



Contact Officer:

Sophie Butcher, Democratic Services  
Officer

21 February 2023

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, 1 MARCH 2023** 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: 908 251 33#.

Members of the public may watch the live webcast here:

<https://guildford.publici.tv/core/portal/home>

Yours faithfully

Tom Horwood  
Joint Chief Executive

## **MEMBERS OF THE COMMITTEE**

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

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

### **Authorised Substitute Members:**

Councillor Tim Anderson	Councillor George Potter
The Mayor, Councillor Dennis Booth	Councillor Jo Randall
Councillor Guida Esteves	Councillor John Redpath
Councillor Graham Eyre	Councillor Will Salmon
Councillor Andrew Gomm	Councillor Deborah Seabrook
Councillor Steven Lee	Councillor Cait Taylor
Councillor Nigel Manning	Councillor James Walsh
Councillor Ted Mayne	Councillor Keith Witham
Councillor Susan Parker	

## **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

## A G E N D A

**1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

**2 ELECTION OF VICE-CHAIRMAN**

**3 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.

**4 MINUTES (Pages 17 - 56)**

To confirm the minutes of the meeting of the Committee held on 22 November 2022, 4 January 2023, 1 and 7 February 2023, as attached at Item 3. A copy of the minutes will be placed on the dais prior to the meeting.

**5 ANNOUNCEMENTS**

To receive any announcements from the Chairman of the Committee.

**6 PLANNING AND RELATED APPLICATIONS (Pages 57 - 58)**

All current applications between numbers 21/P/01211 and 22/P/01050 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.

- 6.1 **21/P/02036 - Land adjacent to 12 Oak Hill, Wood Street Village, GU3 3ER** (Pages 59 - 70)
  - 6.2 **21/P/02589 - Unit 3C, Kings Court, Burrows Lane, Gomshall, Shere, GU5 9QE** (Pages 71 - 90)
  - 6.3 **APPLICATION DEFERRED: 22/P/00367 - The Firs, Ash Green Road, Ash, Guildford, GU12 6JJ** (Pages 91 - 120)
  - 6.4 **22/P/00738 - Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey, GU10 1LA** (Pages 121 - 146)
  - 6.5 **22/P/00998 - Land to the rear of 168, The Street, West Horsley, KT24 6HS** (Pages 147 - 164)
  - 6.6 **22/P/01050 - Weyside Urban Village (Slyfield regeneration Programme), Slyfield Green, Guildford, GU1** (Pages 165 - 218)
- 7 PLANNING APPEAL DECISIONS** (Pages 219 - 294)

Committee members are asked to note the details of Appeal Decisions as attached at Item 7.

#### **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, 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 and Elections Manager detailing the rationale for the request (the proposer and seconder does not have to be a planning committee member).

The Democratic Services and Elections 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.

### **Probity in Planning – Role of Councillors**

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

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

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

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

### **Reason for Refusal**

How a reason for refusal is constructed.

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

When formulating reasons for refusal Members will need to:

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

### **Example**

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

### **Reason for Approval**

How a reason for approval is constructed.

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

Example:

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

### **Reason for Deferral**

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

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

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

**NOTES:**

## **Officers Report**

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

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

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

## **Written Representations**

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

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

## **Background Papers**

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

- The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, the Localism Act and other current Acts, Statutory Instruments and Circulars as published by the Department for Communities and Local Government (CLG).
- Guildford Borough Local Plan: Strategy and Sites 2015-2034.
- The South East Plan, Regional Spatial Strategy for the South East (May 2009).

- The National Planning Policy Framework (NPPF) (March 2012)
- The Town and Country Planning (General Permitted Development) Order 1995, as amended (2010).
- Consultation responses and other correspondence as contained in the application file, together with such other files and documents which may constitute the history of the application site or other sites in the locality.

### **Human Rights Act 1998**

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

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

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

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

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

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

s.11 of the Childrens Act 2004 requires the Council to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Furthermore, any

services provided by another person pursuant to arrangements made by the Council in the discharge of their functions must likewise be provided having regard to the need to safeguard and promote the welfare of children.

3 Article 14: prohibition from discrimination

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

4 Article 1 Protocol 1: protection of property;

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

5 Article 2 Protocol 1: right to education.

No person shall be denied the right to education.

Councillors should take account of the provisions of the 1998 Act as they relate to the applications on this agenda when balancing the competing interests of the applicants, any third party opposing the application and the community as a whole in reaching their decision. Any interference with an individual's human rights under the 1998 Act/ECHR must be just and proportionate to the objective in question and must not be arbitrary, unfair or oppressive. Having had regard to those matters in the light of the convention rights referred to above your officers consider that the recommendations are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

### **Costs**

In planning appeals the parties involved normally meet their own costs. Most appeals do not result in a costs application. A costs award where justified is an order which states that one party shall pay to another party the costs, in full or part, which has been incurred during the process by

which the Secretary of State or Inspector's decision is reached. Any award made will not necessarily follow the outcome of the appeal. An unsuccessful appellant is not expected to reimburse the planning authority for the costs incurred in defending the appeal. Equally the costs of a successful appellant are not borne by the planning authority as a matter of course.

However, where:

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

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



## PLANNING COMMITTEE

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

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

\*Present

Councillor John Rigg was also in attendance.

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

Apologies for absence were received from Councillors David Bilbé, Ruth Brothwell, Angela Goodwin and Marsha Moseley. Councillors George Potter and Deborah Seabrook attended as substitutes for Councillors Goodwin and Brothwell respectively.

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

There were no declarations of interest.

### **PL3 MINUTES**

The minutes of the Planning Committee held on 5 October 2022 were approved and signed by the Chairman.

### **PL4 ANNOUNCEMENTS**

The Committee noted the procedure for determining planning applications. The Chairperson stated that owing to the complexity and importance of this application, she had agreed to allow three people to speak in support and three people to speak in objection for three minutes each. In addition, she would also permit members of the planning committee to speak more than once in relation to the application.

### **PL5 21/P/02232 - DEBENHAMS, MILLBROOK, GUILDFORD, GU1 3UU**

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

- Mr John Harrison (on behalf of Guildford Resident's Association) (to object) (in person);
- Mr Alistair Smith (on behalf of the Guildford Society) (to object);
- Ms Rachel Broster (to object);

- Mr Jim Pool (DP9) (in support);
- Mr Henry Squire (Squire and Partners) (in support);
- Mr Bill Stokoe (in support) (online)

The Committee considered the above-mentioned full application for demolition of existing building and erection of two buildings comprising residential accommodation (Use Class C3), flexible retail floorspace (Use Class E) and cinema (Sui Generis), together with car and cycle parking, plant and all highways, landscaping and other associated works.

The Committee received a presentation from the Planning Officer, John Busher. The development involved the demolition of the existing building and its replacement with two structures which ranged in height from 7 to 8 storeys. It was a residential led scheme with a range of apartments from the first floor upwards and flexible commercial units below. Significant public realm improvements were also proposed.

The Committee noted the supplementary late sheets which included clarification on the fact that Historic England did actually object to the application. Their full comments had been included for information in the appendices of the report. The Guildford Society had also emailed members separately about the issue. The sketch provided at the bottom of their email, officers did not believe was accurate and the reasons why were set out in the late sheets. Members were advised to base their decision upon the drawings provided on the Council website and those shown as part of the presentation. The Guildford Society had also raised an issue with the red line consistency and the fact that there was a kink in the line which went over the bridge and which in their view represented a hostage strip. Planning Officers had checked with the applicant and the reason for the kink was basically to remove some existing crash barriers that were in that section of the road. The red line included those barriers so that they could be demolished as part of the application, so the land would still remain as public highway. Lastly, it was noted that some additional comments had been received over the last couple of days since the publication of the report.

