.

The Committee considered concerns raised that by taking the two parcels of land out meant they were at risk of being built on. The Committee was also reminded that they could not speculate as to how the land would be used in the future but had to consider what was before them now.

The planning officer, John Busher confirmed that the application did not propose any kind of built development on the two parcels of land. They were simply being taken out of the appeal scheme and would remain as open space. The Committee noted the supplementary late sheets, particularly condition 7 as part of application 20/P/02048, stating that once the school was built, and before it was first occupied, the applicant was required to provide a landscaping scheme for those two areas of the site and would form part of the open space for the wider development.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Angela Gunning	X		
2	Cllr Maddy Redpath	X		
3	Cllr Pauline Searle	X		
4	Cllr Ramsey Nagaty			X
5	Cllr Paul Spooner	X		
6	Cllr Liz Hogger		X	
7	Cllr Chris Barrass		X	
8	Cllr Deborah Seabrook	X		
9	Cllr Colin Cross			X
10	Cllr Fiona White			X
11	Cllr Jon Askew	X		
12	Cllr Will Salmon			X
13	Cllr Ruth Brothwell	X		
	TOTALS	7	2	4

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

RESOLVED to approve application 21/P/01283 subject to the following:

- (i) That a Deed of Variation be entered into to secure the contributions and legal agreements under approved application 14/P/02109.

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.

PL7 20/P/01057 - WHITE HORSE YARD, HIGH STREET, RIPLEY, GU23 6BB

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Richard Bartholomew (to object) (in person)
- Mr John Burns (to object) (in person)
- Mr Mark Hendy (Agent) (In Support) (in person)

The Committee received a presentation from the planning officer, Jo Trask and noted the supplementary late sheets. The application site was inset from the Green Belt with the exception of an area of land to the south and east which remained within the Green Belt. It was an allocated site in the Local Plan for approximately 26 dwellings and 90 square metres of retail/service area. The front part of the site was located within the Ripley Conservation Area and was an area of high archaeological potential. The site was also within the 400 metres to 5 km of the Thames Basin Special Protection Area and was in proximity of Grade II and Grade II star listed buildings. A curtilage listed wall was also located within the site which was subject to the listed building application on the agenda.

The proposal was for the erection of 26 dwellings following the demolition of existing buildings on site as well as two sections of the listed wall. All other structures to be demolished were not listed. The development was comprised of a mix of detached and semi-detached terraced and flatted properties, 42 parking spaces onsite as well as one visitor parking space. Access to the site would be provided from Whitehorse Lane and widened to 4-8 metres with a footpath provided to the east of the access road. The proposed building heights ranged between 6.8 metres to 8.9 metres. Numbers 1 to 3 have been designed to sit tight to the pavement and reflect the key characteristics of this part of the conservation area.

The application proposed a mixture of 2 x 1 bed properties, 11x2 bed properties, 7x3 bed properties and 6x4 bed properties. As detailed in the supplementary late sheets, the scheme also included the provision of 7 on site shared ownership units on plots 1 and 2.

In conclusion, the site was allocated under policy A44 within the Local Plan for approximately 26 dwellings plus 90 metres of retail or service use. The proposal sought to provide 26 dwellings. Some harm was afforded to the conflict with the Local Plan in the failure to provide the retail or service floor space. The application was also accompanied by a viability appraisal report. The recommendation then was that the Heads of Terms included a financial contribution towards affordable housing. Since that time, the applicant had approached the Council and offered the provision of 7 onsite shared ownership units that had been supported

by the Housing and Strategy Manager. The benefits of the scheme afforded by the housing proposed outweighed the less than substantial harm to the heritage assets.

In response to comments made by the public speakers, the planning officer, Jo Trask confirmed that the County Council as the Highway Authority had been consulted on the application and recommended conditions. They hadn't identified any harm in terms of the use and widening of White Horse Lane. The application proposed 42 parking spaces, one of which was a visitor space. Based on the Council's maximum parking standards, the development should provide 45 spaces, however the site was located within a sustainable location just off the High Street. In terms of viability, the developer had now offered seven affordable shared ownership units. The Council's Tree Officer had assessed the site and noted that the trees to be removed were of lower quality and not suitable for a Tree Preservation Order.

The Chairman permitted Councillor Colin Cross to speak for five minutes in his capacity as ward councillor. The Committee noted concerns raised regarding the removal of the retail allocation. The Local Plan Policy A44 clearly stated that the allocation for the site was for approximately 26 homes and 90 square feet of retail or service use that fronts onto the High Street. This would provide a shop frontage to encourage connections with other services in the village. There were only three areas in Guildford that had been given a District Centre policy with Ripley being one of them. The Marketing Report produced by Hurst Wayne stated that the site was on the periphery of the village centre and received little or no footfall. This was not the case, given the site was located next to the Talbot Hotel and opposite a very busy pub and restaurant. It was also located within the outer reaches of the local shopping area. The village could not be broken down into primary and secondary centres. It was accepted that residential flats could be constructed above the shops but the retail element on the High Street should not be lost. Concern was also expressed at the lack of visitor parking and no provision of a cycle lane. In addition, York cottage that was located adjacent to the site would be overshadowed by the proposed development, given it was a very old small cottage with low windows.

The Committee discussed the application and noted concerns raised regarding the foundations of the old cottage being disturbed by the proposed development and whether anything could be done to protect the property.

In relation to points raised by the Committee, the planning officer, Jo Trask confirmed that the Council did not have parking standards for the number of visitor spaces it should provide. The Highways Authority had assessed the application and considered that one visitor parking space was acceptable. Cyclists would most likely cycle on the road rather than the footpath, so a cycle lane was therefore not required on the pathway. The impact on York Cottage had been assessed. The terrace of three properties was set 1.8 metres to 1.4 metres away from the boundary and was hipped away so to avoid overlooking. There was also one first floor window which served a bathroom. On the supplementary late sheets, the conditions had been amended to include the requirement for obscure glazing. The terrace also did not extend back as far as York Cottage, so there was no impact on light. The terrace was set in a village location where you did find tight knit relationships between some properties. With regard to the potential impact upon the York cottage foundations, this was not a planning matter and fell under different legislation that could not be considered under this application. As alluded to previously, some harm had been attributed to the omission of the provision of up to 90 sqm of retail or service floorspace. However, the site was located towards the periphery of the village centre and therefore the level of harm was weighed at the lower end of the balancing exercise when considered in light of policy A44 of the Local Plan.

The Committee noted that the Committee report referred to survey data conducted in May 2019 which showed a strong trading performance across the whole shopping centre. Despite Covid, it would seem likely that the retail and service uses would bounce back because there was an interesting variety of shops in Ripley. Accommodation could always be provided above the retail services and therefore housing could still be provided and not lost.

The Committee noted concerns regarding the effect of the development upon the Green Belt which was located close to it. Access to the site also required demolition of part of the protected and listed walls. Trees also needed to be removed to facilitate that access and widening exercise.

The planning officer, Jo Trask in response to comments raised by the Committee referred to the Marketing Report undertaken by Hurst Warne and the fact that they had identified the site as being at the periphery of the shopping centre and not receiving much footfall. It was also confirmed that the development was contained within land inset from the Green Belt. No objections had been raised from the Council's Tree Officer with regard to the loss of trees and landscaping conditions would secure additional planting. A Landscape and Ecological Management Plan was included at condition 29 which would restrict development of any kind within the Green Belt. Landscaping details would also be secured for the whole site.

The Committee accepted that conditions were in place to ensure the terraced houses had obscure glazed windows but the issue of lack of light was not addressed for York Cottage given that they would be looking at a fairly blank brick wall apart from one small window. The Committee discussed the Lovelace Neighbourhood Plan which they noted had been adopted by the Council, carried full weight in their discussions and had been given due consideration by the planning officers. The Lovelace Neighbourhood Plan required more parking spaces for such an application, however, the sustainable location of the proposed scheme meant that planning officers undertook a balancing exercise in accepting that the parking provision was adequate.

The planning officer, Jo Trask confirmed that the previous use onsite was a petrol forecourt that ran tight to the boundary with York Cottage. The proposed residential development did not extend as far. It was accepted that there would be an impact on residential amenity, but it was to a lesser extent that did not warrant refusal of the scheme.

The Committee agreed that the proposed development by virtue of its failure to provide any retail or service uses was contrary to the requirements of policy A44 as cited in the Local Plan. This was needed to ensure continued services and facilities in the District Centre. The parking provision also fell below the maximum parking standards and the Committee was concerned regarding the lack of visitor parking provision which would create overspill parking in the adjoining roads.

A motion was moved to approve the application, but was not seconded, the motion therefore failed.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Ramsey Nagaty	X		
2	Cllr Maddy Redpath	X		
3	Cllr Pauline Searle	X		
4	Cllr Paul Spooner			X
5	Cllr Angela Gunning	X		
6	Cllr Jon Askew	X		
7	Cllr Ruth Brothwell	X		
8	Cllr Colin Cross	X		
9	Cllr Will Salmon	X		
10	Cllr Chris Barrass	X		
11	Cllr Liz Hogger	X		
12	Cllr Deborah Seabrook	X		
13	Cllr Fiona White			X
	TOTALS	11	0	2

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

RESOLVED to refuse application 20/P/01057 for the following reasons:

1. The proposed development fails to provide any retail or service uses as required by site allocation policy A44, this would fail to provide liveliness and would reduce opportunities for connections with services and facilities in this part of the district centre. This would be contrary to policies A44 and E8 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and the National Planning Policy Framework (2021).
2. The proposed development would fail to meet the maximum parking standards and would have inadequate visitor parking, any overspill car parking onto the surrounding roads which already experience parking congestion would have a harmful impact on the amenity and environment of the district centre of Ripley. This would be contrary to policy ID3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy LNPI4 of the Lovelace Neighbourhood Plan (2019 - 2034) and the National Planning Policy Framework (2021).
3. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This may include, but is not limited to the following:
 - a contribution towards early years, primary years and secondary years education infrastructure;
 - a contribution of £6,000 towards the speed management plan for the High Street;
 - a contribution of £30,000 to improve the junction of Newark Lane and Ripley Lane;
 - a contribution towards playing fields/youth;
 - a contribution towards playspace;
 - a contribution towards amenity/Natural open space;
 - 7 shared ownership affordable housing units on site (plots 1, 16-21)
 - SANG to be privately secured;
 - a contribution towards SAMM. Accordingly, the proposal would be contrary policy LNP11, LNPI3, LNPI5, LNPI6, LNPH2 of the of the Lovelace Neighbourhood Plan (2019 – 2034), policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, Planning Contributions SPD 2017 and the National Planning Policy Framework (2021).
4. 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 and disturbance to the protected species within the protected areas. As such the development is contrary to the objectives of policy P5 of the Guildford Borough Local Plan: Strategy and Sites 2019 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.

1. This decision relates expressly to drawing(s):

Drawing Title	Dwg. Ref (As Submitted)	Dwg Ref. (As Amended) 26.5.21
Location Plan	1366/PLN/200	
Site Layout Plan	1366/PLN/201	1366/PLN/201
Rev A Plots 1-3 Plans and Elevations	1366/PLN/202	1366/PLN/202 Rev A
Plot 4 Plans and Elevations	1366/PLN/203	
Plots 5-6 Plans and Elevations	1366/PLN/204	
Plot 7-8 Plans and Elevations	1366/PLN/205	1366/PLN/205 Rev A
Plots 9-10 Plans and Elevations	1366/PLN/206	
Plot 11 Plans and Elevations	1366/PLN/207	1366/PLN/207 Rev A
Plot 12 Plans and Elevations	1366/PLN/208	1366/PLN/208 Rev A
Plot 13 Plans and Elevations	1366/PLN/209	
Plot 14 Plans and Elevations	1366/PLN/210	
Plot 15 Plans and Elevations	1366/PLN/211	
Plots 16-23 Plans (renumbered as Plots 16-21)	1366/PLN/212	1366/PLN/212 Rev A
Plots 16-23 Elevations (renumbered as Plots 16-21)	1366/PLN/213	1366/PLN/213 Rev A
Plot 24 Plans and Elevations (renumbered as Plot 22)	1366/PLN/214	1366/PLN/214 Rev A
Plot 25 Plans and Elevations (renumbered as Plot 23)	1366/PLN/215	1366/PLN/215 Rev A
Plots 26-27 Plans and Elevations (renumbered as	1366/PLN/216	1366/PLN/216 Rev A

Plots 24 and 25)		
Plot 28 Plans and Elevations (renumbered as Plot 26)	1366/PLN/217	1366/PLN/217 Rev A
Site Sections	1366/PLN/218	1366/PLN/218 Rev A
Indicative Street Scene, Proposed View	1 1366/PLN/219	
Block Plan	1366/PLN/220	1366/PLN/220 Rev A
Demolition Plan	1366/PLN/221	
Car Barns, Plans and Elevations	1366/PLN/222	1366/PLN/222 Rev A

2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
- Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required. In this case the council worked with the applicant to overcome concerns and amended plans and onsite affordable housing were provided, however, these alterations would not overcome concerns that were raised in relation to the lack of any retail and service uses and the provision of car parking.

PL8 20/P/01058 - WHITE HORSE YARD, HIGH STREET, RIPLEY, GU23 6BB

The Committee considered the above-mentioned Listed Building Consent application for the partial demolition of the existing wall to enable the erection of 26 houses and flats, associated landscaping, open space, access and parking following demolition of buildings.

The Committee received a presentation from the planning officer, Jo Trask. The Committee noted that the application site was allocated under Policy A44, and the majority of the site had been inset from the Green Belt. The outline application was allowed at appeal and included the demolition of the same section of the listed wall as proposed under this current listed building application. The partial demolition of the wall would result in some harm to the heritage assets. However the public benefits afforded by the provision of 26 dwellings and removal of the existing structures onsite were perceived to outweigh that harm. The Committee noted a condition did apply that the partial demolition of the wall could not be implemented until planning permission was granted that delivered a housing scheme onsite.

The Inspector at the appeal granted the acceptability of creating an opening through the existing wall and considered it less than substantial harm when weighed against the benefits of redeveloping the site. The application was therefore recommended for approval.

The Committee considered the application and agreed that given there was a condition that ensured the partial demolition of the wall could not be carried out until a housing scheme was delivered onsite, the proposal should be approved.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Deborah Seabrook	X		
2	Cllr Colin Cross	X		
3	Cllr Angela Gunning	X		
4	Cllr Ruth Brothwell	X		
5	Cllr Ramsey Nagaty	X		
6	Cllr Jon Askew	X		
7	Cllr Paul Spooner	X		
8	Cllr Will Salmon	X		
9	Cllr Maddy Redpath	X		
10	Cllr Chris Barrass	X		
11	Cllr Pauline Searle	X		
12	Cllr Liz Hogger	X		
13	Cllr Fiona White	X		
	TOTALS	13	0	0

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

RESOLVED to approve application 20/P/01058 subject to the conditions and reasons as detailed in the report.

PL9 21/P/02296 - 1 AND 2 ASH GROVE, GUILDFORD, GU2 8UT

Owing to the late hour, the Committee agreed to defer the above application to a specially convened Planning Committee meeting scheduled on 13 April 2022.

PL10 21/P/02643 - TRETOWER HOUSE, MERROW STREET, GUILDFORD, GU4 7AT

Owing to the late hour, the Committee agreed to defer the above application to a specially convened Planning Committee meeting scheduled on 13 April 2022.

PL11 PLANNING APPEAL DECISIONS

The Committee noted and discussed the planning appeals.