The site was located along Millbrook, located to the south of the gyratory and one-way system. The Committee noted the planning constraints which affected the site, noting it was in a sensitive and very prominent location in the town centre. The listed buildings which immediately surrounded the site were noted and included Grade I Listed Buildings that were within the top 2.5% of listed buildings nationally. This included, St Marys Church, Castle Keep, Castle Arch and Holy Trinity Church. There were also a number of Grade II star listed buildings such as St Nicolas Church, The Tread Wheel Crane, buildings on Quarry Street, and Guildford Cathedral.

The site was within the Millmead and Portsmouth Road Conservation Area, which was also adjacent to the River Wey, the Godalming Navigation Conservation Area, which incorporated the river, as well as the Guildford Town Centre Conservation Area. Bridge Street Conservation Area was located just to the north. Guildford Castle and The Tread Wheel Crane were scheduled ancient Monuments and the Jellicoe roof garden, was a registered Park and Garden.

The Committee noted that the existing building would be completely demolished, apart from the retention of the basement walls, and replaced by two new buildings. Building A was the structure adjacent to the Town Bridge and Building B would occupy the southern part of the site. Building A would be 7 storeys in height with the top floor inset so to reduce its bulk, scale and massing. Building B would be between 6-8 storeys in height and had a number of insets and terraces incorporated so to also reduce its bulk. The gap between the two proposed buildings would provide a new view of St Mary's Church. The southern elevation which would front onto the Yvonne Arnaud Theatre with stepped back floors and terraces would clearly reduce the bulk, scale and massing of the proposal and improve the

relationship with the Town Mill and the Theatre. The elevation of the proposed building that would front onto the new Civic Square would be 7 storeys in height with the top floor inset from the front.

The commercial units were located on the ground floor and were allocated for flexible Class E purposes that included retail, restaurants and cafes, or in part alternatively as a cinema. The wraparound of the external façade of the building provided an active ground floor frontage which would increase the vitality and attractiveness of this part of the town centre. The servicing bay would be accessed from Millbrook and was where all refuse was to be collected from for both the residential and commercial units, laid out so this would be undertaken by service vehicles solely in forward gear.

The new Civic Square would be located to the north of Building A and would be level with Millbrook or Building A via steps, in terms of its height and included a new area of seating and landscaping which would be open to the public. There would also be a new riverside walk that was proposed to run along the western edge of the site. On the other side south of Building B was a pocket park which would be landscaped and have seating areas. With regard to the relationship between the site and the residential properties on St. Mary's Terrace, the distance of separation between the rear elevations of St. Mary's Terrace and the site was between 31 and 44 metres. Planning Officers had therefore concluded that the proposal would not result in any material harm to the amenity of these properties in terms of overlooking. It was acknowledged however that the dwellings would suffer from some loss of sunlight and daylight. This harm had been assessed in the overall balancing exercise undertaken by officers.

A private outdoor amenity space would be provided above the cinema for the residents of the scheme and included areas of soft and hard landscaping as well as a children's play space. The residential dwellings complied with the national space standards and would have an appropriate level of internal and external amenity space. Green and brown roofscapes would be provided for the development that would assist with the biodiversity and ecology improvements that the scheme would deliver. The public space pedestrian street provided between the two buildings would be open to the public for 24 hours a day. The pocket park and riverside walk from the Civic Square up to Millbrook at the southern end of Building B would have public access, but only during the hours of 6am to 11:30pm at night in the summertime and during 7am to 11:30pm in the wintertime. Access to these spaces would be controlled with a glazed barrier at the Civic Square and, at Millbrook, a gated barrier of bespoke design, which could potentially be pieces of artwork, secured by condition. The space between the buildings and river bank forming the riverside walk would be paved and softened through the use of landscaping and planted beds. The gap between the two buildings would be roughly 10 metres wide. The riverside walk would be an area of part colonnade and part open space from the edge of the buildings to the landscaping along the river bank. The walkway would vary from approximately six to ten metres in width. For comparison, the existing Debenham's building was set back from the river by 4-8 metres and was not currently accessible to the public. The pocket park would overlook the Town Mill pool and would be finished with soft landscaping and seating areas. The existing building and its footprint covered an area of up to 73% whereas the proposed building would occupy a footprint of about 51%. The actual footprint of the proposed building was therefore significantly less.

The applicant's Townscape and Visual Impact Assessment view taken from St Catherine's Hill demonstrated that the proposed building would not break the skyline and was set within a winter scene where the trees were not in leaf.

The Council's Conservation Officer and Historic England had concluded that the proposal would result in some harm to the surrounding heritage assets. Harm had been identified to a number of assets in the range from mid-level of "less than substantial harm", to low level of "less than substantial harm". For the most important listed buildings in the area, the harm had been set as medium range "less than substantial harm" for St Mary's Church which was the Grade I Listed building. For St Nicolas Church the harm had been set at between low to medium range of "less than substantial harm" and then in the

lower range of “less than substantial harm” for Holy Trinity Church. For Guildford Cathedral and Guildford Castle Keep, these were at the lower range of “less than substantial harm”. The proposal would also result in harm to the Conservation Areas. Historic England and the Council’s Conservation Officer had concluded that the development would result in “less than substantial harm” in the medium to low range respectively to both the Millmead and Portsmouth Road Conservation Area as well as the Town Centre Conservation Area. The Conservation Officer had concluded a low level of “less than substantial harm” had been identified to the River Wey Navigation Conservation Area and the Bridge Street Conservation Area. Harm had therefore been identified to the heritage assets and the decision maker was required to weigh this harm against the public benefits of the proposal. It was however emphasised that paragraph 199 of the NPPF said that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be, irrespective of whether any potential harm amounted to “substantial harm”, total loss or “less than substantial harm” to its significance. Paragraph 200 went on to note that any harm to or loss of the significance of a designated heritage asset from its alteration or destruction or from development within its setting should require clear and convincing justification. Where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. So as the harm had been identified as within the category of “less than substantial”, the public benefit balance had been carried out taking account of the significance of the assets and recorded on pages 140-145 of the report. The public benefits were set out in detail, but in summary they included the provision of both market and affordable dwellings on a windfall site, removal of a vacant building from a prominent location in the town centre and preventing long term dereliction of the site. The proposal would also provide and improve access to the riverside where none exists at present. The proposal would help to improve the vitality and viability of the area, via the new residential dwellings as well as the proposed commercial units. The proposal would offer a new view of St. Mary’s Church from the west bank of the River Wey where no views were currently possible. The proposal would also result in twofold economic benefits, during construction works and also when the scheme was completed. The proposal would result in a biodiversity net gain of approximately 319% and would result in carbon reductions of 39%. The proposal would also have air quality benefits to the town centre area. Officers had concluded that the public benefits were wide ranging and would have a positive transformative impact on this area of the town centre. As such, officers were of the opinion that the public benefits afforded by the scheme clearly outweighed the identified harm, even when considering the great weight to be given to the highly graded assets that were affected by the proposal.

The final balancing exercise, carried out on pages 145-151 of the report, balanced all of the harm caused by the proposal, not just the heritage harm against all of the benefits. In accordance with the NPPF, the heritage harm was afforded substantial (great) weight and considerable importance in the planning balance. Officers had also apportioned substantial weight to the resulting townscape harm and modest weight to the harm to the impact on daylight and sunlight to the St Mary’s terraced properties. However, there were numerous benefits of the scheme. Officers had given substantial weight to the provision of market housing, the removal of the vacant building and preventing long term dereliction, to improving and providing access to the riverside and improving and protecting the vitality of this area of the town centre. Significant weight was also afforded to the supply of affordable housing, the economic benefits, the biodiversity improvements and the energy and sustainability benefits. Modest weight had been afforded to the air quality benefits resulting and the safeguarding of the landing points for a potential bridge as well as the benefits associated with the S106 contributions which totalled just over 3 million pounds. Officers had therefore concluded that the benefits of the proposal would transform this part of the town centre and would be wide ranging, long lasting and benefit a wide spectrum of the community. Even taking into account the substantial (great) weight and considerable importance to the heritage harm, the benefits of the proposal were considered to materially and demonstrably outweigh the harm, which had been identified, and therefore, subject to

the conditions in the report and the completed S106 Agreement, the proposal was recommended for approval.

The Chairperson, Councillor White permitted the Lead Councillor and Portfolio Holder for Regeneration to speak for three minutes regarding the application.

The Committee noted that he had formed the Guildford Vision Group in 2011 when he and other residents recognised that Guildford was stuck in a time warp of inaction and deterioration. The current site was regarded as an eyesore and would remain so unless there was a viable scheme. The presumption in planning law was in favour of development, including regeneration of brownfield land for homes. 185 new homes in this case. The Committee noted comments that the scheme would not please everyone, but he supported the mixed use with shops and restaurants and a new riverside walk. It offered the first such amenity for decades, offering future opportunities to create riverside access from the High Street to the Theatre and Millbrook Car Park and beyond. He supported active travel and well-being which was important for mental health. The proposed scheme would encourage extra visitors and tourism and the new homes combined would have a positive impact on the High Street. Online retail undermined town centres. The height and massing concessions made by the developer was positively viewed in response to constructive criticisms received. Developing brownfield sites such as this, especially in sustainable locations helped to save the Green Belt. The historic environment would be conserved and enhanced by the proposed development by bringing vibrant activity to the vacant site.

The Chairperson, Councillor White reminded the Committee that they could only consider planning matters and material planning considerations when making their decision.

The Planning Officers were invited to respond to comments made by the public speakers and Lead Councillor and Portfolio Holder for Regeneration. It was confirmed that an outline application for the bridge had been withdrawn by the applicant in the last couple of weeks. The scheme therefore did not include a bridge, but it did safeguard some landing points for a bridge if it did come forward in the future. Cost differences in relation to materials used could be picked up by way of the review mechanism with the applicant. In response to the alleged claim that the Council's Conservation Officer had overruled Historic England's comments, this was false. The conclusions made in the assessment undertaken by Historic England and the Council's Conservation Officer were essentially the same with a few exceptions. Both had identified harm and it was for the Committee to weigh up the harm caused. The assertion that the heritage assessment had not been done correctly was strongly refuted. In terms of the mass, scale and height of the proposal creating a precedent, this aspect of the scheme had been assessed thoroughly, looking at the impact on both long- and short-range views which would act as a safeguard in relation to future applications coming forward. A broad range of housing types had been included as part of the scheme with a high percentage of one- and two-bedroom properties and 31 x 3 bed units. The mix of housing the applicant had put forward was deemed to be acceptable by planning officers for this location in the town centre. In terms of traffic and highway safety impacts, the actual traffic movements associated with the development were less than the previous occupation as a department store. A benefit was therefore attributed to the overall reduction in traffic. Surrey County Council had not raised any Highway Safety concerns and were content with the improvements being made to sightlines in relation to the entrance and exit into the delivery bay and access to the basement car park. Delivery vehicles used to be parked on the pavement fronting the loading bay of the former Debenham's store and this would no longer happen owing to the activity now taking place in the dedicated delivery bay. In relation to flood risk, the Environment Agency had looked at the application very carefully and had originally objected to it. Those issues had been resolved by the applicant and the Environment Agency no longer had any objections to the scheme.

Conor Fegan, Counsel advising the Local Planning Authority confirmed that as a matter of law members may disagree with Historic England who had objected to the application but the reasons for doing so must be clear and coherent.

Peter Luder, Planning Officer also clarified in relation to the comment that housing was not needed on this site that the local plan planning policy required that mixed use development include housing in the town centre.

The Committee discussed the application and noted a query raised with regard to how big the cinema was. Disappointment was also noted that with regard to viability, out of a total of 185 homes, only 5 were affordable. Were viability calculations fixed or would they vary according to the high inflation rates the UK was currently experiencing and were we therefore in danger of losing the 5 affordable homes? One of the speakers referred to two large boilers in the current building which were producing high levels of CO<sup>2</sup>. What heating scheme was proposed for the new development?

The Committee also noted commendation to the Planning Officer, John Busher for the production of a thorough and fair report and noted that improvements had been made throughout the application process with regard to this scheme in liaison with the developer.

However, the Committee noted concerns raised that the proposal remained out of scale, was too high, too bulky, impacting many heritage assets. It was unusual for the Council to be recommending approval for something which Historic England had clearly objected to as well as the National Trust and most other community and amenity groups in the town. The balance between the harm to the heritage assets and the public benefit was quite clear. The Committee noted that it was entitled to take a different view from officers if they thought it was justified and the proposal needed to be looked at very closely. With regard to NPPF paragraph 199 the significance of a designated heritage asset was given great weight in respect to assessment of any harm which included "less than substantial harm". Concern was raised that the Council's own Conservation Officer was in close agreement with Historic England's comments. The number of heritage assets for which harm was in the middle range of less than substantial according to our own Conservation Officer or Historic England amounted to 6. That was six very significant heritage assets suffering harm and concern was raised therefore that the public benefits were not strong enough to outweigh that harm.

The Committee noted further queries regarding the porte-cochere, being whether it was an open area for vehicles which could be seen? Additionally, was a playground area proposed to be put on top of the cinema and how high was it? Lastly, one of the speakers mentioned that 188 letters of support had been received when it was thought it was 147 letters only.

The Planning Officer, John Busher confirmed that a boutique cinema was proposed, so it was not envisaged to be a large-scale operation. The number of seats in the cinema would also need to be agreed by the applicant to set out the internal arrangements. With regard to the boilers, it was confirmed on page 127 of the Officer's report that both the commercial units and the residential apartments would be serviced by air source heat pumps with zero emissions. It was also confirmed that the porte-cochere would be located on ground level and at a commercial height, so large enough to get lorries onto site but with a screen to the street. An additional 33 letters of support had been received over the last week. With regard to the resident's area of open space, this would be based on top of the cinema and one floor up and offset by a balustrade or fence running alongside so as to protect people.

Conor Fegan, Counsel advising the Local Planning Authority also confirmed that condition 45 allowed the authority to retain some degree of control, before the cinema was brought into use for there to be a scheme setting out screening times and other measures to safeguard the living conditions of residents within the development which the cinema had to be operated in accordance with.

The Committee noted support for developing a brownfield site. Concerns were raised that the viability exercise was skewed. The developer would not proceed if such losses were envisaged on page 11 of the BNPP viability exercise. Knight Frank had underestimated the sales value. The changes to the construction costs therefore limited the number of affordable homes that could be provided. It was not completely clear what the profit share percentage was, however, if it was 50:50 then the developer was gaining funds and the Council was not receiving affordable homes and only getting 50% of the extra profit achieved. Concerns were raised regarding the effect upon air quality caused by demolishing the existing building. There was also an anticipated effect upon Shalford and Compton's local economy with construction traffic expected every 10 minutes.

The use of Shalford Bridge for construction traffic was not acceptable given it was not wide enough for a lorry and a car to pass each other. Alternatively, barges could be recommended to carry demolition materials. It was also questioned how an increase in biodiversity of 31% was achieved and how that figure had been calculated. A question was raised regarding the children's play area and how that would be segregated for children with the river? The height of the proposed buildings was also noted as a concern.