The meeting finished at 10.30 pm

Signed

Date

Chairman

Agenda item number: 5

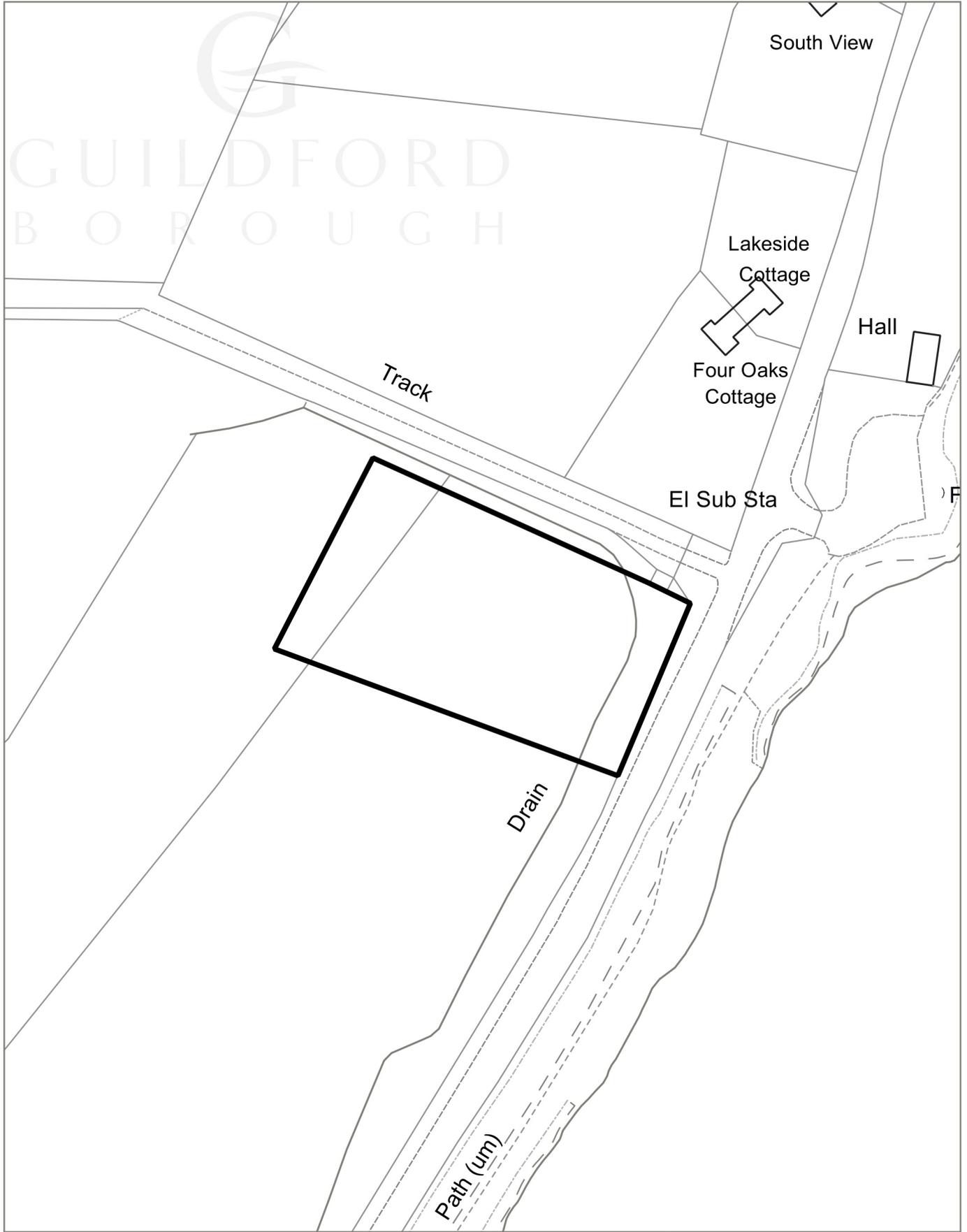
GUILDFORD BOROUGH COUNCIL
PLANNING COMMITTEE INDEX
27/04/2022

Item No.	Parish	Applicant	Location	App.No.	Rec.	Page
5.1	Ripley	Mr Webb, Yana Alpacas	Yana Alpacas, Hawthorn Farm, Polesden Lane, Ripley, Woking, GU23	21/P/00030	S106	51.
5.2	Seale	MPK Farnham Ltd, Sherwood House	Land between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham, GU10 1LW	21/P/02454	APPC	81.
5.3	Christchurch	Mr A Tilney, 33 Gateways	Twynings, 33 Gateways, Guildford, GU1 2LF	22/P/00179	APPC	107.

Total Applications for Committee 3

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21/P/00030 - Yana Alpacas, Hawthorn Farm, Polesden Lane, Ripley, Woking



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

Print Date: 12/04/2022



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App No: 21/P/00030 **8 Wk Deadline:** 08/03/2021
Appn Type: Full Application
Case Officer: Katie Williams
Parish: Ripley **Ward:** Lovelace
Agent : Mr Marc Willis **Applicant:** Mr. Webb
Willis & Co. (Town Planning) Yana Alpacas
Ltd Hawthorn Farm
30 The Causeway Tannery Lane
Chippenham Send
SN15 3DB GU23 6BY

Location: Yana Alpacas, Hawthorn Farm, Polesden Lane, Ripley, Woking, GU23

Proposal: Proposed erection of a detached two storey permanent agricultural workers' dwelling, and a general purpose agricultural building; creation of new access with installation of gate and piers (amended description and amended plans received 25 November 2021).

Executive Summary

Reason for referral

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

Key information

Proposed erection of a detached two storey permanent agricultural workers' dwelling, and a general purpose agricultural building; creation of new access with installation of gate and piers (amended description and amended plans received 25 November 2021).

Amended plans

These show the omission of a detached double garage and a 1 metre reduction in the two storey width of the proposed dwelling, with a slight (0.5m) increase in the width of the single storey (office) element. The proposed wall at the entrance to the site (fronting Polesden Lane) has also been omitted.

Proposed 4 bedroom dwelling (as amended):

Width: 11.4m

Depth: 7.45m

Height: 7m

Proposed agricultural building:

(timber boarded walls with fibre cement sheeting roof (grey))

Width: 13.92m

Depth: 10.66m

Height: 5.07m

Number of car parking spaces:

2 to the front of the new dwelling (with additional space for further parking on the driveway)

2 to the front of the proposed agricultural building

Supporting information:

- Agricultural Report by Reading Agricultural Consultants (dated 13 August 2021) (submitted on behalf of the applicant)
- supporting letter from Woolley & Wallis (Agricultural Consultants) (dated 16 August 2021)
- cover letter from Inca Alpacas (dated 3 July 2020)
- additional supporting letter from Inca Alpacas (provides further information on functional need) (dated 12 August 2021)
- Ecology Appraisal by Verdant Ecology (dated January 2022)
- Tree Survey Report by Verdant Ecology (dated January 2022)

Summary of considerations and constraints

It is considered that it has been satisfactorily demonstrated that there is an 'essential need' for the proposed dwelling for a rural worker in connection with the agricultural holding in this location and that the proposed dwelling complies with the requirements of Policy RE11 of the saved Local Plan and the NPPF. The proposed agricultural building complies with the requirements of Policy RE13 of the saved Local Plan. Therefore both elements of the proposal constitute appropriate development within the Green Belt.

There will be no adverse impact on the character of the area, neighbouring amenity or highway safety resulting from the proposals.

Subject to the recommended conditions there will be no adverse impact on the ecology of the site or surroundings, including the nature conservation interest of the SNCI and SSSI. Subject to a s106 agreement to secure the necessary SANG and SAMM contributions, the development would not impact on the Thames Basin Heaths Special Protection Area.

Therefore, subject to the conditions and the completion of a s106 Agreement to secure the necessary SANG and SAMM contributions, the application is deemed to be acceptable and the application is recommended for approval.

RECOMMENDATION:

(i) That a S106 Agreement be entered into to secure the provision of:

- **SANG and SAMM Contributions in accordance with the formula of the updated tariff**

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

(ii) That upon completion of the above, the application be determined by the Head of Place. The preliminary view is that the application should be granted 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: 0.1 REV00, 27038A/1, 1.3 REV00, 'Proposed Elevations and Floor Plan (Timber Framed Agricultural Building) received on 11 January 2021 and amended plans 1.1 REV A received 25 November 2021 and 1.2 REV B received 7 April 2022.

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

3. The occupation of the agricultural worker's dwelling hereby permitted shall be limited to a person solely, mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwelling is intended to serve the needs of agriculture.

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

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

5. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Polesden Lane has been constructed and provided with visibility zones in accordance with the approved plans, Drawing Nos. 1.2 REV B and 270038A/2/R1, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

6. 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.1.2 REV B, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

7. The development hereby approved shall not be occupied unless and until the proposed dwelling is 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: 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 facilities for bicycles have been provided in accordance with the plans to be submitted and approved by the highway authority. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

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

9. No development, other than that required to be carried out as part of an approved scheme of remediation, shall take place until a remediation scheme has been confirmed and submitted in accordance with the Phase 1 report and shall be carried out in the manner detailed in the submitted scheme. This shall include details of the gas protections measures provided for the development. Documentary proof shall be provided to the Local Planning Authority together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste material has been removed from the site before the first occupation of the development.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. The approved Arboricultural Impact and Method Statement and Tree Protection Plan prepared by Verdant Ecology, dated January 2022, must be adhered to in full, and may only be modified by written agreement from the LPA. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. This included the requirement of a pre-commencement site meeting with the project arboriculturist, LPA Tree Officer, and Site Manager. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the adequate protection of trees prior to works commencing on site goes to the heart of the planning permission.

11. No lighting shall be installed which will illuminate the SSSI land adjacent to the site. Any lighting that is installed must be designed with an ecologist and must not impact upon the surrounding Ecology and Biodiversity. Any external lighting on the development shall also accord with best practice guidance (as set out in BCT & ILP (2018) Guidance Note 08/18. Bats and artificial lighting in the UK. Bats and the Built Environment, Bat Conservation Trust, London & Institution of Lighting Professionals, Rugby).

Reason: To ensure the adequate protection of protected species and habitats.

12. No development (including demolition and groundworks) shall commence until a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority.

The CEMP should include, but not be limited to:

- Map showing the location of all of the ecological features
- Risk assessment of the potentially damaging construction activities
- Practical measures to avoid and reduce impacts during construction
- Location and timing of works to avoid harm to biodiversity features
- Responsible persons and lines of communication
- Use of protected fences, exclusion barriers and warning signs
- Ecological Enhancement Plan.

The CEMP must be signed off by the Local Planning Authority prior to the commencement of any site works. The development shall then be implemented only in accordance with the agreed details.

Reason: To ensure the adequate protection of protected species and habitats.

13. 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.

14. The development shall be carried out in accordance with the sustainability measures detailed in the submitted Climate Change Questionnaire (received 6 April 2022).

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

15. 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.

16. Within 4 months of the first occupation of the dwelling hereby approved, the temporary dwelling approved under planning permission 18/P/00010 shall be removed from the site and use of the land (as outlined in red on the site location plan (Plan ref: W-HF-SLP) submitted under application ref: 18/P/00010) for the siting of a residential dwelling shall be discontinued and the land restored to its former condition in accordance with a restoration plan to be submitted and approved by the Local Planning Authority.

Reason: In order to safeguard the openness of the Green Belt.

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

Reason: Having regard to the size of the dwellings approved, the local planning authority wishes to retain control over any future extensions / outbuildings at the property, in order to safeguard the openness of the Green Belt.

18. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local planning authority during development and for a period of five years after completion of the building(s), structure(s) or any other development hereby approved. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1 November to 31 March) following their loss or removal.

Reason: In order to ensure that the site is landscaped and is maintained in the interest of the visual amenities of the area, ensuring the adequate respect for trees, set out in Section 197 of the Town and Country Planning Act 1990.

19. The development shall not be occupied on site until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of the locality.

20. No development shall commence until a Site Waste Management Plan has been submitted to and 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
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

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

3. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water's guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-or-diverting-our-pipes>.
4. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to:
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

7. 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).

8. 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>.

9. 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

10. 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.
11. 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.
12. The existing vegetation must always be maintained in order to have good visibility from the proposed access.
13. Adequate drainage must be provided in order to minimise flooding on the highway.
14. The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Officer's Report

Site description.

The site is located within the Green Belt, outside of an Identified Settlement boundary. It is also within a 400m to 5km buffer zone of the Thames Basin Heath SPA. The site also forms part of a Site of Nature Conservation Importance. There is also a Site of Special Scientific Importance (Papercourt SSSI) located on the opposite side of Polesden Lane to the east

The site forms part of Hawthorn Farm which comprises an agricultural small holding extending to approximately 10.5 hectares of which approximately 6 hectares is pasture and grazing with the remainder being woodland. The pasture land is reclaimed land from a former gravel quarry and subsequently a landfill site.

The site itself is located on the northern side of the small holding, fronting onto Polesden Lane. There is an existing temporary rural workers dwelling and modern steel portal framed general purpose agricultural building on the land, located on the southern side of the site, adjacent to Tannery Lane.

Proposal.

Proposed erection of a detached two storey permanent agricultural workers' dwelling, and a general purpose agricultural building; creation of new access with installation of gate and piers (amended description and amended plans received 25 November 2021).

Amended plans

These show the omission of a detached double garage and a 1 metre reduction in the two storey width of the proposed dwelling, with a slight (0.5m) increase in the width of the single storey (office) element. The proposed wall at the entrance to the site (fronting Polesden Lane) has also been omitted.

Proposed 4 bedroom dwelling (as amended):

Width: 11.4m

Depth: 7.45m

Height: 7m

Proposed agricultural building:

(timber boarded walls with fibre cement sheeting roof (grey))

Width: 13.92m

Depth: 10.66m

Height: 5.07m

Number of car parking spaces:

2 to the front of the new dwelling (with additional space for further parking on the driveway)

2 to the front of the proposed agricultural building

Supporting information:

- Agricultural Report by Reading Agricultural Consultants (dated 13 August 2021) (submitted on behalf of the applicant)
- supporting letter from Woolley & Wallis (Agricultural Consultants) (dated 16 August 2021)
- cover letter from Inca Alpacas (dated 3 July 2020)
- additional supporting letter from Inca Alpacas (provides further information on functional need) (dated 12 August 2021)
- Ecology Appraisal by Verdant Ecology (dated January 2022)
- Tree Survey Report by Verdant Ecology (dated January 2022)

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
18/P/00010	Siting of a temporary rural workers dwelling (3 year temporary permission)	Approve 20/06/2018	N/A

11/P/02188 New cattle barn

Approve
27/01/2012

N/A

Consultations.

Statutory consultees

County Highway Authority:

- The existing vegetation must always be maintained in order to have good visibility from the proposed access.
- Adequate drainage must be provided in order to minimise flooding.
- It is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network.

Thames Water:

- no objection with regard to waste water network and sewage treatment works infrastructure capacity
- informatives and conditions recommended

Internal consultees

Head of Environmental Health and Licensing:

- Recommended condition regarding contaminated land

Non-statutory consultees

Surrey Wildlife Trust:

- recommend conditions and informatives

Farm Consultancy Group (Council's agricultural consultants):

A report has been submitted, the details of which are on the planning file. The report is summarised below:

Believe that as this application stands it should be rejected for a number of reasons:

- The business cannot currently afford the proposed development
- The applicant has failed to prove that the enterprise will remain profitably for the foreseeable future
- As the business is currently structured, the essential need for a worker to be present 24/7 relates only to a seasonal period, and therefore there is no need for a permanent dwelling.
- The proposed development of a new site off the Polesden Lane, is not supported by a clear agricultural need.

[Officer note: The applicant's agricultural consultant has submitted a report in response to the concerns raised. Details of this are set out in the report below]

Ripley Parish Council

Objects

- does not accord with the NPPF in terms of design requirements
- no regard of the style or orientation of neighbouring properties and has the appearance of a 4-bedroom executive style dwelling rather than one required for agricultural purposes.
- the site is within the Green Belt and no very special circumstances have been demonstrated to warrant the development.
- unsustainable location
- question the business needs for the development

Third party comments:

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

- inappropriate development of Green Belt land
- scale and design of dwelling is inappropriate for an agricultural workers dwelling and out of character with nearby dwellings
- position of dwelling and proximity to boundary with Four Oaks Cottage is out of keeping with other houses in the lane
- size of dwelling is excessive
- loss of hedging and replacement with high wall and gates, out of keeping with the lane
- application form incorrectly states will not be seen from road or footpath, it will be seen from both
- highway safety, proposed access is close to a bend in the road
- other dwellings are available close by to farm
- question the need for another agricultural barn
- will not create jobs
- loss of agricultural land
- impact on SSSI
- contaminated land
- contrary to neighbourhood plan
- will set a precedent
- would be better if the dwelling could be located on the existing temporary dwelling site
- question the justification for the proposed location away from the other farm buildings
- traffic study completed in 2020 not representative of normal traffic in the lane due to decreased traffic during the pandemic
- cattle are only on the site sporadically
- should be a S106 agreement to restrict any other dwellings being permitted on the 26 acre holding and an agricultural tie on occupation should be imposed
- question the viability of the farm

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

- alpacas and cattle both need looking after 24/7, to have their owners on site is a necessity for their welfare
- proposed property would be an enhancement to the community
- would fit in well with the mix of shapes and sizes of houses in the area
- the house would be better sited on the higher ground to give a view over the estates
- permanent housing would be far more preferable to temporary accommodation

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development
Chapter 5: Delivering a sufficient supply of homes
Chapter 6: Building a strong, competitive economy
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15 Conserving and enhancing the natural environment

Ministry of housing, communities and Local Government
National Design Guide dated 1 October 2019

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and sites 2015-2034 (LPSS)

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 following policies are relevant:

S1: Presumption in favour of sustainable development
H1: Homes for all
P5: Thames Basin Heaths Special Protection Area
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):

G5	Design Code
G1	General Standards of Development
NE4	Species Protection
NE5	Dev. Affecting Trees, Hedges & Woodlands
RE11	New Agricultural Dwellings
RE13	New Agricultural Buildings

Neighbourhood Plans:

Lovelace Neighbourhood Plan
Relevant policies include:
LNPH1: Suitability of development sites
LNPH3: Housing design and density
LNPEN2: Biodiversity and Natural Habitats

LNPI4: Parking

Supplementary planning documents:

Climate Change, Sustainable Design, Construction & Energy SPD 2020

Planning Contributions SPD 2017

Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

Residential Design SPG 2004

Vehicle Parking Standards SPD 2006

Other guidance:

National Planning Policy Guidance (NPPG)

Surrey County Council Vehicular and Cycle Parking Guidance 2018

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- essential need
- the impact on the Green Belt
- the impact on the character of the area
- the impact on neighbouring amenity
- highway/parking considerations
- Habitats Regulations screening procedure and conclusions
- legal agreement requirements

Principle of development

The site is located within the Green Belt and outside of a settlement area. Paragraph 145 of the NPPF states that 'a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt'. Paragraphs 149 and 150 note a number of exceptions to this, including 'buildings for agricultural and forestry'.