The Committee noted shared concerns raised that the proposal would create significant harm from a heritage point of view, particularly to the setting of a Grade I listed asset in the form of St. Mary's Church. Concerns were also noted regarding the viability of the scheme. A £3.8 million pound difference had been identified in the viability assessment undertaken by BNPP versus the assessment undertaken by the developer. It was noted that the developer was willing to provide 5 affordable units at a point when viability was, according to their own calculations, £3.8 million pounds less than the Council's own review had concluded. Clarification was sought regarding the development period and whether it would be as long as suggested by the applicant. A shorter development period had been identified by BNPP to significantly impact on financials, particularly in terms of cashflow assumptions but yet the developer did not provide any clarification on that point. The assessment also indicated that a scheme in this location could easily attract a premium of 5-10% which would have an impact upon the viability assessment. In addition, a very low estimated retail value for this site had been quoted despite bringing employment to a riverside location. Given the large unit sizes and inclusion of a resident's lounge in the scheme, it would suggest that a build to rent arrangement was a likely outcome and therefore an appraisal of the space on that basis should be included. It also stated that if a proposed scheme were to be assessed on the basis of the build to rent scheme for the private element, this would attract significantly lower profit levels in the region of 12.5%. Yet the applicant had a large portfolio of build to rent schemes elsewhere in the country and further clarification was sought on that point.

Further clarification was sought in paragraph 4.1, where there was reference to affordable housing. It stated that the appraisal assumed a maximum income level for the affordability which was £80,000 per annum per household income.

Mr Antony Lee (BNP Parabas) who was in attendance to advise on viability queries confirmed that with regard to household income, for shared ownership units, it was typical that Local Authorities set maximum incomes for people who qualified for the purchase of shared ownership homes. Therefore, a qualifying household would need to be earning no more than £80,000 pa and would not spend more than 40% of their net income on housing costs. With regard to the comment that the provision of 5 affordable homes by the developer was being offered when the scheme was not viable according to the applicant's own numbers was an indication that the appraisal was not accurate, such an offer was not an uncommon phenomenon. The developer would always consider whether to provide affordable housing even though there were a number of indicators that indicated it was not viable. A balance had to be struck between the numbers indicating how viable a scheme was and also wanting to secure planning consent. Planning appeal precedents had been set on this point. Developers had offered

affordable housing as part of a planning application despite the viability assessment indicating that they cannot or should not be providing that level of affordable homes.

Regarding the anticipated length of time taken to build a development, there was a duration calculator which provided an approximation of the length of time it would take to build out a scheme based on typical costs. Whilst it was possible that this scheme could be compressed into a shorter construction timescale, the fact that the UK was heading into a recession was a key issue. This would influence the speed at which properties could be sold owing to the lack of mortgage finance available. The developers therefore had to balance the speed at which they could sell the units with the speed at which they build. The faster the units were built the more quickly the developer would need to sell. The site was not in a prime retail location so restaurants and cafes would pay less rent than in other parts of the town centre. Build to rent residential schemes would be less viable than build to sale. A query was also raised in relation as to whether the viability assessment was fixed in terms of costings. Build costs did increase or reduce over time as well as sales values, therefore the viability exercise sought to predict what would happen in 2-3 years' time. Currently, there was no similar scheme of this quality to compare it to in Guildford at this time. A review mechanism was in place via the S106 to capture cost reductions and increases, but the five affordable houses were fixed into those costs via the developer's contingency plans and would not disappear according to market variations. More affordable homes could be sought by the Local Authority via a review, and this was still in negotiation with the developer.

The Committee sought further clarification regarding why a build to rent to scheme would attract a significantly lower profit margin. It was confirmed that the build to rent schemes were modelled with a lower profit margin, typically 15% GDP and also attracted a lower GDP.

Clarification was also provided by the Planning Officer, John Busher that the application did not include a bridge. The Council did not have a policy to support the provision of a bridge in this location. However, the Council had negotiated a contribution of £1 million pounds to open up the riverside so to improve access and provide pedestrian and cycle routes to the river which was also backed up by planning policies E6 and D1. Opening up Millbrook car park frontage to the river was also an option and broadening the access to the river overall was the main aim. In terms of air quality, the site would deliver an overall net reduction in traffic movements compared to the previous use. Construction traffic was anticipated but it was not known what percentage of such traffic would use the road to Shalford and could likely use the A3 too. The impact upon air quality was therefore anticipated to be temporary. Condition 27 was also in place to ensure that the construction management plan was adhered to. The County Highway Authority had not raised any issues in relation to the construction traffic using the bridge in Shalford or that it was too narrow. Despite the Environment Agency raising concerns about biodiversity, the biodiversity of the river would not be affected by the proposed scheme and a 31% increase in biodiversity was anticipated to be delivered by the development overall within the site. The pocket park would include an informal play area with some steppingstones, but it was not a children's playground next to the river and a balustrade would go along the riverbank of the entire site to make it safe.

The Committee noted comments that as part of the S106, safeguards had been put in place to ensure the landing points for a potential bridge. £1 million pounds had been allocated as well to improve access to the riverside. The Council's Park Team also requested a contribution of £218,000 towards playing field provision and £175,000 towards playspace. However, this was not being provided due to viability and affordability. Similarly, healthcare contributions had been reduced from £114,000 to £100,000. The County Highway Authority had also requested £200,000 for a contribution towards a cycling route between Guildford and Godalming and that had also been reduced to £100,000. Lastly, only five affordable homes were being provided. The cost of building an affordable studio flat was approximately £80,000 per unit. All of these things appeared to have been short-changed in the S106 contributions.



The Committee noted concerns raised that if the application was deferred it was likely that an application with more houses and less green space provision would be proposed for the site. The opening up of the riverside was welcomed and more affordable homes if possible.

The Committee also noted that whilst some of the heritage assets would be affected by the proposal this was outweighed by the advantages of replacing the existing vacant building with a much more attractive development overall. The additional shops, restaurant and cinema were seen as a great asset for Guildford's economy overall.

In response to queries raised by councillors, the Planning Officer, John Busher confirmed that the Environment Agency had originally objected to the application owing to the flood risk. However, those concerns were addressed by the applicant and had now been resolved. The Environment Agency was now satisfied that the flood risk had been adequately mitigated against both onsite and in the surrounding area. The £1 million pound contribution was not for the provision of a bridge but for improving the pedestrian access to the riverside. As set out in the report, this could include a bridge as well as connecting the riverside with the town centre which met the policies in the Local Plan. A balance had to be struck between reducing other contributions and the £1 million pounds.

The Committee noted concerns raised that it was a sensitive site and that once the proposed development was built it was irreversible and would be in situ for decades to come. The harm caused to the six heritage assets as well as the townscape harm had to be balanced against the public benefits of the scheme. The riverside walk was very attractive and noted to be of great benefit. Concerns were raised though that the riverside walk would remain in private ownership and that the management company may wish to restrict public access in the future. The number of affordable homes provided by this scheme was considered to be very disappointing given the Council already had a robust housing land supply.

The Committee again raised the issue regarding flood risk but specifically related to the flooding of the basement of the Debenham's site which was known to occur regularly. Given it was indicated on the plans that the basement area was now to be used for electric car points clarification was required on how the flood risk was being mitigated against.

The Committee received clarification from the Planning Officer, Peter Luder regarding the flood risk in the basement. In order for the Environment Agency to be satisfied, they had required the provision of automatic flood protection for the basement. The modelling that had been undertaken satisfied the Environment Agency that the flood barriers would rise at a particular level to stop the basement from flooding, so the electric plant equipment was safeguarded, which would also be assured as well by the installation of flood protection doors. Existing and future flood risks associated with climate change had also been factored into the scheme. A culvert under the riverside walk to help store water would ensure that there would not be any increase in downstream flooding as a result of the scheme.

The Planning Officer John Busher also confirmed that the overall balance and the way that harm and or benefits of the scheme were attributed was a matter for each individual committee member. Public access of the new riverside walk was also controlled via condition 13. If the applicant wished to vary the hours of access, then a new application to vary that condition would need to be made.

It was also confirmed that both the Conservation Officer and Historic England had found "less than substantial harm" both in terms of individual assets and also in terms of the cumulative harm. Therefore, paragraph 202 of the NPPF rather than 201 was applied.

Further clarification was sought from the Committee regarding the terminology used that in heritage terms it was "less than substantial harm". Those assets that were affected were in the middle range of

that category, either in the Conservation Officer's or Historic England's opinion. The balancing exercise therefore carried great weight and importance. Substantial weight was given to the heritage harm and was equivalent to the use of substantial in the normal planning balance metric.

Conor Fegan, Counsel advising the Local Planning Authority confirmed that planning officers were correct in terms of the assessment of the scheme which produced "less than substantial harm" to the heritage assets. On page 98 of the Officer's report, it stated that considerable importance and weight should be attached to any harm, so even if there was "less than substantial harm", the Committee should attach considerable importance and weight to that in the final planning balance.

The Committee noted comments that 36 out of the 42 views were not considered by planning officers to be adversely affected by the proposed development.

The Committee also noted comments regarding questioning the merits of a bridge which closed at 11:30pm at night as well as the lighting impact upon St. Mary's Terrace. A mid-stage review mechanism was also suggested for the viability appraisal so as to consider any additional affordable housing provision to offset any excess profit. It was also suggested that the additional traffic caused by the construction vehicles could be addressed by permitting barges to take construction materials to and from the site instead.

The Planning Officer, Peter Luder directed the Committee to the Urban Design Officer's conclusions on page 86 which stated that overall, the amended scheme was a balanced design response to the post-submission Design Review Panel, Officer and consultee comments. It enhanced the new and improved areas of public realm and the pedestrian environment. Regarding Millbrook, the proposal had considered the setting of the building in terms of height and massing, materials palette and detailing. The Committee was asked to bear in mind the Urban Design Officer's conclusions on his own assessment of the use. In relation to a reduction in daylight to no.4 St. Mary's Terrace, Gordon Ingram Associates (GIA) (the Council's Daylight Consultants) had identified a transgression of the BRE guidelines. GIA had advised that it was important to remember they were just guidelines, and that the situation was different in an urban environment as opposed to a suburban environment. With regard to number 3 St. Mary's Terrace, there was only one window which was adversely affected and only during the winter months. For number 4. St Mary's Terrace, two rooms were adversely affected; one was the ground floor kitchen diner which resulted in a minor adverse impact and the second was the first-floor bedroom which had a moderate adverse effect which when grouped together, was considered by industry standards, according to GIA, to have a minor adverse effect. The distance between the rear windows on numbers 3 and 4 St. Mary's Terrace and the proposed development was considerable, at between 35 to 45 metres. Number 4 St. Mary's Terrace would also face directly towards the gap between the Buildings A and B. Overall, GIA had concluded that the impact on St Mary's Terrace properties was acceptable.

The Council's Viability Advisor, Anthony Lee confirmed that a proposed late-stage review mechanism was in place and there was no reason why it was not possible to negotiate a mid-stage review.

A motion was moved and seconded to approve the application which was not carried as it was then subject to further debate.

The Committee noted a request to add to the motion, to include an early and mid-stage review. In addition, a further request was sought to add to the motion the requirement to include reference to the importance of Air Quality Management Areas (AQMA). Lastly, a query was raised regarding dissatisfaction with the S106 balance and noted there was the potential to vary the S106 balance in terms of allocating contributions. Was it therefore possible to include that as part of the recommendation?

The Legal Advisor, Delwyn Jones confirmed that the planning obligation was already well in progress, in terms of being negotiated, agreed and completed and that it should be taken to completion as it was currently set out. Once it was completed, and if necessary, and there was a case made for doing so, either side could propose a Deed of Variation. With regard to AQMA's, the Committee was referred to page 53 of the report which included a list of County Highway Informatives which was a matter for the Highway Authority to control and impose. The Committee noted that with regard to AQMA's that was incorrect and that District and Borough Council's in fact dealt with AQMA's.

The Chairman confirmed that there were now three things that needed further clarification from planning officers prior to the vote being taken; 1. Requiring an early-stage review as well as a late-stage review, 2. AQMA's and 3. Where the S106 monies should be spent.

The Planning Officer, John Busher confirmed that having a two-stage review, in principle was fine. It was not uncommon but given the size of the scheme it was a little unusual. It was requested that the Committee gave an indication of what stage the first review should be carried out, even if within a range.

The Committee suggested that the review should be based upon the model adopted by the Greater London Authority to have an early, mid and late-stage review owing to the site being located in an urban and densely populated area.

The Planning Officer, John Busher asked if the stage of review could be agreed in liaison with the Council's Viability Consultant.

The Committee stated that they wished for either an early or late-stage review that provided time to incorporate affordable housing within the development, rather than accepting a financial contribution, if it turned out the viability was there.

The Planning Officer, John Busher also confirmed that the AQMA issue could be reinforced via an informative to ensure that the applicant thought about how construction vehicles were entering and exiting the site and the use of alternative modes of transport such as barges.

Conor Fegan, Counsel advising the Local Planning Authority stated that if members were minded to change the balance of S106 contributions, this would require determination prior to a decision being made.

The Chairman, Councillor White suggested that if members did have concerns about the S106 monies that the application could be deferred to enable planning officers to have further discussions with the developers to ascertain if different calculations could be brought forward.

The Committee decided against deferring the application and agreed to proceed with the vote based upon the existing S106 contributions as laid out.

Conor Fegan, Counsel advising the Local Planning Authority also stated that comments had been made regarding the £1 million pound contribution being arbitrary and the planning officers were invited to comment that the figure had been justified in terms of reasonableness and necessity in their planning judgement.

The Planning Officer, Paul Ricketts confirmed there was not a tariff on the contribution of £1 million but planning policies were in place which supported it to enhance the riverside access for all.

A motion was moved and seconded to approve the application which was carried subject to the following:

- Securing a mid-stage (as agreed in liaison with the Council's Viability Consultant) and late-stage viability review; and
- An additional Informative regarding Air Quality Management Areas (AQMA's).

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Paul Spooner			X
2	Jon Askew			X
3	Chris Barrass	X		
4	Pauline Searle		X	
5	Chris Blow	X		
6	Liz Hogger		X	
7	George Potter		X	
8	Fiona White		X	
9	Deborah Seabrook	X		
10	Angela Gunning		X	
11	Colin Cross	X		
12	Maddy Redpath	X		
13	Ramsey Nagaty	X		
	<b>TOTALS</b>	<b>6</b>	<b>5</b>	<b>2</b>

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

RESOLVED to approve application 21/P/02232 subject to the following:

- (i) That a s.106 agreement be entered into to secure:
- Onsite affordable housing (five one bed shared ownership units);
  - Primary healthcare contribution;
  - Education contribution;
  - Management and future maintenance of all open space within the site;
  - That the Civic Square and access between the buildings (in part) remain publicly accessible in perpetuity;
  - Highways contributions for cycle improvements;
  - SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring) contributions;
  - Safeguarding land for two potential landing points along the southern edge of the site to facilitate the potential future provision of a pedestrian bridge across the basin of the River Wey (subject to reasonable time limitations);
  - Contribution towards riverside access improvements;  
As well as the following, agreed by the Committee:
  - Securing a mid-stage (as agreed in liaison with the Council's Viability Consultant) and late-stage review; and
  - An additional informative regarding Air Quality Management Areas (AQMA's)

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 negotiations such 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 Executive Head of Planning/Joint Strategic Director – Place. The recommendation is to approve planning permission, subject to conditions.

The meeting finished at 9.50 pm

Signed .....

Chairman

Date .....

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## PLANNING COMMITTEE

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

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

\*Present

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

Apologies for absence were received from Councillors Chris Barrass and Marsha Moseley. Councillors John Redpath and Jo Randall attended as substitutes respectively.