New agricultural workers dwelling:

Para 80 of the NPPF also deals with residential development in the countryside and states:

'..Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside...'

It is therefore appropriate to consider whether or not the current and proposed enterprise and its requirements present an essential need for a worker to live at or near the business.

Policy RE11 of the saved Local Plan is relevant. This states:

'Planning permission will not be granted to site a permanent dwelling for an agricultural or forestry worker in the countryside outside defined settlement boundaries unless:

1. A dwelling and its proposed siting on an agricultural or forestry holding are essential for the efficient running of the enterprise there;

2. The need is for the accommodation of a full time worker or one who is primarily employed in agriculture;
3. The unit and the agricultural or forestry activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;
4. No other housing accommodation is available locally to meet the need;
5. The necessary accommodation cannot be provided by the conversion of a building on the holding;
6. The new dwelling is to be sited close to any farmstead or any other group of rural buildings on the holding; and
7. The new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain.

If planning permission is granted for a dwelling for an agricultural or forestry worker on a holding in the countryside, it will limit the occupation of the dwelling to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependents.

The requirements of Policy RE11 are consistent with the requirement set out in Para 80 of the NPPF to assess 'essential need' for a worker to live at or near the business. It is considered that if an 'essential need' for the development in connection with agriculture can be identified then the proposed development would constitute appropriate development within the Green Belt.

National Planning Policy Guidance suggests 'considerations that it may be relevant to take into account when applying paragraph 80a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.'

These requirements are assessed in more detail below.

Proposed agricultural workers dwelling - Essential need?

The Council's Agricultural Advisor (Farm Consultancy Group) has advised on the application (based on the Supporting Letter (from Wills & Co Planning) and financial reports submitted by the applicant).

As set out above, Hawthorn Farm comprises an agricultural small holding extending to about 10.5 hectares, 6 hectares of which is pasture with the remainder woodland. There is an existing modern steel framed general purpose agricultural building 30m x 15m and temporary agricultural workers dwelling on the site, both located at the southern end of the site adjacent to Tannery Lane.

The farm has been owned by the applicant's family for some years and in 2012 permission was granted for an agricultural barn, initially used to house machinery and beef cattle. Prior to 2018 the applicant was running a low key farming operation rearing bought-in calves in the autumn and rearing them both in the barn and outside before selling after about a year.

Planning permission was granted in 2018 (reference 18/P/00010) for the siting of a temporary rural worker's dwelling as part of an alpaca breeding enterprise as described in the business plan/agricultural assessment submitted as part of the 2018 application. It was accepted that the proposed and the temporary rural workers dwelling fully accorded with Government guidance as set out in the NPPF and the relevant policies of the adopted Local Plan and that the a rural enterprise of the type and scale proposed could not be developed and operated properly without a worker being on hand at most times and at short notice.

The applicants purchased 12 pregnant female alpacas in 2018, since then the herd has been increase in size to 20 breeding females, and 13 young alpaca. In addition, the excess grass is grazed by young beef cattle that are purchased as weaned calves. In developing the enterprise, the applicant has carried out extensive fencing dividing the 6ha of land into a number of paddocks suitable for grazing with small groups of alpacas. Running water has also been installed to each paddock.

The supporting letter submitted with the application states that the enterprise has now been operating for 3 years and has demonstrated that it is financially viable. Accordingly the applicant is seeking to secure a permanent dwelling on the site, in support of the agricultural enterprise. The applicant proposes to increase the size of the alpaca herd.

Also, in order to continue to grow the business the applicant requires an additional agricultural building (addressed further below). The proposal also seeks to move the enterprise away from the existing cattle farming for animal welfare reasons. This application submission is supported by a letter from a respected alpaca consultant and breeder supporting the need for another agricultural building and the requirement to keep more separation from the cows and alpacas in order for the business to continue to be successful.

The Council has consulted with an Agricultural Consultant (The Farm Consultancy Group (FCG)) on the application. Based on the application as originally submitted the Council's Agricultural Consultant raised concerns with regard to the need for the proposed development which are summarised as follows:

- As the business is currently structured, the essential need for a worker to be present 24/7 relates only to a seasonal period, and therefore there is no need for a permanent dwelling.
- The proposed development of a new site off the Polesden Lane, is not supported by a clear agricultural need.

In response to these concerns, the applicant's Agricultural Advisor's (Reading Agricultural Consultants) have submitted a detailed response (letter dated 13 August 2021), which includes additional information regarding the farming enterprise. The key points are summarised as follows:

Functional need:

- the functional need has already been accepted and that FCGs conclusions to the contrary are based upon the erroneous statement that the applicants operate a seasonal mating and birthing system.
- the issue of essential need was assessed by an independent agricultural advisor to Guildford Borough Council in 2018 (in relation to the temporary rural worker's dwelling). He provided a report to the Council (11th April 2018) that noted: *"It is noted that there have been a number of appeal decisions in which Planning Inspectors have taken the view that the functional test has been met by enterprises of a similar size, particularly taking account the close attention required at and during calving"*. And concluded: *"Having considered the matter, inspected the site and considered the evidence presented, I am of the opinion that the application for a temporary rural worker's dwelling at Hawthorn Farm can be approved"*.
- The Council accepted that recommendation entirely and granted planning permission for the temporary rural worker's dwelling. Following that recommendation and permission, the applicants have invested considerable sums in the development of the rural business and it will be wholly unreasonable for the Council to change its position on this matter now.
- There are numerous reasons why there is an essential need to live on site to provide for the welfare needs of this livestock business including: monitoring for ill health – especially given that, as natural prey animals, alpacas are prone to hiding symptoms of sickness; birth; bottle feeding cria; bad weather; security.
- FCG accept that gestation in alpacas is variable, and I quote a range of 330 days +/- 30 days – therefore the need for close supervision of each pregnant female could last up to 60 days. Clearly, in reality gestation has an average period of 330 days, but it cannot be guaranteed – hence the need for heightened supervision until all the crias are born;
- Alpacas can breed all year round. The applicant does not have a specific management policy restricting the birthing period to the m months of June-September.
- Going forward the applicants will mate alpacas as many times are necessary to ensure pregnancy is achieved – and this will inevitably extend the breeding - and essential birthing - season. Planning Inspectors have accepted this point on numerous occasions and appeal extracts are provided which deal with this topic (Attached at Annex 1 to Reading Agricultural Consultant's response).

Full Time Worker:

- Although this should not be a determinative point for the application (as it does not form part of the NPPF or PPG), there are errors in the FCG approach to the labour calculation which have resulted in FCG drawing the conclusion that: *"In terms of a functional need the labour requirement of the current business is estimated to be less than one full time labour unit and therefore the application should be refused"*. This conclusion is based on a flawed methodology and should be ignored.
- If the correct data are used the total labour required is:

Hours (per hd or ha)	Enterprise size	Total hours	
Alpacas (Breeding females)	75	20	1,500
Alpacas (other)	38	13	494

Beef calves	21	12	252
Grassland management	1.2	6	7
Hay	9	2	18
Subtotal		2,271	
Management and maintenance (15%)		341	
Total		2,611	

- 2,611 hours equates to a 1.2 full-time workers – and meets the Local Plan requirement.

Proposed location

The proposal is for the new dwelling to be developed away from the existing livestock building and temporary accommodation with a new access from Polesden Lane.

The Council's Agricultural Consultant notes that a letter from the alpaca consultant quite reasonably highlights the risk of disease (in particular Tuberculosis) transmission between the beef cattle and the Alpacas by referencing the requirements of a high health status enterprise. However, FCG does raise concerns regarding the justification for the proposed location of the proposed new dwelling and barn being proposed to the opposite side of the agricultural holding.

Further to concerns raised by the Council's Agricultural Consultant regarding the justification for the location of the proposed development, the following further information has been provided:

- Response from Reading Agricultural Consultants (dated 13th August 2021)
- letter from the applicants, Mr & Mrs Webb (dated 12 August 2021)

The key points are summarised as follows:

- cattle have been present at Hawthorn Farm since 2012 when a purpose built cattle building was constructed to accommodate them in the winter months. The cattle are very much separate to Yana Alpacas and we are in no doubt that the 2 species can comfortably live at Hawthorn Farm as long as separation can be achieved.
- increasing the number of female alpacas would not be at the expense of the cattle as the alpacas currently graze 30% of the farm with the cattle occupying the remaining 70%. There is plenty of grazing for both species at Hawthorn Farm.
- the reason we intend to have 2 separate buildings at opposite ends of the farm is to provide as much separation as possible, not just housing separation but also separation between grazing paddocks where we intend to create a stand-off area where the 2 fences meet.
- the suggestion of having two separate buildings adjacent to each other would be a benefit if both species were permanently housed. As this is not the case it does not solve the issue of grazing adjacent paddocks, using the same pathways, access routes etc so would not be fulfilling our duty of care and minimising the risk of disease transmission. Not only is there a risk of disease transmission between the alpacas and cattle but visitors to the farm bring added risk, by creating a separate entrance to the alpaca enterprise it will mean the visitors to the cattle (from other cattle farms) do not set foot or bring vehicles onto areas shared with alpacas.
- if we are to be taken seriously as a breeder and not lose out on further potential sales it is important for clients to visit an exclusive alpaca enterprise. By creating a new access and moving to the opposite end of the farm this is achieved.

From the information provided, it is considered that the need for the proposed positioning of the new dwelling away from the existing agricultural building has been satisfactorily demonstrated and is justified in this instance.

Business / Financial Assessment

The NPPF refers to 'the essential need' and as part of this the continued operation and profit of the business is important to justify the provision of a dwelling on the site.

Further to concerns raised by the Council's Agricultural Consultant (FCG) regarding the financial viability of the proposal, further information has been provided by the applicant's Agricultural Advisors (Reading Agricultural Consultants) in their letter dated 21 August 2021. This provides additional calculations. It is considered that from this it has been demonstrated that the farm will be profitable going forward and demonstrates that the profit generated is sufficient to provide a reasonable return on the labour requirement (based on the living wage), provide a return on investment and fund the build cost of the dwelling.

Policy RE11 - Conclusion

Taking into account all of the submitted information and responses from Agricultural Consultants as detailed above the criteria set out in Policy RE11 of the saved Local Plan are addressed in turn.

- 1) It has been established with the previous planning permissions for a temporary dwelling on the site and additional supporting information submitted with this application that the accommodation is essential for the efficient development and running of the enterprise.
- 2) It has been established with the previous planning permissions for a temporary dwelling on the site on the site and information submitted with this application that the functional need relates to a full-time worker.
- 3) The alpaca business commenced when the farm was purchased in 2018 and has therefore been established for at least 3 years. Officers are satisfied that the agricultural activity has been established for several years, have made sufficient profits to be financially sound and now have a clear prospect of remaining so.
- 4) The site is in a rural position with only a handful of neighbouring properties. The Council's Agricultural Consultant advises that inspection of the locality and searches on the internet failed to identify any suitable property in close enough proximity to Hawthorn Farm either on Polesden Lane or Tannery Lane. Further, as set out above, it has been demonstrated that there is an essential need for a worker to live on-site. It is therefore considered unlikely that the sort of urgent attention to livestock required by the worker could be properly provided by someone living further away from the holding.
- 5) Although there is an existing barn on the site, this is required in connection with the agricultural activity on the land. There are no other suitable buildings which could be used as a dwelling.
- 6) For the reasons set out above, the proposed dwelling is to be sited to the opposite side of the agricultural holding from the existing agricultural barn. The proposed dwelling and proposed new agricultural building will be positioned in close proximity to each other to minimise the spread of development on the site. The access to the proposed dwelling and new barn will also be shared to minimise the extent of development. Furthermore, the proposed dwelling will be in relatively close proximity to existing established dwellings to the north along Polesden Lane and there will not be read in isolation.

7) The proposed dwelling would have 4 bedrooms which is reasonable in order to accommodate the applicant and his family. Following the receipt of amended plans the proposed internal floor area has been reduced to 148sqm (excluding the proposed office space which measures 16 sqm). The agent for the application has advised that it is broadly similar to any number of rural workers dwellings for which they have obtained planning permission in recent years. The maximum height of the proposed dwelling is modest at approximately 7 metres, with the proposed first floor accommodation incorporated mainly within the roofspace. The scale and style of dwelling would not be 'unusually large' or 'unusually expensive to construct' which was the test set out in the (now revoked) PPS7, Annex A. The amended plans show the garage has been omitted entirely. It is therefore concluded that the proposed dwelling would be of an acceptable size, in accordance with the requirements of Policy RE11.

It is therefore concluded that an 'essential need' for the proposed development of a four bedroom dwelling has been demonstrated and the proposal therefore complies with Paras 80 and 145 of the NPPF.

Given the agricultural justification for the proposed dwelling which would otherwise constitute inappropriate development within the Green Belt, it is necessary to attach a condition restricting the occupancy of the dwelling to an agricultural worker (and their dependent's) only. A condition (Condition 17) is also recommended to ensure the existing temporary dwelling is removed from the site and the land restored to its former condition within 4 months of the occupation of the new dwelling.

New agricultural building

This application is also seeking consent for a new agricultural barn, located to the rear of the proposed new dwelling. Policy RE13 of the saved Local Plan is relevant to proposals for new agricultural buildings.

New agricultural buildings will be permitted if the following criteria are met:

1. They are reasonably necessary for the purposes of agriculture within the unit;
2. The buildings are located with particular care to minimise their effect on the landscape and are not sited in a prominent or exposed location;
3. The size, design, materials and colour of the building are compatible with the setting in the landscape, and adjoining buildings;
4. Where the use of the new building requires surveillance it is sited to enable this to be provided from existing farm dwellings where appropriate.

The NPPF does not require a test of whether an agricultural building is reasonably necessary for agriculture. There is a presumption that agricultural buildings are appropriate in the Green Belt. However, there is still a need to consider whether the new building has been designed for agricultural purposes or not.

Para 84 of the NPPF also states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses

The proposed agricultural building has been designed for agricultural purposes. It would be functional in appearance, with timber boarding to the elevations and a fibre cement sheeting roof, in keeping with other agricultural buildings in the area. It would not be excessive in size, measuring to a maximum height of approximately 5 metres. The proposed position of the building, in close proximity and to the rear of the proposed dwelling would minimise its visual impact. The site is also well screened by existing mature trees and hedging on the boundaries which will be retained. The proximity of the proposed building to the proposed new dwelling will also ensure good surveillance of the building.

The proposed new agricultural building therefore accords with Policy RE13 of the saved Local Plan.

Living environment for future occupiers

Policies H1 and D1 of the 2019 Local Plan require all new residential development to conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG) 2015. The floor plans submitted with the application confirms that the proposed dwelling would conform to the nationally described space standards. The proposal also shows the provision of good sized private garden areas for the dwelling. The proposal therefore meets the requirements of Policies H1 and D1 of the 2019 in this regard.

Character of the area

As noted above, the proposed new dwelling and agricultural building will be positioned to the northern side of the site, on the western side of Polesden Lane. To the north of the site there is row of existing dwellings on this side of Polesden Lane. These existing dwellings are mainly semi-detached two storey dwellings which sit on large spacious plots, with the dwellings set back from the road with generous spacing to their boundaries. The proposed dwelling would be read in conjunction of these existing established dwellings, albeit separate by an existing access track which runs between the application site and the nearest dwelling to the north, Four Oaks Cottage. The proposed dwelling would be set back a similar distance from Polesden Lane.