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

There were no disclosures of interest.

### **PL3 MINUTES**

The minutes of the Planning Committee meeting held on 30 November 2022 were approved and signed by the Chairman.

### **PL4 ANNOUNCEMENTS**

The Committee noted the procedures for determining planning applications.

### **PL5 22/P/01151 - 20 PIT FARM, GUILDFORD, GU1 2JL**

The Committee considered the above-mentioned full application for demolition of existing building and erection of three dwellings.

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

- Ms Anne Cheese (to object) and;
- Ms Felicia Cox (to object)

The Committee received a presentation from the Planning Officer, Lisa Botha. The application was recommended for approval subject to conditions and a legal agreement securing the necessary mitigation against the impact of the proposal on the Thames Basin Heaths Special Protection Area (TBHSPA). Additional conditions were also detailed on the supplementary late sheets to secure the

treatment of openings on the side elevations of the proposed dwellings. Page 32 also had the wrong block plan and the correct version had been included in the supplementary late sheets.

The site was located within the urban area of Guildford and was characterised by residential detached dwellings within sizeable plots, set back from the road, with off-street parking and front boundary treatments. The site comprised the majority of the existing plot of 20 Pit Farm Road. The plot had a detached building which had been subdivided into two units, a single garage and a further outbuilding. The existing buildings on the site would be demolished and replaced by a two-storey pair of semi-detached dwellings and a single detached dwelling. The two-storey dwellings would respect the building line of the road and would have a single storey element to the rear with green roofs. Two parking spaces would be provided for each unit and an integral garage would be provided for plot 3. The parking areas would be constructed with a grass crete surface, which would allow grass to grow through with soft landscaping. To the front of the properties cycle stores would be provided within the rear gardens.

In response to comments made by the public speakers, the planning officer, Lisa Botha confirmed that the application was not to retain the existing building and it was neither possible to protect it as it was not listed. There were some differences in terms of materials to be used and some impact upon neighbouring amenities would be experienced in relation to a reduced amount of sunlight but was only anticipated to occur in the late evening in the summer.

The Committee discussed the application and queried what an integral parking space was. It was confirmed that this was the garage space. 2.5 car parking spaces were recommended as per the supplementary planning guidance but was rounded down owing to the site being located in a sustainable area where other modes of transport existed.

The Committee noted concerns that the proposed development created too much of a wall of building that filled the site and created an artificial building line in that part of Pit Farm Road. The proposal represented a form of over-development that was against the spirit of the NPPF paragraph 130.

The Committee queried whether when the buildings proposed to be demolished would be undertaken with a licensed bat ecologist and if any of the conditions explicitly requested this.

The Committee noted further concerns raised that the proposal appeared very dense and looked cramped onsite with a continuous wall of buildings very close together. Concerns were also raised about rounding down the number of parking spaces required, given it was a proposal for a six-bedroom house and that one of those spaces was the garage when most people used garages for alternative uses rather than park a car in it. Concern was also raised about demolishing the building and officer input was required as to whether there was any merit in quoting paragraph 152 of the NPPF which related to supporting the transition to a low carbon future and shaping places which encourages the reuse of existing resources, including the conversion of existing buildings. The release of carbon when you demolish a building was of great concern.

In response to queries raised the planning officer, Lisa Botha confirmed that a condition could be added requiring that a bat licence would be required. In addition, a condition could be applied which required that the integral parking space in the garage was retained for parking and domestic storage only. If the applicant wished to convert the garage into residential accommodation in the future, they would therefore have to apply to the planning authority. It was also confirmed that as the building was not listed and it was not therefore possible to apply a policy in relation to the retention of the building. With regard to how sustainable and energy efficient the building was currently it was not possible to qualify nor explore the possibilities of retrofitting the existing house as that was not the application before the Committee. Therefore NPPF 152 was not a sufficient policy that could not be upheld at appeal.



The Committee noted further concerns that the proposal represented a form of over-development. The two buildings proposed were identical and was not in character with Pit Farm Road which was characterised by properties of differing appearances. It was considered that planning officers had not considered the Residential Design Guide 2004 which tries to give some protection to character and loose-knit late 19<sup>th</sup> and early 20<sup>th</sup> century housing. Developers should consider the possible conversion or extension of existing houses of character, in particular Victorian and Edwardian houses. Historic character, street layout, plot boundaries, spaces between building lines and adjoining buildings height, scale, form and bulk all need to be adequately assessed. The proposal was for two properties too close to each other that failed to respect the character of the area.

Further concerns were raised about the gap between the proposed dwellings and if planning officers could comment on the fact that the street scene looked idyllic with plenty of space when the block plan did not, and the Committee therefore queried if it was to scale. On page 40 it was noted that there was concern about the boundary with Knowle Cottage not being shown correctly. Concern was also expressed about the effects of climate change and carbon use by demolishing the Victorian house.

In response to queries raised by the Committee, the planning officer, Lisa Botha confirmed that the gaps to the boundaries along Pit Farm Road did vary and therefore there was not an established distance between each of the buildings to the side boundaries. It was 1.6 metres to Knowle Cottage, and Moonrakers was set at a lower level and was in line with rising ridge heights. In terms of the boundaries, the distances were not measured onsite by the planning officers. The application form required applicants to provide the correct information and declare that it was correct, but the Council did not have the resources to check all of these things and the applicant confirmed that everything within the red line was within their ownership. It was also confirmed that the character of the area had been assessed by planning officers who concluded that Pit Farm Road was comprised of varying properties of differing ages, styles and sizes and therefore the existing proposal did not need to comply with a specific character as well as the property being to scale.

A motion was moved and seconded to approve the application which was lost. (As Councillor Bilbe was not present for the entire debate regarding this application, he did not take part in the votes as listed below.)

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Jon Askew	X		
2	Chris Blow		X	
3	Ramsey Nagaty		X	
4	Fiona White			X
5	Angela Goodwin	X		
6	Ruth Brothwell		X	
7	Pauline Searle		X	
8	Liz Hogger		X	
9	Maddy Redpath		X	
10	Jo Randall		X	
11	Colin Cross		X	
12	Angela Gunning		X	
13	John Redpath		X	
14	Paul Spooner			X
	<b>TOTALS</b>	<b>2</b>	<b>10</b>	<b>2</b>

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Maddy Redpath	X		
3	Liz Hogger	X		
4	Ramsey Nagaty	X		
5	Pauline Searle	X		
6	Angela Gunning	X		
7	Paul Spooner	X		
8	Angela Goodwin			X
9	Jo Randall	X		
10	Colin Cross	X		
11	Jon Askew			X
12	John Redpath	X		
13	Chris Blow	X		
14	Ruth Brothwell	X		
	<b>TOTALS</b>	<b>12</b>	<b>0</b>	<b>2</b>

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

RESOLVED to refuse application 22/P/01151 for the following reasons:

1. By virtue of the combination of their scale, mass and height together with the proposed limited gaps to the side boundaries and between the two proposed buildings, the development would fail to comply with the established spacious character of the area and fail to comply with policies D1(1) and D1(4) of Guildford Borough Local Plan: Strategy and Sites 2015-2034, the Guildford Borough Council Residential Design Guide 2004 and paragraph 130 of the NPPF.
2. The proposal would fail to provide sufficient on-site parking spaces to serve the proposed development contrary to saved policy G5(8) of the Guildford Borough Local Plan 2003 and the Guildford Borough Local Plan Draft Parking Supplementary Planning Document 2022.
3. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

Informatives:

1. This decision relates expressly to drawing numbers: 0000-Block Location plan- P02 0001-Proposed Site plan- P03 0101-Proposed Floor Plans Plot 1-2- P02 0102-Proposed Floor Plans Plot 3- P01 0301-Proposed Elevations Plot 1-2- P02 received on 06/10/22 and 0303-Proposed Street Scene- P03 and 0304-Proposed Elevations Plot 3- P02 received 28/11/22.
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 alterations were required to overcome concerns, these were sought, and the applicant agreed to the changes.