Whilst the proposed dwelling would be detached, it would be on a similar size plot to the surrounding dwelling. The proposed dwelling would also be modest in height, in keeping with the two storey scale of surrounding dwellings. Whilst the design of the dwelling would vary from that of the established dwellings along Polesden Lane, it would be of a traditional design, incorporating traditional materials and detailing. Given the spacious plots which characterise this part of Polesden Lane, it is not considered that the proposed dwelling would detract from the rural character of the street scene or surrounding area.

The eastern and northern boundaries of the site, which form the outer edges of the site, consist of mature hedging and mature trees. These will be retained and protected during the course of development, with the exception of a small section of hedging which will be removed to allow for the new access. The remainder of the mature hedging will remain. New planting is also proposed within the site as part of the ecological enhancements. The initial proposals showed a boundary wall along the front of the site. However, this has now been omitted from the proposals. The amended plan now only shows brick piers and a gate at the entrance to the site to provide security. However, the gate and piers will be set back from the road frontage and therefore will not be prominent in views along Polesden Lane. A condition is recommended to ensure details of all boundary treatment forming the boundary to the new dwelling and its garden, are submitted to the LPA for approval prior to the occupation of the dwelling.

This will ensure that any new boundary treatments is sensitive to the rural character of the area. It is also important to note that any new boundary treatment for the proposed dwelling will be set behind the existing hedge line which runs along Polesden Lane and the access track which runs along the northern boundary of the application site.

It is concluded that, subject to the recommended conditions regarding materials and boundary treatments, the proposal accords with Policy G5 of the saved Local Plan and D1 of the 2019 Local Plan.

Impact on neighbouring amenity

There is a minimum separation distance of approximately 10m between the northern flank wall of the proposed new dwelling and the northern boundary of the site which adjoins a private access track which runs between the application site and Four Oaks Cottage to the north. There is also extensive screening by virtue of the existing mature trees and hedging along the northern and eastern boundaries of the application site which is to be retained. A condition is recommended to ensure no trees or hedging are removed from the site boundaries.

Furthermore, no windows are proposed in the northern flank elevation of the proposed new dwelling. As such, due to the separation distances, the existing mature screening and the orientation of the proposed dwelling, the proposal will not result in a detrimental loss of privacy to the neighbouring property Four Oaks Cottage to the north. There will also be no adverse loss of light or overbearing impact.

The proposed agricultural building will be set further back into the plot and approximately 5 metres away from the site boundaries and due to its modest height would have no adverse impact on neighbouring amenity.

It is therefore concluded that the proposals accord with Policy G1(3) of the saved Local Plan.

Impact on highway safety and parking provision

Surrey County Council, in their capacity as County Highway Authority (CHA), has no objection to the application subject to recommended conditions and informatives.

Further to the receipt of an additional plan showing swept path analysis for vehicular movements entering to and exiting from the access at the same time, the CHA has confirmed it has no objection to the proposed new access point on Polesden Lane, subject to recommended conditions and informatives.

It is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network.

The Lovelace Neighbourhood Plan requires the provision of 3 parking spaces for a three bedroom or larger dwelling. Space for parking at least three cars is provided on the proposed driveway to the front of the new dwelling together with an additional parking area for approximately two vehicles adjacent to the proposed new agricultural building. The parking provision therefore accords with the Council's adopted Vehicle Parking Standards and the parking requirements of the Lovelace Neighbourhood Plan.

It is therefore concluded that there will not be an adverse impact on highway safety and the proposals therefore accord with Policy ID3 of the 2019 Local Plan.

Trees and vegetation

As noted above there are existing mature trees and hedging on the site boundaries. These are to be retained and a Tree Protection Plan has been submitted which can be secured by condition. No trees are proposed to be removed. A small section of the existing hedging along the eastern boundary with Polesden Lane will be removed to allow the proposed new access. As mentioned above, a condition is also recommended to ensure no trees or hedging on the site boundaries are removed (other than those shown on the submitted plans at the proposed new access).

The Council's Arboricultural Officer has no objection subject to recommended conditions to ensure the development is carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan.

The proposal therefore accords with Policy NE5 of the saved Local Plan.

Sustainable design and construction

Policy D2 of the Adopted Local Plan sets out the measures that must be met by new developments. This is supported by the recently adopted Climate Change, Sustainable Design, Construction & Energy SPD 2020. New buildings are required to:

- Achieve a 20% reduction in carbon emissions over and above Building Regulation Standards
- Water Efficiency measures
- Applications for development, including refurbishment, conversion and extensions to existing buildings should include information setting out how sustainable design and construction practice will be incorporated

The Climate Change SPD clarifies when this information should be provided, whilst it states some information should be forthcoming at the time of submission. It is important to have this information early to ensure sustainability principles drive early site design.

The applicant has submitted a Sustainability and Climate Change Questionnaire. This sets out the following sustainability measures are proposed to be incorporated in the development:

- recycling of waste materials
- soil from excavations to be re-used on site
- dwelling is oriented south-east to maximise solar gain
- use of PV panels on the agricultural building and ground source heat pump to provide heating / hot water
- use of dual flush WCs and water efficient taps
- water butts to be installed
- EV charging provided and secure cycle storage
- hard surfaces will be permeable

Subject to conditions to secure these measures and additional information on waste management, water efficiency, EV charging and energy reduction, the proposal is in accordance with Policy D2 of the adopted Local Plan and the Climate Change, Sustainable Design, Construction & Energy SPD 2020.

Impact on ecology, biodiversity and protected species

The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Paragraph 175 of the NPPF also requires that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”*.

The presence of protected species is also a material planning consideration, which needs to be addressed prior to any permission being granted.

SNCI / SSSI

The application site itself currently forms part of a Site of Nature Conservation Importance (SNCI) and is in close proximity to the Papercourt Site of Special Scientific Interest (SSSI) which lies on the opposite site of Polesden Lane.

The applicant's ecologist (Verdant Ecology) has submitted an Ecological Report for the site and a further response dated 8 February 2022. Surrey Wildlife Trust has been consulted on the application and also carried out a site visit on 18 March 2022.

Surrey Wildlife Trust has subsequently provided a detailed response setting out the considerations in relation to the SNCI. Their response is summarised as follows:

The grassland on-site is assessed to be semi-improved neutral grassland. The north and eastern boundary of the proposed development site is hedgerow habitat, and there is a line of trees planted in front of the eastern boundary.

In our understanding, in 2010, Land adjacent to Papercourt Marsh SNCI, was selected because it was deemed to meet the threshold and the selection criteria which states that sites which are close to but do not quite meet the detailed habitat and species guidelines may be considered for selection where they are judged as important using the general guidelines. This general guideline includes 'Position in Ecological Unit/Connectivity within the Landscape which states that *“Sites adjacent to other important sites such as SNCIs or SSSIs which may act as protective buffers or join several otherwise isolated sites together are particularly important and should be considered for selection”*. However, it is noted that the grassland itself did not meet the SNCI selection criteria based on surveys carried out in 2009.

On review of the 2009 SNCI survey, the Verdant Ecology Report (2022) and the site visit on the 18th March 2022, SWT assess that it is unlikely that the condition of the grassland has improved from the baseline that was recorded in 2009. Therefore, the grassland would remain as not meeting the SNCI criteria for a Neutral Grassland.

Policy ID4 of Local Plan states *“Permission will not be granted for proposals that are likely to materially harm the nature conservation interests of local sites unless clear justification is provided that the need for development clearly outweighs the impact on biodiversity. Where this test is met, every effort must be made to reduce the harm to the site through avoidance and mitigation measures”*

SWT assess that the nature conservation interests of a local site would be defined as the reason (s) why an area of land is allocated as an SNCI. Therefore, if a proposed development was to materially impact upon the allocation criteria of an SNCI, then Guildford Borough Council would need to be satisfied that the need for the development outweighs the impact on biodiversity.

Based on all of the above, SWT has advised that it is very unlikely that the condition of the grassland has improved from the baseline that was recorded in 2009. Therefore, the grassland would remain as not meeting the SNCI criteria for a Neutral Grassland. Therefore although the land is allocated as an SNCI, it is unlikely that the proposed loss of grassland would materially harm the nature conservation interests of the SNCI.

To protect the SNCI criteria of 'Position in Ecological Unit/Connectivity with the Landscape' SWT advise that if the LPA is minded to grant planning permission conditions should be attached to secure the following:

- Construction Environmental Management Plan to include an Ecological Enhancement Plan (following the recommendations in the submitted Ecology Report) in order to protect against potential harm resulting from construction activities
- to ensure any lighting will not illuminate the SSSI land adjacent to the site. Lighting that is installed must be designed with an ecologist, and not impact upon the surrounding Ecology and Biodiversity.

Protected Species

SWT are satisfied that, following the receipt of the Ecological Report and further response from the applicant's ecologist (Verdant Ecology), there will be no adverse impact on protected species including bats, great crested newts or badgers.

Conclusion

Taking into account the advice from SWT and subject to the recommended conditions and informatives to secure the required mitigation measures and protection measures during construction, together with the provision of ecological enhancements through the submission of a CEMP for approval, the proposed development would not materially impact on the nature conservation interests of the SNCI or protected species and would therefore comply with the requirements of the NPPF and Policy ID4 of the 2019 Local Plan.

Flooding and land drainage

The application site is within Flood Zone 1 (Low Probability). This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1per cent). Paragraph 100 of the NPPF states that development be directed away from area at the highest risk. The proposal is therefore an acceptable location for new residential development in line with the aim of the NPPF.

The site area is less than 1 Ha and therefore a Flood Risk Assessment is not required.

No other sources of flooding, i.e. from sewers, groundwater or the sea, have been identified for the site.

The application states that there is a combined sewer running parallel to the plot in Polesden Lane to which the development will connect to, disposing of both foul and surface water drainage.

Contaminated land

The site is on land which previously formed part of a former gravel quarry and subsequently a landfill site. A Site Condition Report has been submitted and the Environmental Health Officer has been consulted. The EHO has advised that the contaminated land report identifies potential ground conditions requiring remediation. The report provides options for future works to mitigate soil pollution and potential methane/CO2 emissions. The EHO has subsequently recommend a condition to ensure that a confirmed remediation scheme based upon the options contained within phase 1 report is detailed and submitted to the LPA for approval prior to the commencement of development.

Thames Basin Heaths Special Protection Area

The site is within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

The proposed development may adversely impact the TBHSPA due to the net increase in residential units at the site. The Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management (SAMM) contribution to avoid any adverse impact in line with the tariff within the annual updating of the off-site contributions document.

It is noted that proportionate SANG and SAMM contributions were paid in respect of the temporary planning permission granted under 18/P/00010 (proportionate to the 3 year permission). The SANG and SAMM contributions to be sought under this application will therefore need to take account of the contributions already paid in respect of the temporary dwelling granted under 18/P/00010 and will be based on the tariff for a 3 bedroom dwelling instead of a 2 bedroom dwelling.

As part of the application process the Council has undertaken an Appropriate Assessment (AA), which concluded that the development would not affect the integrity of the European site either alone or in combination with other plans and projects in relation to additional impact pathways subject to the application meeting the mitigation measures set out in the TBHSPA Avoidance Strategy. Natural England (NE) has advised that it will not object to an Appropriate Assessment (AA) undertaken which concludes no adverse effects on the integrity of the TBHSPA due to measures being secured and required to be put in place through a legal agreement and accord with the provisions of the Development Plan and the adopted Guildford Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017.

The applicant has agreed to enter into a legal agreement to secure the necessary contributions. As such, it is concluded that the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy 2017 and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Legal agreement requirements

The three tests as set out in Regulation 122(2) 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.

As the application would result in the net gain of one new permanent residential unit, in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG and SAMM, 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 Regulation 63 of the Habitats Regulations 2017, a S106 agreement is required to ensure that the additional residential units proposed by this development would not have any likely significant effect on the TBHSPA. The level of financial contribution sought is required to be in line with the specific tariffs set out in the adopted Avoidance Strategy which relate to the number of residential units and number of bedrooms proposed. As such, the requirement for the S.106 agreement meets the three tests set out above. Provided that a S.106 agreement is in place to mitigate against the likely significant effect on the TBHSPA, the proposed development would be considered acceptable in planning terms in this regard.

Conclusion.

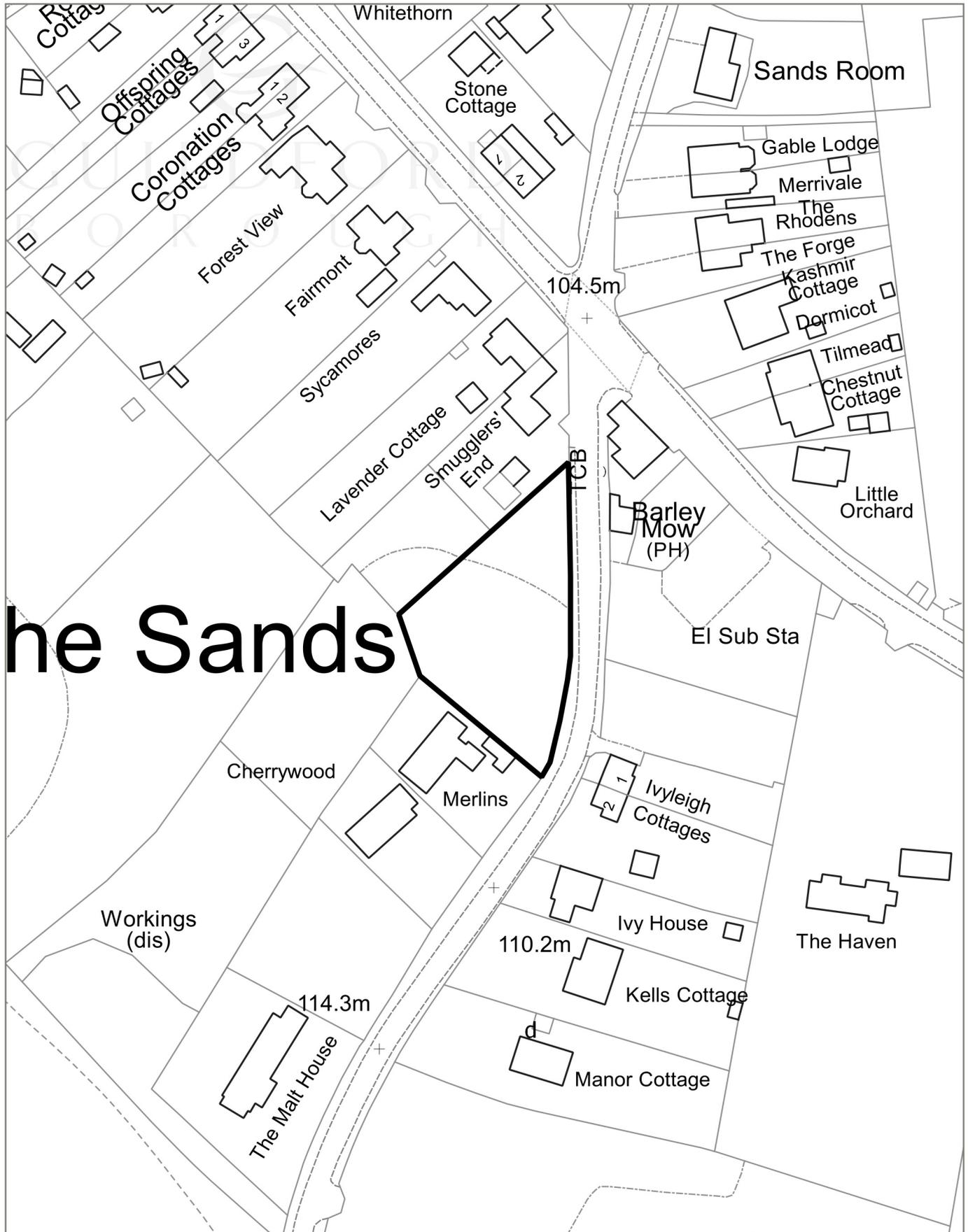
It is considered that it has been satisfactorily demonstrated that there is an 'essential need' for the proposed dwelling for a rural worker in connection with the agricultural holding in this location and that the proposed dwelling complies with the requirements of Policy RE11 of the saved Local Plan and the NPPF. The proposed agricultural building complies with the requirements of Policy RE13 of the saved Local Plan. Therefore both elements of the proposal constitute appropriate development within the Green Belt.

There will be no adverse impact on the character of the area, neighbouring amenity or highway safety resulting from the proposals.

Subject to the recommended conditions there will be no adverse impact on the ecology of the site or surroundings, including the nature conservation interest of the SNCI and SSSI. Subject to a s106 agreement to secure the necessary SANG and SAMM contributions, the development would not impact on the Thames Basin Heaths Special Protection Area.

Therefore, subject to the conditions and the completion of a s106 Agreement to secure the necessary SANG and SAMM contributions, the application is deemed to be acceptable and the application is recommended for approval.

21/P/02454 - Land Between Smugglers End And Merlins, Smugglers Way, The Sands, Farnham



The Sands

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GUILDFORD
BOROUGH

21/P/02454 – Land Between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham



App No: 21/P/02454 **8 Wk Deadline:** 29/04/2022
Appn Type: Full Application
Case Officer: Becky Souter
Parish: Seale **Ward:** The Pilgrims
Agent : Mr Conoley **Applicant:** Mr Keane
Michael Conoley Associates MPK Farnham Ltd
The Old Forge Sherwood House
The Green 41 Queens Road
Elstead Farnborough
GU8 6DD GU14 6JP

Location: Land between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham, GU10 1LW
Proposal: Erection of a single dwelling and attached garage on land between Smugglers End and Merlins, Smugglers Way.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

Key information

The application site relates to a parcel of land located to the south of Smugglers' End and to the north of Merlins in the centre of The Sands Village.

It lies within the Green Belt and forms part of the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value.

The site is within the 5 - 7 km buffer zone of the Thames Basin Heaths Special Protection Area.

The proposal follows a similar scheme refused by the Planning Committee in September 2021. The reason for refusal was:

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.

This proposal has sought to amend the scheme in line with the reason for refusal by reducing the overall scale of development and incorporating the garage within the built form of the dwelling.

	Proposed (21/P/02454)	Refused application (21/P/00535)
Gross external floor area	291.0 square metres	320.5 square metres
Footprint	157.5 square metres	173.6 square metres
Height	8.1 metres	8.5 metres
Width	19.6 metres	20.0 metres
Depth	12.7 metres	13.3 metres

Summary of considerations and constraints

The application site is in close proximity to the village amenities, including the Barley Mow Public House and The Sands Village Hall. Therefore, owing to its proximity to the built up area of the village and the village amenities, it is considered that the site could reasonably be part of the village of The Sands.

The application site features residential development to both sides of the plot and opposite is the site of the Barley Mow and another residential property. The residential development to the north of the site is part of a continuous linear frontage which runs along Smugglers Way and Sands Road. The proposal would further extend the continuous linear stretch of development by connecting the built development to the south-west of the site with that of the north/north-west. As a result of the positioning of the site and the surrounding built form and associated curtilage, the only part of the site which borders land devoid of any development is therefore the western edge. This is only a small section of the site and owing to its surroundings the plot is found to be substantially surrounded by built development. Therefore, the proposal represents limited infilling within a village.

The proposed building would be two storeys in height and would reflect the footprint and surrounding pattern of development. The ground level rises gently to the south and south-west and as a result of this and the height of the dwelling, the proposal would not exceed the ridge height of neighbouring Merlins but would instead occupy a position which creates a gradual step up in building heights from north to south.

The design and materials would blend with the surrounding dwellings and as such the resultant dwelling would be respectful to its surroundings and in keeping with the character of the area.

The site is of limited visibility from wider vantage points and would be located within a predominantly residential area surrounded by other built development and, as such, the proposed development would have not any materially harmful impact on the special landscape character of the AONB or AGLV.

As a result of the separation distance, positioning, design and boundary treatment, the proposal would not have any unacceptable impact in terms of loss of light, loss of privacy or overbearing impact on the adjacent neighbouring properties, Smugglers' End and Merlins.

The proposal would also provide adequate living environment and would not result in detrimental impact on highways, parking or trees. Lastly, the proposal will incorporate an Air Source Heat Pump and photovoltaic panels, along with sustainable measures to be utilised for the development.

Therefore, the application is recommended for approval subject to conditions.

RECOMMENDATION:

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1533/P/101; 1533/P/-102A; 1533/P/-103; 1533/P/-104; 1533/P/-105; 1533/P/-106; 1533/P/-107; 1533/P/-108; 1533/S-01; 1533/S-02 and 1533/S-03 received on 25/11/2021.

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

3. No development shall take place until an updated Arboricultural Impact Assessment and 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) 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.

4. No above slab level works shall take place until a scheme to enhance the biodiversity of the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site and mitigate any impact from the development.

5. The development hereby approved shall be carried out in accordance with the details within the completed Climate Change, Energy and Sustainable Development Questionnaire (completed by James Deverill and Richard Payne); 'SAP 2012 "As Designed" Calculation for Part L1A' by SBS Energy, Reference 3432A30/03/2022 and Sustainability Evidence Letter with calculations by Specialist Building Surveys, dated 30/03/2022, all received on 30/03/2022. These include measures to achieve a [44.4% carbon reduction] using an Air Source Heat Pump and Photovoltaic panels. 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.

6. No vehicle shall access the site unless and until the proposed vehicular access to Smugglers Way hereby approved has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

Reason: To ensure 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 plans 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: To ensure that the development should not prejudice highway safety nor cause inconvenience to other highway users.

8. The development hereby approved shall not be occupied unless and until the dwelling is 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 drawing 1533/P-101, it shall thereafter retained and maintained for its designated purposes.

Reason: In the interests of sustainability.

9. No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: In the interests of visual and/or residential amenity.

10. The development shall be carried out in accordance with the approved materials as specified in the Proposed External Building Materials Schedule, reference 1533, dated July 2021, received on 13/07/2021.

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

11. 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: In the interests of sustainability and in accordance with the requirements of policy D2 of the Guildford Borough Local Plan: Strategy and Sites, 2015-2034.

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 the application was acceptable as submitted, subject to additional sustainability information being provided during the application process.

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
3. Surrey County Council Highways Informatives

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

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.

The application site relates to a parcel of land located to the south of Smugglers' End and to the north of Merlins in the centre of The Sands Village. It lies within the Green Belt and forms part of the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value. The site is within the 5 - 7 km buffer zone of the Thames Basin Heaths Special Protection Area.

Proposal.

Erection of a single dwelling and attached garage on land between Smugglers End and Merlins, Smugglers Way.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
21/P/00535	Erection of a single dwelling and detached garage on land between Smugglers End and Merlins, Smugglers Way.	Refuse 09/09/2021	N/A

Consultations.

Statutory consultees

County Highway Authority: No objection.

- It is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network. Vegetation should be regularly maintained at the site access to ensure maximum visibility splays are achievable at all times. The Highway Authority considers that the proposal will not have a material impact on highway safety.

Non-statutory consultees

Surrey Hills Area of Outstanding Natural Beauty Officer: Objection.

- The application should be refused and reference be given to the development harming the Surrey Hills AONB.

Parish Council

Seale and Sands Parish Council: Objection.

- The impact on this site is the same as the previous proposal which was refused.
- Site is in the Green Belt, AONB and AGLV where there is a presumption against development.
- The parish is not identified in the new Local Plan as having any development requirement and as such no previous approval has been given for this type of potential infilling to take place. [Officer note: This does not preclude the parish from any development and applications cannot be refused for this reason as it does not mean that an application is unacceptable in principle.]
- Proposal would not be in compliance with policy D1 of the Local Plan, G1 or G5 of the saved 2003 plan, chapter 12 of the NPPF and resultant design guidance.
- Proposal is a change of use.
- The proposal does not reflect the characteristics of local built form and street scene.
- Adverse impact on privacy of neighbours.
- Trees have been felled on site before permission was granted.

Third party comments:

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

- Development should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside, the proposal is contrary to this policy.
- The dwelling is too large for its setting.
- Harm to the AONB.
- The proposal is not limited infilling.
- The amendments are not enough to address concerns of previously refusal application.
- No change of use has been applied for and it is agricultural land.
- Adversely impact on views of Crooksbury Hill.
- Loss of a green highway link for wildlife between the upper woods/fields and the village recreation ground, golf course and farmland beyond.
- Building works will cause noise pollution.
- Impact on local roads.
- The proposal would overlook and cause an adverse impact on privacy neighbouring properties.

Planning policies.

National Planning Policy Framework (NPPF), 2021:

Chapter 5: Delivering a sufficient supply of homes.

Chapter 8: Promoting healthy and safe communities.

Chapter 9: Promoting sustainable transport.

Chapter 11: Making efficient use of land.

Chapter 12: Achieving well-designed places.

Chapter 13: Protecting Green Belt land.

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

Chapter 15: Conserving and enhancing the natural environment.

Guildford Borough Local Plan: Strategy and Sites (LPSS), 2015-2034:

H1: Homes for all.

P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value.

P2: Green Belt.

P5: Thames Basin Heaths Special Protection Area.

D1: Place shaping.

D2: Climate change, sustainable design, construction and energy.

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

NE5 Dev. Affecting Trees, Hedges & Woodlands

Supplementary planning documents:

National Design Guide (NDG), 2019.

GBC Maximum Vehicle Parking Standards, 2006.

Residential Design Guide, 2004.

Planning considerations.

The main planning considerations in this case are:

- background
- the principle of development and the impact on the green belt
- design and the impact on the character of the area
- the impact on the AONB and AGLV
- living environment
- the impact on neighbouring amenity
- the impact on highways and parking
- the impact on trees and vegetation
- the impact on operational services
- sustainability
- biodiversity

Background

This application follows a previously refused proposal for a similar development. The former application was recommended for approval by Officers but refused by the Planning Committee, the reason for which is set out below:

"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."

To address the reason for refusal the following amendments have been made:

- The gross external floor area of the dwelling has decreased from 320.5 square metres to 291.0 square metres, this reduces the overall scale and bulk of the proposed dwelling when compared to that previously refused.
- The eaves of the proposed dwelling have been reduced so that the first-floor windows are now half-dormers.
- The footprint of the dwelling has also been made smaller.
- The scale and bulk of the building has reduced and the ridge height has decreased to 8.1m.
- The height of the building is now identical or lower than the surrounding two-storey dwellings.
- The garage is now attached to the dwelling, positioned on the northern elevation.

Proposed scale amendments:

	Proposed (21/P/02454)	Refused application (21/P/00535)
Gross external floor area	291.0 square metres	320.5 square metres
Footprint	157.5 square metres	173.6 square metres
Height	8.1 metres	8.5 metres
Width	19.6 metres	20.0 metres
Depth	12.7 metres	13.3 metres

Further, Councillors raised concerns at the proposed location and positioning of the detached garage on the former proposal at the application site. It is useful to note that a replacement outbuilding at neighbouring Smugglers End is now under construction, this outbuilding introduces more bulk than the one it replaces and therefore is more visible than that demolished. The dwelling now proposed includes an attached garage which would be far less visually prominent and of extremely modest scale when compared to that undergoing construction at Smugglers End.

The principle of development and the impact on the green belt

The application site is located within the green belt and outside the identified settlement area of The Sands. The NPPF attaches great importance to the Green Belt and the construction of new buildings is regarded as inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 sets out a number of exceptions to this which include 'limited infilling in villages', the LPSS sets out further criteria related to the assessment of whether a proposal constitutes limited infilling. For the purposes of policy P2 limited infilling is considered to be the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.

Policy P2 of the Local Plan, 2015-2034, sets out that limited infilling may be appropriate in the certain specified villages, where it can be demonstrated that the site should be considered to be within the village. This includes the village of Seale.

Is the site within a village?

The application site is in close proximity to the village amenities, including the Barley Mow Public House and The Sands Village Hall. The site is opposite the Barley Mow access and the village telephone box and defibrillator. The Sands Village Hall is approximately 100 metres from the proposed infill plot. The proposed site access would be under 30 metres from the closest section of public footpath linking the village. Therefore, owing to its proximity to the built up area of the village and the village amenities, it is considered that the site could reasonably be part of the village of The Sands.

Is the site substantially surrounded by built development?

The application site features residential development to both sides of the plot and opposite is the site of the Barley Mow and another residential property. The residential development to the north of the site is part of a continuous linear frontage which runs along Smugglers Way and Sands Road. The proposal would further extend the continuous linear stretch of development by connecting the built development to the south-west of the site with that of the north/north-west. As a result of the positioning of the site and the surrounding built form and associated curtilage, the only part of the site which borders land devoid of any development is therefore the western edge. This is only a small section of the site and owing to its surroundings the plot is found to be substantially surrounded by built development.

Therefore, the proposal represents limited infilling within a village and is therefore considered to represent an appropriate form of development in the Green Belt. The proposal is found to be compliant with policy P2 of the LPSS, 2015-2034, and paragraph 149(e) of the NPPF, 2021.

Design and the impact on the character of the area

The National Design Guide sets out that well-designed development is influenced by local character and the characteristics of existing built form, and it is important to consider the composition of street scenes, the height, scale, massing and relationships between buildings, the scale and proportions of building and landscaping, both hard and soft. The proposal relates to the construction of a new detached 4 bedroom dwelling with attached garage and associated landscaping works. The site is currently comprised of vegetation, grass and trees with no built form. The boundaries are predominantly marked by stock fencing and vegetation. Whilst the site does not currently feature built form, it does sit between other residential development. The surrounding area is characterised by the rural nature with low density development which is well spaced and permits through views.

The majority of the boundary treatments that front Smugglers Way comprise mainly hedges made up of indigenous plants and therefore this treatment is reflected in the proposed design. This will help to create an attractive green boundary. The new access which is proposed to the south of the existing access will be in the form of a wooden 5-bar gate which will give a softer and more attractive appearance but still in-keeping with the rural theme, the existing metal gate would be removed and vegetation planted in its place to add to the green buffer at the front of the site.

The proposed building would be two storeys in height and would reflect the footprint and surrounding pattern of development. The ground level rises gently to the south and south-west and as a result of this and the height of the dwelling, the proposal would not exceed the ridge height of neighbouring Merlins but would instead occupy a position which creates a gradual step up in building heights from north to south.

The Design and Access Statement sets out that the palette of materials utilised on surrounding houses is as follows:

- Walls: Stone, render, tile hanging, timber, composite cladding, brick
- Roofs: Cedar shingles, grey slates, concrete roof tiles, clay roof tiles

The proposed design would have the following material palette:

- Roof: Red/brown clay tiles
- Walls: A mixture of random rubble stone and second hand bricks
- Windows: A combination of oak framing and Crittal style black polyester powder finished aluminium
- Special features: Oak framing and struts

The design and materials would blend with the surrounding dwellings and as such the resultant dwelling would be respectful to its surroundings and in keeping with the character of the area.

The site is of limited visibility from wider vantage points and would be located within a predominantly residential area surrounded by other built development. As a result of these factors and the appropriate scale, design and vegetative boundary treatment, it is not considered that the proposal would have any materially harmful impact on the character of the immediate surrounding area.

The proposal is found to be compliant with policies D1 of the LPSS, 2015-2034, and G5 of the saved Local Plan, 2003, and the requirements of Chapter 12 of the NPPF, 2021, the National Design Guide, 2019, and the Residential Design Guide, 2004.

Impact on the AONB and AGLV

The AONB Officer previously made comments regarding the proposal and raised concern following his own site visit. In relation to former application 21/P/00535 it was set out that: "*the house design is not unattractive in itself but its size and the bold extensive glazing on the frontage would reinforce its visual presence in the village scene. It would be higher than many others, some of which are single storey. The open grassland with sporadic trees would change in character not just from the presence of the proposed house but through there being the attendant paraphernalia, including parked vehicles close to the lane and a domestic garden with possibly structures. The landscape which currently tends to dominate the buildings would change in character, to its detriment.*" It was concluded by the AONB Officer that the impact on the AONB would only be localised and would not affect the wider AONB landscape, however, recommended refusal on this ground.

In relation to this revised submission the AONB Officer has commented: "*The submitted justification for the proposed development does not recognise the significant and positive contribution the undeveloped nature of this land plays in instilling an attractive landscape character to this part of the village. This land provides for the AONB landscape to flow into this part of the village rather than for the village character merely to be roads lined throughout by dwellings.*" Concern remains, in line with previous comments, and further the AONB Officer considers that "merely replacing and enlarging the previous single storey side extension to provide a garage detracts from the appearance of the house. In time, the garage would likely be incorporated as living accommodation with permission sought and likely granted for a replacement garage as the current attractive character of the site would have then been spoiled".

Whilst the AONB Officer is a consultee, it is for the Local Planning Authority to make a judgement on the advice and in this case officer's do not feel that there would be a material impact from the scheme which is able to warrant refusal. It should also be noted that the previously larger scheme, including detached garage, was not refused on AONB or AGLV grounds and as such to recommend refusal on this ground would introduce significant inconsistency in decision making. The assessment of this case made on the basis of the proposed location, design and positioning of the dwelling and its surroundings, further the AONB Officer concludes in his view that any harm would only be localised and considering the limited visibility of the site in longer AONB views, the proposal is found to be acceptable in this regard.