**PL6 22/P/00706 - WHITE TIMBERS, FOREST ROAD, EAST HORSLEY, KT24 5ER**

The Committee considered the above-mentioned full application for retention of the car port with cantilevered canopy and gable roof together with the existing patio area (retrospective application).

The Committee received a presentation from the planning officer, Kieran Cuthbert. The proposal was for a retrospective application for the retention of a car port at the front of the dwelling of White Timbers. The application had been called to Committee due to receiving more than 10 letters of objection. The site was located on Forest Road which was in the northern side of the East Horsley Village area, inset from the Green Belt. There were no planning constraints on the site. The carport would extend out from the front of the dwelling at a depth of 10.5 metres which included the hardstanding area. The carport had a simple pitched roof with gable ends and was of a modest height with eaves set below the single storey element.

The Committee noted that an important material consideration was that the previous application recommended for refusal had been approved at appeal. The scale of the proposed car port previously approved would be the same as that of the appeal scheme. The hardstanding section of this application was part of the main car port, and as such this proposal would be smaller than that already approved. The appeal Inspector stated that the proposal would appear sufficiently subservient given its modest scale and relationship with the main dwelling. Given the site had an approval granted for a larger scheme, as per the recent appeal decision, refusal of the proposal would be contrary to the appeal Inspector's decision and as such was therefore recommended for approval.

The Committee discussed the application and agreed that given the extant permission already existed for the previous scheme that the proposal should be approved. The Committee noted that the application had received at least 14 objections, including from East Horsley Parish Council. The Ward Councillor had raised concern that she did not receive a 7-day notification. The planning officers confirmed that the trigger point for the scheme had already been met by the number of objections received and it therefore did not need to go on the 7-day notification list.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Paul Spooner	X		
2	David Bilbe	X		
3	Angela Gunning	X		
4	Pauline Searle	X		
5	Maddy Redpath	X		
6	Ruth Brothwell	X		
7	Ramsey Nagaty			X
8	Jon Askew	X		
9	Angela Goodwin	X		
10	Chris Blow	X		
11	Fiona White	X		
12	John Redpath	X		
13	Jo Randall	X		
14	Liz Hogger	X		
15	Colin Cross	X		
	<b>TOTALS</b>	<b>14</b>	<b>0</b>	<b>1</b>

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

RESOLVED to approve application 22/P/00706 subject to the reasons and conditions as detailed in the report.

**PL7 22/P/01330 - 1 FOWLERS CROFT, COMPTON, GUILDFORD, GU3 1EH**

The Committee considered the above-mentioned full application for subdivision of the existing plot and erection of a detached two-storey dwelling with rooms in the roof.

The Committee received a presentation from the planning officer, Kieran Cuthbert. The proposal was for a new dwelling in the centre of the village within the Compton Conservation Area. The application had been called in by the ward councillor. The proposal would be sited on the street in the centre of the settlement area and was within the Green Belt. Limited infilling in the Green Belt was an exception of the NPPF as long as the site was within the settlement boundary. The supporting text to policy P2 outlined that limited infilling included the infilling of small gaps within the built development and that it should be appropriate to scale and not have an adverse impact on the character of the countryside or local environment. In this instance, the planning officer had concluded that the site was in a small gap and as such limited infilling would apply. The existing access would be retained, and parking provided for both dwellings. The dwelling would have a separation distance of 2.5 metres and 2.1 metres respectively. The dwelling would also be set back from Oak Lodge and set slightly in front of 1 Fowlers Croft. The dwelling would be two-storeys with a habitable loft space. The roof would have a flat top with hipped elements. The dwelling was similar in character to many of the surrounding properties. The dwelling did fit into the gaps in the existing built form and the design was similar to that of the neighbouring dwellings. There were also no conservation concerns and the Surrey Highways Authority had raised no concerns. The application was therefore recommended for approval.

The Committee discussed the application and noted concerns raised regarding the proposed development being out of character with the general area. The existing properties are mostly old, in a Conservation Area and in the Green Belt. The gap that was being infilled was a driveway. Previously,

the plot had a large garden and the applicant applied for planning permission to construct a number of houses which was refused. The end of the garden was then sold, and a house was built on that land. This additional house was considered to be a form of over-development. In addition, concerns were raised regarding reversing vehicles off a very steep drive onto an already busy road where a number of accidents had occurred in the last three years including a death. The site was also located in the Compton Air Quality Management Area (AQMA).

The Committee noted comments that the proposed scheme fitted well into the streetscene, and the design was of a high standard. It was also noted that the County Highway Authority had not submitted any objections to the scheme despite the dangerous road.

Clarification was sought from planning officers that the site was located outside of the Compton AQMA as stated on page 57 of the report.

The Committee noted that some Planning Committee members had attended a site visit for this application the day previously. It was noted that the proposed development with the houses on either side did constitute limited infilling as there was a clear gap between the two houses. Unless a huge property was to be built, there was plenty of room to put another dwelling in the gap and it was in line with the existing dwellings.

The planning officers confirmed that the site was located outside of the Compton AQMA but was close to it. However, the impact of one additional dwelling on the AQMA was not considered to have a significant impact upon it.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Colin Cross			X
2	Jo Randall	X		
3	Ruth Brothwell	X		
4	Chris Blow		X	
5	Angela Gunning	X		
6	John Redpath			X
7	David Bilbe	X		
8	Liz Hogger	X		
9	Jon Askew	X		
10	Paul Spooner	X		
11	Fiona White	X		
12	Ramsey Nagaty		X	
13	Pauline Searle	X		
14	Maddy Redpath	X		
15	Angela Goodwin	X		
	<b>TOTALS</b>	<b>11</b>	<b>2</b>	<b>2</b>

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

RESOLVED to approve application 22/P/01330 subject to the conditions and reasons as detailed in the report. (post-meeting note: the planners have confirmed that the site was not within the 400m – 5km SPA buffer zone and as such no Section 106 is required, as was previously stated in the report).

**PL8 PLANNING APPEAL DECISIONS**

The Committee noted the planning appeal decisions and that a number of non-determination were listed as well as a number that had been withdrawn.

The Committee noted that two of the appeals related to Berkeley Homes at no.15. Appeal B for the Howard of Effingham School, Lower Road, Effingham, KT24 5JR stated that the decision had been delegated to refuse. However, that was not the case, the Committee had over-turned the officer recommendation to approve and refused the application. The Planning Inspectorate agreed with the Planning Committee and upheld the refusal.

**PL9 APPLICATIONS 22/P/01336 AND 22/P/01337 - LAND BOUNDED BY THE FRIARY BUS STATION, NORTH STREET AND LEPALE ROAD, GUILDFORD, GU1**

The Committee noted, as detailed on the supplementary late sheets the following:

“On 3 January 2023 and in accordance with Council Procedure Rule 26 (c), Councillor Paul Spooner has proposed, and Councillor Marsha Moseley has seconded, that the above planning application be referred to the full Council for determination in its capacity as the Local Planning Authority. The rationale for the request, as stated by Councillor Spooner, is as follows:

*“This application is very important to the Town and Borough and to be determined by a small number of members, some relatively inexperienced (from a Major development perspective) and some pre-determined, is wrong. Every Councillor should have the opportunity to speak and question Officers and be seen doing this in an open and transparent way.*

*As it stands the application falls short on policy grounds such as the provision of affordable units and there is (unusually!) strong opposition from key stakeholder partners such as Surrey County Council. If we are going to ignore policy (and we have the right to do that) then the whole Council should be party to the decision”.*

Council Procedure Rule 26 (c) provides that the Democratic Services and Elections Manager shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request. This email was sent to all councillors yesterday evening. The matter is then placed as an agenda item for consideration at the next Planning Committee meeting.