The proposal is found to be compliant with policy P1 of the LPSS, 2015-2034 and the requirements of Chapter 15 of the NPPF, 2021.

Living environment

Policy D2 of the LPSS requires all new development to conform to the nationally described space standards as set out by the Ministry for Housing, Communities and Local Govt (MHCLG). The application proposes the construction of a 4 bedroom, two storey dwelling. The standard requires 115 square metres of floor area for a 4 bedroom, 2 storey, 8 person, dwelling. The proposal would well exceed this requirement.

The standard also sets out dimensional requirements in respect of bedroom sizes, double bedrooms must be at least 11.5 square metres in area and one double must be at least 2.75 metres wide with every other double at least 2.55 metres wide. Single bedrooms must be at least 7.5 square metres in floor area and at least 2.15 metres wide. The proposed dwellings comply with these dimensional requirements. The floor plans show appropriate room sizes for their intended use and adequate outlook. The proposed garden area would be adequate in terms of outdoor amenity space.

The proposal is found to be acceptable in this regard.

The impact on neighbouring amenity

The closest neighbouring properties are Smugglers' End and Merlins.

Smugglers' End is the immediate neighbouring property to the north of the application site. The dwelling would be located, at the closest point, over 9 metres from the shared boundary which consists of substantial mature vegetation. No first floor side windows are proposed. As a result of the separation distance, positioning, design and boundary treatment, the proposal would not have any unacceptable impact in terms of loss of light, loss of privacy or overbearing impact on this neighbouring dwelling.

Merlins is the immediate neighbouring property to the south-west of the application site. The dwelling would be over 20 metres from the common boundary which is a significant separation distance and will mitigate any impact on this neighbour. One small side window is proposed in the south-western elevation of the proposed dwelling, this would serve a bathroom and therefore will likely be obscure glazed. However, owing to the distance and boundary treatment, even if the window were clear glazed, it would not materially harm privacy. The boundary treatment between these properties would consist of vegetation. Therefore, as a result of the separation distance, positioning, design and boundary treatment, the proposal would not have any unacceptable impact in terms of loss of light, loss of privacy or overbearing impact on this neighbouring dwelling.

Therefore, the proposal is compliant with policy G1(3) of the saved Local Plan, 2003, and the requirements of the NPPF, 2021.

The impact on highways and parking

The proposal would provide parking off road for three vehicles, one space being within the attached garage and two available on the driveway. The garage would be of sufficient scale, measuring 6x3m internally. The parking provision would be compliant with the Council's Parking Standards which require two vehicle parking spaces per dwelling.

The County Highways Department has reviewed the application in terms of highway safety and capacity and have raised no objection. The applicant has provided information which demonstrates that there is space within the site for all vehicles to manoeuvre so that they can enter and leave the site in forward gear.

Therefore, the proposal is found to be acceptable in this regard, and compliant with policy ID3 of the LPSS, 2015-2034, and the requirements of the NPPF, 2021.

The impact on trees and vegetation

The application site is located in an area which has a rural character, the site features a number of trees and mature vegetation. The Council's Arboricultural Officer has visited the site and whilst it was identified that a small number of trees which formed part of the tree survey report have been removed prior to development. However, the Arboricultural Officer considers that whilst they would have had aesthetic benefit, they looked to have some decay so their loss would not have been objectionable. An updated Arboricultural Impact Assessment and Arboricultural Method Statement and Tree Protection Plan should be submitted prior to the commencement of development, therefore, a condition will be added in this regard.

Therefore, subject to conditions, the proposal would be compliant with policy NE5 of the saved Local Plan, 2003, and the requirements of Chapter 15 of the NPPF, 2021.

The impact on operational services

The dwelling will be provided with sufficient bin storage to the side of the property, bins will be able to be presented for kerbside collection.

Therefore, the proposal is found to be acceptable in this regard, and compliant with policy D1 of the LPSS, 2015-2034, and the requirements of the NPPF, 2021.

Sustainability

Policy D2 (1) sets out that:

"Applications for development, including refurbishment, conversion and extensions to existing buildings should include information setting out how sustainable design and construction practice will be incorporated including:

- (a) the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates
- (b) waste minimisation and reusing material derived from excavation and demolition
- (c) the use of landform, layout, building orientation, massing and landscaping to reduce energy consumption
- (d) water efficiency that meets the highest national standard and
- (e) measures that enable sustainable lifestyles for the occupants of the buildings, including electric car charging points"

Further policy D2 (3) states that:

"Major development should include a sustainability statement setting out how the matters in this policy have been addressed. Smaller developments should include information proportionate to the size of the development in the planning application."

A completed Climate Change, Energy and Sustainable Development Questionnaire, SAP 2012 "As Designed" Calculation and Sustainability Evidence Letter by Specialist Building Surveys Ltd has been submitted during the application process.

This information sets out that a fabric first approach is proposed, the U-values and air tightness details demonstrate that a fabric first approach has been followed. The scheme proposed to use an Air Source Heat Pump and photovoltaic panels on the roof. The SAP calculations demonstrate that the dwelling will achieve a 24% reduction in carbon emissions, when compared to the target emission rate for the dwelling, (using the SAP 2012 calculations). Therefore, the proposal would meet the policy requirement in this regard.

Use of minerals and construction materials and management of waste, waste minimisation: The proposal relates to the construction of a new dwelling on an undeveloped site so limited opportunities for materials from the site to be reused. The excavation works will result in the creation of spoil however this will be reused to landscape the garden. Pallets and packaging from non-mineral construction waste will be returned to supplier for appropriate re-use or disposal. The design includes the use of plain clay tiling and red facing brickwork which are local construction materials and therefore can be sourced locally. The walls are to be constructed using a mixture of random rubble stone and second hand bricks. Oak framing is also included in the design and will be locally sourced. All timber to be FSC certified.

With regards to water efficiency, the details provided in part 3 of the Climate Change, Energy and Sustainable Development questionnaire set out that all sanitary fittings will be specified in accordance with water efficiency requirements. Rainwater harvesting proposed to provide water for the garden and to wash cars. A condition will be added to secure the submission of water efficiency calculations.

Measures to enable sustainable lifestyles: The building provides a study / home office to encourage remote working. An electric car charge point is proposed next to the garage. The dwelling is located in a sustainable position in the village centre. Secure cycle storage is proposed within the garage. Bin storage is also shown to be provided to the northern side elevation of the dwelling.

Climate change adaptation: The building has been designed so that it will provide a constant temperature for occupants. It allows solar gains within the morning and evening where temperatures are lower but will have a very high level of insulation to prevent gains through the fabric. The use of soft landscaping and permeable surfaces will be maximised. The location is shown on the proposed site plan. The new driveway will be of a permeable construction.

A review of the application and has confirmed that the proposals are adequate in this regard.

Therefore, the development is found acceptable in this regard and would be compliant with policy D2 of the LPSS, 2015-2034, and the requirements of the NPPF, 2021.

The impact on flooding

A number of third party comments make reference to potential for the proposal to exacerbate existing flooding in the area. The Environment Agency has designated this site to lie within an area which is at low risk from surface water flooding. The Design and Access Statement states that the proposals will incorporate rainwater harvesting, permeable driveway and parking area and all surface water will be discharged to soakaways.

Therefore, the proposal is found to be acceptable in this regard.

The impact on biodiversity and ecology

It is of note that the LPSS, 2015-2034, require a net gain in biodiversity to be achieved on a site. The Government announced it would mandate net gains for biodiversity in the Environment Bill in the 2019 Spring Statement. The Environment Bill received Royal Assent on 9 November 2021. Mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023, the absence of this change to TCPA and no Development Plan policy regarding biodiversity net gain. It would be unreasonable to maintain this reason for refusal, in this instance. However, as para 175 of the NPPF sets out the principles that should be applied to habitats and biodiversity and policy ID4 of the LPSS seeks to contribute to biodiversity and as such it is found to be appropriate to require biodiversity enhancements by condition.

Conclusion.

The proposal is found to represent appropriate development within the green belt, have a design which respects the surrounding area and the special landscape character of the AONB and AGLV, have an acceptable living environment for occupants, cause no materially harmful loss of light, loss of privacy or overbearing impact to neighbouring properties, present no highway safety or capacity issues and provide a sufficient, standard compliant, level of parking. Further there would be no adverse impact on trees or vegetation or operational services. The development would provide sustainable measures and will deliver biodiversity enhancement on the plot. The application is compliant with both local and national planning policy and is, therefore, recommended for approval.

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22/P/00179 – Twynings, 33 Gateways, Guildford



Not to scale

App No: 22/P/00179 **8 Wk Deadline:** 29/03/2022
Appn Type: Full Application
Case Officer: Kieran Cuthbert
Parish: Christchurch **Ward:** Christchurch
Agent : Mr M Kubala **Applicant:** Mr A Tilney
FKA Construction 33 Gateways
33 Gateways Guildford
Guildford GU1 2LF
GU1 2LF

Location: Twynings, 33 Gateways, Guildford, GU1 2LF
Proposal: Variation of condition 2 (drawing nos) re 20/P/01887 approved 25/02/2021 to regularise discrepancies between approved plans and as built stage.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

Key information

Variation of drawing conditions 2 for 20/P/01887 for the approved proposed ground floor front extension; raising the roof to form a first floor; and changes to the fenestration. The changes proposed are as follows;

- Larger roof height and scale
- Change in position of roof feature
- Removal of Chimney
- Decrease in building width
- Very slight change in position of the majority of windows
- Removal of three windows

Summary of considerations and constraints

The objections raised mostly relate to the previously approved application and cannot therefore be considered.

Overall the scale of the dwelling would be largely unaltered. The previous approval was granted and no major concerns were raised regarding scale. As such there is no cause of concern regarding a broadly similar application in terms of overall scale.

The design of the proposed is also acceptable as would be largely unchanged. The removal of the chimney is the main alteration which could be done under permitted development.

The officer considers the proposed works to be of a modest scale which would have no adverse impact on neighbour amenity or the overall scale or character of the property and area. As such the proposed alterations proposed and variation of condition 2 is in compliance with Policy D1 of the Guildford Borough Local Plan 2015 - 2034, and Policy G1 and G5 of the Guildford Borough Local Plan 2003.

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: 0404 REV P01 received on 01/02/2022 and 0405 REV P01 received on 23/03/2022.

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

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

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

3. The windows on both the western and eastern elevations of the development, 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.

Informatives:

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

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

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

Officer's Report

Site description.

The site is a two storey detached dwelling on Grove Road off of Epsom Road on the Eastern side of Guildford. The road has many similar style dwellings to that existing. There are no planning constraints on site.

Proposal.

Variation of condition 2 (drawing nos) re 20/P/01887 approved 25/02/2021 to regularize discrepancies between approved plans and as built stage.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/P/01887	Proposed ground floor front extension; raising the roof to form a first floor; and changes to the fenestration.	Approve 25/02/2021	N/A
86/P/01422	ERECTION OF A DETACHED MARLEY GARAGE	Created during migration 10/03/1987	N/A

The proposed variation is to regularize the changes made in the now built development as it differs from what was previously approved. These changes are as follows

- Larger roof height and scale
- Change in position of roof feature
- Removal of Chimney
- Decrease in building width
- Very slight change in position of the majority of windows
- Removal of three windows

Consultations.

Statutory consultees

County Highway Authority: The highway authority considers that the proposed will have no impact on highway safety:

Amenity groups/Residents associations

Downsedge Residents Association Guildford objection the following grounds:

- Inconsistencies in plans
- Loss of character
- Parking Concerns
- Concerns regarding scale

Third party comments:

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

- Concerning regarding office building (Officer Note: Many of the concerns raised relate to the office building. This application does not appear to be related to this building and as such these objections cannot be considered in this case.)

Agenda item number: 5(3)

- No details of materials (Officer Note: The previous approval included condition 3 in relation to the materials used, as such further information is not required as there is no change stated.)
- Provides insufficient parking (Officer Note: The changes proposed do not encroach over parking spaces nor increase the bedrooms of the property and as such there are no parking concerns)
- Large garage converted into office space
- Front garden removed impacting character
- The garage should be kept for the use of parking vehicles
- Visibility concerns at junction
- Increased bulk and dominance of the dwelling
- Overbearing a dominating gable roof
- Incomplete Plans
- Inaccurate plans to what has been built on site (Officer Note: The application will be assessed based on the information presented. If the development built differs from that approved then this would be in breach of conditions and require enforcement action.)
- Changes are out of character
- Concerns regarding multiple front doors
- Concerns regarding corridor view being framed by buildings and not greenery
- Concerns regarding possible subdivision of the property (Officer Note: There is no evidence indicating a possible subdivision of the property. If the applicant wished to subdivide the property this would require further planning permission)

(Officer Note: Some of the objections are regarding changes which were already approved in the previous application. It is important to note that the only considerations the officer can make are for the changes proposed and cannot comment on the previous approval.)

Planning Policies

National Planning Policy Framework (NPPF):

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

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

- G1 General Standards of Development
- G5 Design Code

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

- D1 Place Shaping

Supplementary Planning Documents

Residential Extensions and Alterations SPD 2018

Planning considerations.

This application is submitted under Section 73 of the Town and Country Planning Act (as amended). The provisions of Section 73 relate to the variation or removal of planning conditions attached to a grant of planning permission. The intention is that such matters would represent a minor material change to the original grant of planning permission.

The application must be determined on the basis of the effect of varying/removing the specified conditions. No other matters can be taken into account for example the principle of the original permission cannot be re-visited. Additionally, it is not appropriate to dismiss a proposal simply on the grounds that conditions were originally proposed and therefore by default should be retained. The local planning authority must consider whether any planning harm would result from the variation.

Section 73, gives two options when considering such applications:

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under Section 73(a) officers should not limit themselves to assessing just the specific variation or removal suggested by the applicant. If an alternative change to the conditions would be acceptable then permission should be granted to that effect.

Part of the assessment under Section 73(b) should also be whether this would cause more than a minor material change to the original permission. In such cases permission should also be refused.

In this instance, the application is for the variation of condition 2 (approved drawings) of planning permission 20/P/01887 which was for a roof extension and single storey front extension and fenestration changes. The variation will be an increase the scale of the property with a few alterations to fenestration.

- the impact on scale and character of the existing dwelling and surrounding area
- the impact on neighbouring amenity

Impact on Scale and Character of the Existing Dwelling and Surrounding Area

The officer has reviewed both the original approved and the existing and noted that there are only very modest changes. These include the loss of the chimney, the moving of the roof feature away from the boundary and some modest changes in scale. The increase in roof height is roughly 250mm with a slight width increase of the first floor element by 580mm and an actual decrease in the ground floor element width by 520mm.

The proposed will also remove a window on the rear elevation second storey and increase the width but reduce the height of a rear window on the first storey. The west side elevation will have two upper floor windows removed and a slight reduction in scale and a slight increase in scale for two of the lower floor windows. Finally the east elevation will include a slight increase in scale for one of the first storey windows.

Overall the scale of the dwelling would be largely unaltered. The previous approval was granted and no major concerns were raised regarding scale. As such there is no cause of concern regarding a broadly similar application in terms of overall scale.

The most impactful design change outlined in this application (this does not include changes to parking or the garden space as they were previously approved) is the removal of the chimney. Whilst the officer noted that there are chimneys on many of the dwellings in the area this change could be done through permitted development without permission and as such is considered acceptable.

As with the previous application the existing has materials matching the previous dwelling's. As such the previous condition regarding this is still relevant and will be applied to this application.

Impact on Neighbouring Amenity

The previous approval included a condition to obscure glaze the side windows which will be carried over to this application.

Due to the extremely modest change in scale of the built form as opposed to originally approved and as the fenestration has remained largely the same with no new overlooking concerns the existing dwelling has no impact on neighbouring amenity.

Retrospective application

A ministerial planning policy statement on 31 August 2015 notes that the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. The ministerial statement therefore includes a planning policy to make intentional unauthorized development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

In considering this current application, which seeks to regularize unauthorized development, the local planning authority has given some weight to the fact that the application is retrospective. 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.

Conclusion

Based on the assessment above, the officer considers the proposed works to be of a modest scale which would have no adverse impact on neighbour amenity or the overall scale or character of the property and area. As such the proposed alterations proposed and variation of condition 2 is in compliance with Policy D1 of the Guildford Borough Local Plan 2015 - 2034, and Policy G1 and G5 of the Guildford Borough Local Plan 2003.

Planning Committee

27 April 2022

Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough

Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they

should contact

Sophie Butcher (sophie.butcher@guildford.gov.uk)

1.	<p>Mr & Mrs Jenkins Wonham Copse, Wonham Way, Peaslake, GU5 9PA</p> <p>21/P/01522 –The development proposed is partial ground floor demolition to the north one-storey block, side extension to the first floor, loft conversion, with new dormers to front and back elevations, change of fenestration to have triple glazing, new photovoltaic panels to the south roof face.</p> <p>Delegated Decision: to refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues in the appeal are whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and the development plan; and • The effect of the proposal on the character and appearance of the host dwelling and the area. • The appeal property is a detached, two storey dwelling. The dwelling is set within a spacious plot, accessed via a long, straight driveway. It is within an area of detached dwellings also sited on large plots, although the appeal property is set much further back from Wonham Way compared to the neighbouring properties. • Although the scale and floorspace of the dwelling will increase with the addition of a first-floor side extension and loft conversion, the proposed demolition of the one-storey section of the existing dwelling will result in an overall reduction in the building’s footprint. The first-floor addition will match the roof height of the existing dwelling and the proposed front and rear dormers would not overly dominate the roof. Although there will be an increase in overall bulk from the proposal, the first-floor addition would give the dwelling a more balanced appearance. I therefore do not consider that the proposed extensions would a disproportionate addition over and above the size of the original building. • For these reasons, I find that the proposal would not comprise inappropriate development within the Green Belt as defined by the Framework and Policy P2 of the Local Plan. • The appeal site is within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). An objection to the proposal was received from the Surrey Hills AONB 	*ALLOWED
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	<p>Planning Adviser which references the visually greater impact that will occur as a result of the proposals. However, with the exception of views along the driveway, the appeal property is well concealed from the public and neighbouring properties by trees and hedges and the alterations are considered to be proportionate to the host dwelling. On this basis, I find the effect of the proposals on the AONB and AGLV would be neutral.</p> <ul style="list-style-type: none"> • On this basis I do not consider the proposal would unacceptably harm the character and appearance of the appeal property or the area and it would accord with Local Plan Policy D1 which seeks, amongst other things to ensure development achieves high quality design. It would also accord with saved Policy H8 and Policy G5 of the Guildford Borough Local Plan 2003 (Adopted January 2003) which seek, amongst other things, to ensure new development protects the character and appearance of buildings and the surrounding environment. It would also accord with the Framework in so far as it requires that development should add to the overall quality of an area and should be sympathetic to local character. • The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) 2018 seeks to ensure roof extensions are carried out sympathetically. The SPD provides guidance on the design of dormer windows, which the proposal broadly conforms with. • I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed. 	
<p>2.</p>	<p>Mr Andrew Eacott Stoke Villa, Markenfield Road, Guildford, GU1 4PF</p> <p>21/P/01692 – The development proposed is part two storey and part single storey rear extension following demolition of a conservatory.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the proposed development on the living conditions of the occupants of 1 Nursery Villas with particular reference to light and visual impact. • The appeal property is a semi-detached dwelling, which has a ground floor conservatory extension to the side. The proposal involves the demolition of the conservatory, and its' replacement by a single-storey side extension of similar dimensions, albeit that its roof would have a steeper pitch. Alongside it, a two-storey structure is proposed, being an extension to the original two-storey protrusion at the rear of the dwelling. • The Council has no concerns as to the design or appearance of the proposals but considers that they would impact harmfully on the living conditions enjoyed by the occupants of 1 Nursery Villas. The Council's concerns reflect those contained in the representations submitted by a resident of that property. • The resident is concerned that the extensions would unacceptably reduce daylight to and harmfully impact on the outlook derived from the rear ground floor window serving her dining room. Both she and the Council consider that the proposals fail to meet the requirements of the 450-guide set out in the Council's SPD1. 	<p>*ALLOWED</p>

	<ul style="list-style-type: none"> • 1 Nursery Villas is itself semi-detached and is separated from the appeal property by what is best described as an alley or walkway. I walked along the alley during the course of my visit to a point immediately adjacent to the dining room window. I saw that a high timber fence had been erected on the objector's side of the alley close to the dining room window, presumably so as to preserve privacy. • The dining room window faces northwards, so that it receives no direct sunlight. The level of natural light the dining room receives is curtailed, not only because of the presence of the appeal property, including its conservatory, but also as a result of 1 Nursery Villa's own rear protrusion and the timber fence mentioned earlier. These structures also partly impede the outlook obtained from the body of the room. • The appellant acknowledges that the 450 guide would not be wholly met, but only marginally so. I accept that to be the case. However, given the presence of the various existing structures described above and their effects on daylight and outlook from the window of concern, I do not consider that the proposals, if built, would materially alter the level of daylight currently entering the dining room, and nor would the outlook from it be significantly affected. • Accordingly, the proposals, in my opinion, would not make living conditions materially worse within the dining room for the residents of the neighbouring property. The 450 guide, as the terms implies, is a guide and there is no requirement in my view that it should be rigidly adhered to in all circumstances, especially where other factors come into play, and no material harm arises. • I conclude that the proposed extensions could be built without materially harming the living conditions currently experienced by the occupants of 1 Nursery Villas. Accordingly, no conflict arises with those provisions of saved policy G1(3) of the Guildford Borough Local Plan 2003 directed to ensuring that new development should not impair the amenities of others. 	
<p>3.</p>	<p>Mr and Mrs Kollmer Kayos Cottage, Guildford Road, Effingham, KT24 5QQ</p> <p>21/P/00497 – The development proposed is the erection of a detached, single storey ancillary outbuilding.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue is whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy. It is also necessary to consider any effects of the development on the existing dwelling and the surrounding area. • The appeal property comprises a detached dwelling set within a large plot located within the Green Belt. It is accessed via a long driveway off Guildford Road. The property has a contemporary design and is relatively well-screened from view as the site's boundaries are heavily vegetated with mature trees and shrubbery. • The proposal would comprise the erection of a detached single storey outbuilding with a slightly slanted flat roof within the driveway to the west of the main house. The Council consider that, as the outbuilding 	<p>*ALLOWED</p>

	<p>would be detached from the house, it cannot constitute an extension, would not fall into any of the other exceptions to Green Belt policy and so would be inappropriate.</p> <ul style="list-style-type: none"> • The appellant states the proposed outbuilding would have a floor area of 28 sqm, which would represent a 14% increase in floor area over the original building. The Council has not provided me with corresponding calculations. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, national guidance does give some guidance on measuring 'proportionality'. The NPPF refers to 'size' which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the overall scale of the outbuilding would be modest, and I consider that a 14% increase in floorspace would not be disproportionate and would respect the scale and form of the main dwelling. In light of this, find that the proposal would not result in a disproportionate addition over and above the size of the original dwelling. • On the basis that the proposed outbuilding would meet the exception outlined in Paragraph 149(c) of the NPPF and Policy P2, as detailed above. I therefore find the proposal is not inappropriate development in the Green Belt and would not conflict with the NPPF in this respect. • For the reasons explained above and having taken account of every matter raised in the representations, I conclude that the appeal should be allowed. 	
<p>4.</p>	<p>Mrs Gabrielle Davenport 25 Curling Vale, Guildford, GU2 7PJ</p> <p>21/P/01814 – The development proposed is the erection of a two-storey side extension and changes to fenestration.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings. • The appeal property is a brick-built two-storey semi-detached dwelling set within a mature residential estate comprised of a variety of dwelling types and styles, including detached dwellings and bungalows. • Its' roof is hipped, and the intention is to extend to the side, in matching materials, with the hipped treatment repeated. The extension's front wall would be slightly set back from the property's front elevation. • In the appellant's view, the extension would mirror that carried out at the neighbouring property, no 23, immediately to the north, which itself is a semi-detached property, being attached to No 21. • The Council acknowledges that the side extension to No 23 was granted planning permission several years ago but contends that it has not been built entirely in accordance with the approved plans. Principally for that reason, the Council considers that the extension's existence should not carry sufficient weight as a material consideration to justify the alleged harm caused by the appeal proposal. In the Council's view, the proposed extension now would not appear subservient to the host property, and the gap between No 23 and 25 would be reduced to an unacceptable level resulting in a terracing effect. 	<p>*ALLOWED</p>

	<ul style="list-style-type: none"> • No 23's extension has existed long enough to form an established part of the street scene, and it causes no visual offence. Its design is virtually repeated in the appeal proposal, albeit on a mirrored basis, and in my view is an acceptable and well-designed proposition. • While I understand the Council's concerns as to a possible terracing effect, insufficient weight has been given to the fact that the appeal property is situated on a hill and has been built at a different level to No 23. Consequently, the eaves and ridge levels of the proposed extension, if built, would be set substantially higher than those of No 23. Moreover, no 25's front elevation would be set back from that of No 23. Taken in combination, these factors would ensure that the respective dwellings would retain their individual identities and would not be perceived as forming part of a terrace. • I therefore conclude that the extension would sit acceptably in its visual context without harming the character and appearance of the host property or its surroundings. Accordingly, no conflict arises with those provisions of saved policies G5 & H8 of the Guildford Borough Local Plan 2003, or Policy D1 of the Guildford Borough Local Plan 2019 directed to ensuring that new development should achieve high quality design that responds to distinctive local character. 	
<p>5.</p>	<p>Mr C Luscombe 22 Scholars Walk, Guildford, GU2 7TR</p> <p>21/P/01536 – The development proposed is the conversion of loft space to habitable accommodation including a dormer window to the rear and 3 rooflights to the front elevation.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings. • The host property is a detached dwelling set within a relatively modern residential estate. However, it is untypical of most other dwellings in the estate in that it is sited alone on an elongated plot. A landscaped strip with mature trees separates the plot from housing development in Guildford Park Avenue, which lies on lower land to the south and east of the appeal site. • I note from the planning history that the dwelling has been subject to previous permissions to extend, and that their implementation has resulted in the creation of a substantial dwelling. In this context, and particularly since the dormer extension would be built to the rear, the scale of the proposal would not be disproportionate to that of the host property, as extended. • The attempts made to marry the appearance of the dormer with the host property, including the pattern of fenestration, the use of tile hanging and the half-hipped roof, have in my opinion succeeded. I do not therefore consider that the effect on the host property would cause visual harm. • Two dwellings¹ served by a private drive stand to the side of the appeal property, and their occupants would have the closest, albeit oblique view of the dormer. Their residents have not objected. Given the acceptability of the design, the impact on these residents would not 	<p>*ALLOWED</p>

	<p>prove harmful. Otherwise, taking account of the screening qualities of the mature landscaping mentioned earlier, the dormer would remain unobtrusive in the wider street scene, having little effect on the surrounding area.</p> <ul style="list-style-type: none"> • I note that the Council does not object to the insertion of the rooflights in the front elevation, and I have no reason to either. • I conclude that the loft conversion, including the proposed dormer, would sit acceptably in its visual and spatial contexts without harming the character and appearance of the host property or its surroundings. Accordingly, no conflict arises with those provisions of saved policies G5 & H8 of the Guildford Local Plan 2003, or Policy D1 of the Guildford Borough Local Plan 2019 directed to ensuring that new development should achieve high quality design that responds to distinctive local character. 	
<p>6.</p>	<p>Mr Dom Tait 8 Irwin Road, Guildford, GU2 7PP</p> <p>21/P/01824 – The development proposed is a single storey side and rear wrap around extension and rear raised decking area.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings. • The host property is a detached brick-built, tile roofed dwelling set on a hill within a row of other detached dwellings of varied designs. The house is set well back in its plot and has a lengthy rear garden. It has a concrete panelled garage to the rear, which is to be demolished to make way for the proposal. • The scheme represents a wholesale revamp of the dwelling’s ground floor accommodation. The wrap around element would incorporate a new side entrance, and the proposed kitchen, dining and sitting rooms would be comprised within a sizeable open plan space. Much of the proposed ground floor accommodation would be housed within a new flat roofed extension, whose rear elevation would be almost entirely glazed. The extension would extend the full width of the original dwelling, and slightly beyond. • The Council considers the proposed extension to be disproportionately large and poorly designed with particular reference to its shape, bulk, roof type and proposed use of extensive glazing, which are said not to be reflective of the host property’s intrinsic design qualities. • I share the Council’s view that the extension’s appearance would not match that of the host property; but it doesn’t appear to me that it was meant to. Rather it is an extension of a distinctly contemporary style, which contrasts sharply with that of the host property. I do not find this design approach objectionable, particularly since the host property is not of particular architectural merit, being what I would describe as distinctly suburban in appearance. The extension is not in my view excessively large and would enable the existing and newly created space within the house to be used effectively for modern family living. • Moreover, the proposed rear extension, being very well screened from general view, would have no impact on the public realm, or on the wider surroundings. The modestly sized side extension could just be seen 	<p>*ALLOWED</p>

	<p>from the highway, but being set back, its impact would be minimal and acceptable.</p> <ul style="list-style-type: none"> • I share the Council's view that the proposed decking should not cause offence, and neither it nor the proposed extension would impact harmfully on neighbouring living conditions. I note that none of the closest residents objected on being consulted. • I conclude that the extension would sit acceptably in its visual context without harming the character and appearance of the host property or its surroundings. Accordingly, no conflict arises with those provisions of saved policies G5 & H8 of the Guildford Borough Local Plan 2003, or Policy D1 of the Guildford Borough Local Plan 2019 directed to ensuring that new development should achieve high quality design that responds to distinctive local character. 	
<p>7.</p>	<p>Mr and Mrs E Mitchinson Syderstone, 147 East Lane, West Horsley, Leatherhead, Surrey, KT24 6NY</p> <p>21/P/01236 – The development proposed is described as installation of fence along boundary of property.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the proposal on the character of the area. • The appeal site is located at the northern end of the built-up area of West Horsley, which borders onto woodland and pastureland. This part of the built-up area is characterised by large family dwellings which have generous sized, mature landscaped gardens. The vast majority of dwellings along this stretch of East Lane and Ockham Road North have hedges, shrubs and trees along their front boundaries. This landscaping together with the well wooded setting of the locality makes a significant contribution to the sylvan and semi-rural character and appearance of the area. • There are a few exceptions to this which include low walls and a post and rail fence, which either have planting behind them or provide views of mature planting within the gardens. There are also a number of close boarded fences in the immediate area. This includes 150 East Lane (No.150) and Cheriton, which are situated opposite and alongside Syderstone. Both properties have low fences that front onto Ockham Road North and No.150 also has a taller fence, which fronts onto part of the boundary with East Lane. These fences have hedges immediately to the rear of them and the fence at Cheriton sits behind a shallow verge. Individually and collectively these fences have a suburbanising impact on the street scene, although the impact is materially greater with the taller fence, which is more prominent due to its height, solid appearance and the sense of enclosure it creates. • The appeal property occupies a prominent position within the street scene, adjacent to the junction of East Lane and Ockham Road North and opposite the path through the wide verge and cluster of mature trees on the other side of Ockham Road North. Recently a tall vertical boarded timber fence has been erected at the appeal site along the boundaries with both roads. Along East Lane the fence adjoins the back edge of the pavement and along Ockham Road North the fence is set 	<p>DISMISSED</p>

	<p>behind a verge where there are two mature trees, some low scrub and a public bench. Due to its combined length, height and prominence the fence is visually stark and urban.</p> <ul style="list-style-type: none"> • With the proposal this fence would be replaced with a 1.5-metre-high fence, with Laurel hedging planted to the rear of it. This planting has already taken place. • Due to its lower height the proposed fence would cause less harm than the existing fence. However, even with the proposed planting to the rear, as a result of its combined length, height and siting the proposed fence, which would be highly prominent, would have an urbanising and solid enclosing impact on the street scene. It siting opposite the fencing around parts of No.150 would simply exacerbate the harm that would be caused, resulting in a visually hard entrance to East Lane. For these reasons the proposed fence would materially and unacceptably harm the character and appearance of the surrounding area. • In particular, due to its siting along the back edge of the pavement the proposed fencing along East Lane and in the vicinity of the public bench close to the road junction, the proposed fence would have a visually hard and urbanising impact on the street scene. • I acknowledge that a one-metre-high boundary fence could be erected under Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, the low fences in the locality are not as prominent and do not share the same hard and enclosing characteristics of the taller fences. As such, their impact on the sylvan and semi-rural character and appearance of the locality is materially less. • Finally, I have taken into account the security, safety and privacy benefits that would result from the proposal. In this instance I find that these benefits would fail to outweigh the harm that would be caused to the character and appearance of the area by the proposal. This harm is not something that could be satisfactorily dealt with by condition. • I conclude that the proposed fence would unacceptably harm the character and appearance of the host dwelling and the area. Accordingly, the proposal would conflict with LP Policy G5, LPSS Policy D1, NP Policy WH2, the SPD and paragraph 130 of the Framework. 	
<p>8.</p>	<p>Mr and Mrs Gavin Cooke 2 Gwynne Court, Guildford, GU2 9LY</p> <p>21/P/01114 – The development proposed is the erection of rear dormer and loft conversion with three roof lights to the front roof slope.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings. • The host property is comprised within a modestly sized terrace of dwellings within a relatively modern housing estate. The terrace is punctuated by two substantial gables front and back, which adds form and design interest, particularly to the roof. The appeal property is set alongside one of the gables. • The proposed dormer would be shaped like a box. The appellant considers that the dormer has been ‘sensitively designed’. I disagree. To my mind, the structure would appear crude in design terms and 	<p>DISMISSED</p>

	<p>incongruous set against the angled gable, damaging the appearance of the host property and the roofscape of the terrace as a whole.</p> <ul style="list-style-type: none"> • Whilst the dormer would be sited in the rear roof, it would nevertheless be prominent when viewed from Railton Road, which runs alongside Gwynne Court. It would also be clearly seen from Little Road across the open land surrounding the Army Cadet centre. The harmful incongruity of the development would thus be plainly apparent from various vantage points in the public realm. • My visit took place when the trees in adjacent streets were in a defoliated state. Whilst some screening may be afforded when trees were in leaf, the dormer would nevertheless be clearly seen from several vantage points. • The appellant refers to several examples of what are claimed to be similar forms of development. During my visit, I noted that most of the roofscape in the surrounding area was free of dormer development of the type proposed here. Where dormers occurred, they appeared to me to be smaller and better designed than that proposed, and in a different visual context. The roof conversion in the same terrace, at No 4, is not comparable since it doesn't involve a dormer addition. • Other examples provided by the appellant, including that at 12 Whateley Close and 52 Forster Road¹, have also been taken into account. I note from the photographs provided that these appear to involve dormer additions not dissimilar to those proposed here. But the fact that this type of development may be acceptable elsewhere in a particular location does not, in itself, justify its acceptability everywhere since circumstances vary. Accordingly, my judgement is based on the particular circumstances of this case, and specifically on its merits, as required. • I therefore conclude that the proposed development would harm the character and appearance of the host property and its surroundings. Accordingly, no conflict arises with those provisions of saved policies G5 & H8 of the Guildford Borough Local Plan 2003, or Policy D1 of the Guildford Borough Local Plan 2019 directed to ensuring that new development should achieve high quality design that responds to distinctive local character. 	
<p>9.</p>	<p>Mr Thomas Buckley Chestnut Cottage, 50 Portsmouth Road, Guildford, GU2 4DU</p> <p>21/P/00665 – The development proposed is the replacement of nine single glazed wood framed windows and door.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue are the effects of the proposals on the host property and whether the character or appearance of the CA would be preserved or enhanced. • The host property is situated at the junction of Portsmouth Road (A3100) and Chestnut Avenue. It forms part of what I regard as a very attractive terrace, described in the representations as displaying 'Arts & Crafts' design features. The terrace is comprised mainly of brick, with some render panelling. Its' front elevation contains several gables, with 	<p>DISMISSED</p>

	<p>tile hanging at first floor level. The terrace's chimneys appear to have all remained intact.</p> <ul style="list-style-type: none">• The appeal property is at the end of the terrace, with its twin gabled main elevation, and its front door, facing Chestnut Avenue. This elevation contains striking feature windows at first floor level just beneath the gables with its associated decorated panelling.• The property is virtually surrounded by a laurel hedge, and as a consequence, many of the ground floor windows and front door are at least partially hidden from view. However, there is no guarantee that the hedge will remain in place permanently. The windows on the first floor are all plainly visible from public vantage points at close quarters.• The appellant points to several properties in the locality which have used materials other than wood in their fenestration, including uPVC. However, some of these are far more modern than the appeal property, and the use of materials other than wood is understandable in the circumstances, particularly having regard to the overall design of the buildings.• The appellant also points to the use of uPVC windows on a property within the terrace. I saw that was the case, and to me it stood out as incongruous. There is no reason, in my view, why a similar mistake should be repeated. That others within the terrace have not replaced timber windows in their original form is unfortunate but does not justify the use of uPVC.• I fully understand the reason why the appellant would choose to replace the windows. I saw that at least some were in poor condition and were not the original windows. Those I saw were single glazed, albeit a form of secondary glazing had been provided at the front to provide some protection from the noise of traffic using the main A road. I also appreciate the benefit of double glazing in insulation and consequent energy saving. However, no evidence has been provided as to why such benefits could not be achieved by the use of high-performance timber windows, which I have seen successfully installed in many properties within CAs. In my experience, they could more successfully replicate the originals while providing similar insulation benefits to uPVC.• I conclude that the proposal would cause harm to the character and appearance of the host property and to the terrace. Neither the character nor appearance of the CA would therefore be preserved. Accordingly, a clear conflict arises with those provisions of saved Policy HE7 of the Guildford Borough Local Plan 2003 and policy D3 of Guildford Borough Local Plan: Strategy and Sites 2019, directed to ensure that the character and appearance of the Borough's historic environment, including its conservation areas, is protected.• The harm caused would be less than substantial and under the terms of the NPPF1 this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I have already referred to one of the public benefits arising from the installation of modern windows, that of energy conservation. However, I am not convinced that this benefit could not be achieved by another design solution more appropriate in this CA, which on the basis of the evidence, has apparently not been considered.	
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<p>10.</p>	<p>Mr Geoff Atterbury of Hawksmoor Homes Ltd Land to the East of 164 The Street, West Horsley, Leatherhead, KT24 6HS</p> <p>20/P/02026 – The development proposed is erection of five dwellings and associated access and landscaping.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the main development on the character and appearance of the area and protected habitat sites. • The appeal site is a rectangular plot of paddock land with a long, narrow, grassed access off Little Cranmore Lane. It is located between large residential gardens to properties fronting both The Street and Little Cranmore Lane. The site’s eastern boundary marks the edge of the defined settlement adjacent to which there is a public footpath and an open field beyond. These gardens and the appeal site provide an area of transition between the built development and the open and undeveloped countryside on this side of the village. There are many trees and shrubs along this boundary which restrict views into the site. There are several mature trees on other boundaries. • The scheme proposes a small development positioned around a central area of hardstanding. The appellant has explained that this has been designed with a hierarchy of building scales and variations in form and style to reflect the range of buildings that might be found within a farmstead courtyard. This comprises a pair of semi-detached houses designed as ‘workers’ cottages’, detached ‘barn’ style development and a ‘farmhouse’ clustered around a central ‘yard’. • Nearby development is characterised by detached properties set within spacious plots. The proposed houses would not be as spacious as these and the semi-detached properties would be at odds with development within the immediate vicinity of the site, although such housing is found elsewhere within the wider area. The proposed houses would also be positioned close to each other. In this context, the proposed development would appear at odds with the more spacious development characteristic of its surroundings. • The accommodation within each of the proposed houses would be set over 2 floors with the first-floor accommodation partially built into the roofspace. This would reduce the overall bulk of the proposed dwellings. Surrounding development is a mix of bungalows, one and a half and 2-storey properties of varying ages and heights. Within this context, the proposed buildings would not appear uncharacteristic. However, due to the relatively small size of each of the individual plots, the proposed houses would appear large within their plots compared to nearby development. This would make the proposed development appear cramped within the plot. • The farm courtyard design would go some way to explain this higher density of development. However, this does not overcome the limited size of the gardens in comparison to the proposed houses which would be uncharacteristic on the transitional village fringe where development is typically set away from the rural edge by long rear gardens. Although there are examples of properties with a closer relation to the rural edge 	<p>DISMISSED</p>
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	<p>of the settlement, such as Oak Tree Cottage some distance north of the appeal site, this type of development does not form the predominant character of the village edge. Whilst such development may add to the character, it seems to me that for this to be repeated too often would fundamentally alter the way the built form of the village transitions into the rural landscape beyond. It does not therefore provide justification for the scheme as proposed.</p> <ul style="list-style-type: none">• The scheme has been designed to set the buildings away from the more sensitive settlement edge by locating the larger properties and gardens closer to this boundary. The appellant has sought to maximise the garden sizes to these plots. However, due to the extent of other development proposed on the site, they are limited in depth compared to nearby development. When compared to other domestic development along this edge of the village which includes tennis courts but few other structures, the proposed houses due to their relatively short gardens would be much closer, bulkier and more prominent. This would provide a much harder and more urban edge to the village, uncharacteristic of surrounding development.• Even with the boundary vegetation retained, I observed that views into the site were possible. The proposed houses with their gardens and other domestic paraphernalia would therefore be visible from the adjacent public footpath with some loss of the semi-rural character along the edge of the village.• I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019 (the LPSS) and Policy WH2 of the West Horsley Neighbourhood Plan 2018 which together require new developments to respond and reinforce locally distinct patterns of development, including landscape setting, to have regard to the important relationship between the built development and the surrounding landscape in villages and to provide built forms that help maintain an appropriate transitional edge to the village. It would also not accord with the National Planning Policy Framework which add to the quality of the area and are sympathetic to local character.• In the context of this appeal, the absence of details of a scheme, means that I cannot be satisfied in undertaking my duty under the Conservation of Habitats and Species Regulations 2017, that the appeal scheme would not have an adverse impact on the SPA either alone or in combination with other projects. Therefore, in this case, based on the evidence before me, a Grampian condition would not be appropriate.• For this reason, I find that the development would therefore fail to comply with Saved Policy NE4 of the Guildford Borough Local Plan 2003, Policy P5 of the LPSS and Saved Policy NRM6 of the South East Plan 2009. These policies together seek to conserve and enhance the natural environment, animals and their habitats and to secure appropriate mitigation to avoid any adverse effects on protected sites.• For the reasons set out above, I conclude that the appeal should be dismissed.	
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<p>11.</p>	<p>Mr Felix Walker 41 Down Road, Guildford, GU1 2PZ</p> <p>20/P/01755 – The application sought planning permission for change of use of existing building (unoccupied school – use class D1) to two x two-bed and one x three-bed flats (use class C3). One new two storey detached dwelling and provision of seven off street parking spaces, cycle and recycling storage; dropped kerb for access, landscaping and associated works without complying with a condition attached to planning permission Ref 16/P/02402, dated 15 November 2017</p> <ul style="list-style-type: none"> • The condition in dispute is No. 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 167(P)001/D, 002/D, 010/D, 011/D, 015/D, 016/D, 022/2, 027/2, 029/2, 031/2 received on 30 November 2016 and amended plans: 167()P025/3, 026/3, 030/3, 032/3, 003/1, 020/4, 021/4 received on 20 December 2016. • The reason given for the condition is: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning. <p>Officer Recommendation: To Approve Planning Committee: 3 March 2021 Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the provision of six car parking spaces rather than seven spaces as approved is sufficient, with regard to local and national planning policy and guidance. • The Council’s Vehicle Parking Standards Supplementary Planning Document 2006 (SPD) establishes that seven parking spaces should be provided for the development. The SPD advises that for schemes below 15 dwellings the standard is advisory and that it provides maximum figures. It also advises that in appropriate circumstances a lower provision may be acceptable as long as it can be demonstrated that there would be no adverse impacts on the area. • Policy ID3 of the Guildford Borough Local Plan 2015-2034 (LP) establishes, amongst other things, that off-street parking should be provided such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users. • The appeal site is located in an area with good access to local bus services that connect to large urban centres and is within walking distance of a local centre. It is therefore possible that the day to day needs of residents of the development could be met without relying on a private car. However, evidence before me suggests that at least six spaces are necessary based on local car ownership taken from the 2011 census, suggesting that the appeal site is not so well located that not owning a car is a choice that many in the area make. • I have reviewed the written representations by Evoke Transport Planning Consultants submitted with the appeal. This concludes that the study area was subject to a parking stress of 71-72% at the time of survey. I note that this was an average figure taken over the study area. Accepting this average figure over the study area would rely on residents moving from the roads to the east to Down Road through the 	<p>DISMISSED</p>
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	<p>unlit and narrow footpath. This path passes through gaps between buildings and does not benefit from natural surveillance or clear sight lines. I am therefore not satisfied that it is reasonable to expect residents at Down Road to rely on this footpath to access a car parked on Daryngton Drive or beyond. Thus, the figure for parking stress for Down Road is more relevant than the average level over the study area, which was higher at 76-79%.</p> <ul style="list-style-type: none">• This figure is lower than the evidence provided by a local resident, and the strong local opinion by a number of local residents that parking availability in the area is extremely poor. I accept that the resident's data is not independent, and there is no evidence that it was carried out with reference to a recognised methodology. However, residents who live on the affected road and use it for parking on a day-to-day basis are well placed to provide comments on this matter, and I am therefore of the view that these local views should carry significant weight.• Furthermore, I note that the appellant's parking survey was undertaken at a time when England was still subject to significant restrictions on movement as a result of the Covid-19 pandemic. This cannot be considered a neutral time to undertake such a survey, which reduces the weight I should give to its findings.• The site was previously used as a school and had no parking. It is likely that this use would have generated considerable traffic at the beginning and end of the school day. However, the parking demand for six dwellings is quite different. Dwellings create a much more significant demand for parking overnight, which would have been very low when the site was used as a school and is the time that local residents report that parking availability is very limited.• The appellant refers to the Surrey County Council Parking Guidance. It is suggested that six spaces for the development accords with this guidance. However, I have not been provided with a copy of this document, so I am unable to review its contents, and it is not clear what status it has in the context of the Council's own development plan. Accordingly, I give this matter little weight.• Therefore, in weighing these matters together, I am not satisfied that it can be demonstrated that a lower provision than that set out within the SPD is appropriate in this case, given the evidence before me of the extremely poor availability of parking in the area. I note that the Council expresses a particular concern about the under provision of parking in small scale schemes. In this case the under provision is likely to result in the need to accommodate an additional parked car on the road, which further exacerbates the existing situation and harms the existing residential environment. With reference to paragraph 111 of the Framework, the residual cumulative impact on the road network is severe, arising from the extremely poor availability of on street parking which has been amplified by the proposal.• In summary, the provision of six car parking spaces is not sufficient. It would not accord with the parking standards set out in the SPD and would be contrary to Policy ID3 of the LP, which seeks to ensure amongst other things that the level of any resulting parking on the public highway does not adversely impact the movement of other road users.• In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.	
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<p>12.</p>	<p>Mr and Mrs Bonds Shere Cottage, Shere Road, West Horsley, KT24 6EQ</p> <p>21/P/00326 – The development proposed is front and side extensions. Raising of the roof to provide first floor habitable accommodation including three dormer windows and two rooflights.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy; • The effect of the proposal on the openness of the Green Belt; • The effect of the proposal on the living conditions of the occupiers of the neighbouring properties, with particular regard to a loss of light and privacy; • if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it. • The appeal property comprises a detached dwelling located on the eastern side of Shere Road in an established residential area which lies within the Green Belt. The property features a pitched roof and a flat-roofed rectangular side/rear extension forming a distinctive L-shaped layout. The appeal dwelling is situated in close proximity to the neighbouring property to the north, known as Sheepleas Cottage, and sits on slightly higher ground. • Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Policy P2 of the <i>Guildford Borough Local Plan: Strategy and Sites 2019</i> (the ‘Local Plan’) is consistent with this in that it gives a list of forms of development that are not inappropriate. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. • On the basis that the proposed extensions would result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the NPPF, as detailed above, and policy P2 of the Local Plan which seeks to resist inappropriate development in the Green Belt. • Openness is identified in the NPPF as one of the Green Belt’s essential characteristics. The additional built form and volume as a result of the extensions would materially impact on openness in a spatial aspect. Furthermore, the increased height of the roof, plus the prominent position of the building in an elevated position, would mean the proposal would also have a greater visual impact on the openness of the Green Belt when seen from the open countryside to the east. The spatial and visual impact on openness would result in moderate harm to the Green Belt. • The proposal would therefore adversely impact on the living conditions of the occupants of the neighbouring property at Sheepleas Cottage 	<p>DISMISSED</p>
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	<p>with regards to a loss of light. It would conflict with saved policy G1(3) of the Guildford Local Plan (2003) and the NPPF which together seek to ensure new development does not negatively affect the amenity of neighbouring occupants.</p> <ul style="list-style-type: none">• I consider that the development would cause harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. It also would adversely impact the living conditions of the neighbouring occupants. The combined weight of the other considerations in this case is modest and does not outweigh the substantial harm I have identified. I conclude therefore there are no very special circumstances to justify the development.	
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