The proposer and seconder shall each be given three minutes to state their case at the meeting. However, the seconder (Cllr Moseley) in relation to this matter has given her apologies for absence this evening. In the circumstances, Councillor Bilbe will be invited to speak on behalf of the seconder, following which the Committee will debate the proposal and then take a vote on it. Reference of this planning application (and the associated Listed Building Consent application) to the full Council for determination will be decided by a majority vote of the Committee this evening.

If the Committee decides to refer the applications to full Council for determination, an extraordinary meeting of the Council would need to be convened for this purpose, which would, if necessary, be held on Wednesday 25 January 2022 at 7pm.”

The Chairman, Councillor White clarified for the Committee that it was not debating any aspect of applications 22/P/01336 or 22/P/01337. Gemma Fitzpatrick, Interim Team Leader was invited to make an introductory statement.

Councillor Spooner was invited to make a three-minute speech in support of his request that application 22/P/01336 was deferred to full Council for determination in its capacity as the Local Planning Authority. He stated that it had been ten years since he last brought forward such a motion owing to the application being very important for both the borough and town and therefore necessary for full Council to ultimately determine it.

Councillor Bilbé who seconded the motion stated that it was a highly topical subject and was going to be a popular debate. Many people wished to comment on the application in the town centre and in the spirit of transparency wished for the application to be considered by full Council.

The Committee debated the motion and noted comments that the Council had appointed the Planning Committee to determine such applications. Planning Committee members had the expertise to look at applications in detail and attended training sessions to qualify their knowledge. There was concern that some councillors who did not sit on the Planning Committee might not have attended any training in relation to planning to date and would therefore need to attend appropriate training prior to the consideration of the application. Some councillors may have already pre-determined their decision meaning that they would be unable to take part in the debate.

The Committee also noted concerns regarding putting the Mayor in the situation of having to chair a meeting of Council which had convened to consider such an application when he had no previous experience of chairing meetings that considered planning applications.

The Committee RESOLVED to refuse the motion to request that applications 22/P/01336 and 22/P/01337 be deferred to full Council. Both applications would therefore be considered at the Special Planning Committee meeting on 11 January 2023 at 7pm.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White		X	
2	Paul Spooner	X		
3	Chris Blow		X	
4	John Redpath		X	
5	David Bilbe	X		
6	Colin Cross		X	
7	Maddy Redpath		X	
8	Jo Randall	X		
9	Ramsey Nagaty		X	
10	Angela Gunning		X	
11	Angela Goodwin		X	
12	Liz Hogger		X	
13	Pauline Searle		X	
14	Jon Askew		X	
15	Ruth Brothwell		X	
	<b>TOTALS</b>	<b>3</b>	<b>12</b>	<b>0</b>

The meeting finished at 8.50 pm

Signed .....

Date .....

Chairman

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**PLANNING COMMITTEE**

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

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

\*Present

**PL1 ELECTION OF VICE-CHAIRMAN**

The Democratic Services and Elections Manager, John Armstrong stated that neither the Chairman nor the Vice-Chairman were present. In such circumstances, the Council's Procedure Rules stated that in the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting shall be elected from among the voting members of the Committee. The Committee was therefore asked if there was a nomination for a Chairman to be elected for this meeting. No nominations were put forward and the Committee therefore agreed to adjourn the meeting to a later date.

**PL2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from the following councillors; Councillor Colin Cross, Chris Barrass, David Bilbé, Angela Gunning, Liz Hogger, Marsha Moseley, Paul Spooner and Fiona White.

Councillors Graham Eyre, Jo Randall and James Walsh were in attendance as substitutes for Councillors Paul Spooner, Marsha Moseley and Angela Gunning respectively.

**PL3 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

There were no disclosures of interest as the meeting had been adjourned.

**PL4 MINUTES**

The minutes of the Planning Committee meetings held on 22 November 2022 and 4 January 2023 will be confirmed at the next meeting scheduled on 1 March 2023.

**PL5 ANNOUNCEMENTS**

There were no announcements as the meeting had been adjourned.

**PL6 21/P/01211 - LAND AT MAY AND JUNIPER COTTAGES, ASH GREEN ROAD, ASH, GUILDFORD**

Subsequent to the meeting being adjourned, the applicant had asked for the application to be deferred until the end of May 2023 so that concerns raised in the officer's report could be adequately addressed.

**PL7      22/P/00738 - IPSLEY LODGE STABLES, HOGS BACK, SEALE, GUILDFORD, SURREY, GU10 1LA**

This application has been deferred for consideration by the Planning Committee at its meeting on 1 March 2023.

**PL8      PLANNING APPEAL DECISIONS**

The appeal decisions will be deferred to the Planning Committee meeting scheduled on 1 March 2023.

The meeting finished at 7.05 pm

Signed .....

Date .....

Chairman

## PLANNING COMMITTEE

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

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

\*Present

The Lead Councillor for Planning, Legal and Democratic Services, Councillor Tom Hunt was in attendance. Councillors Catherine Young and John Rigg were also in attendance online.

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

Apologies for absence were received from Councillors Chris Barrass, Colin Cross and Paul Spooner. Councillor Deborah Seabrook was in attendance as a substitute for Councillor Chris Barrass.

### **PL2 ELECTION OF THE VICE-CHAIRMAN**

The Chairman reported that Councillor Colin Cross had resigned as Vice-Chairman of the Planning Committee. Councillor Fiona White expressed her personal thanks to Councillor Cross for all of his help during her time as Chairman.

The Chairman asked the Committee for nominations for Vice-Chairman for which none were received. The Chairman stated that this item of business would therefore be placed on the next agenda of the Planning Committee meeting on 1 March 2023.

### **PL3 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

There were no disclosures of interest.

**PL4 ANNOUNCEMENTS**

The Committee noted the Chairman's announcements.

**PL5 PLANNING COMMITTEE REVIEW - REPORT AND RECOMMENDATIONS OF THE WORKING GROUP**

The Chairman advised that there was some crossover between this item of business and the next item relating to the review of the probity in planning handbook. Both items proposed identical changes to be made to the seven-day notice procedure and to the procedure for Councillors wishing to overturn officer recommendations at the Planning Committee. The Committee agreed to consider those changes as part of this item only, so to prevent any duplication of debate. The Chairman also explained that she would take the Committee through each of the eleven substantive recommendations which would be voted on separately by the Committee.

The comments and recommendations of this Committee would be reported to the Executive at its special meeting on 22 February followed by an Extraordinary meeting of the Council on the same date. The Committee were also asked to note the supplementary late sheets which detailed a proposed amendment to the process for Councillor Call-up which added a provision within the process to allow a councillor to withdraw any request to refer an application to the Committee. In addition, a flowchart had been produced detailing how the new Call-Up process would work.

The Executive Head of Planning Development, Gilian Macinnes introduced the item. The Committee noted that the report had sought its comments on the recommendations of the Planning Committee Review Working Group in advance of its referral to Executive and then full Council. The Working Group had been set up to consider the LGA Peer Review of the Planning Committee and the eleven recommendations that had already been referred to. These covered essential training, learning from appeal decisions, increasing planning and policy knowledge and also the Planning Committee referral system, which would remove the 7-day notification procedure and replace it with a front loaded 21 day call up procedure which would engage members early in the process. This would ensure the most effective and efficient approach to determining planning applications whilst ensuring that members had the opportunity to become involved at the early stages of the planning application journey.

Recommendation 9 which related to the member overturn process sought to ensure, when it was apparent to the Chairman during the debate on a planning application, that members felt that there should be an alternative motion, the

Chairman would ask for an alternative motion that focussed on the harm or the benefits of a scheme. Councillors would then be asked to vote on each of the reasons that related to the identified harm or benefit. This would give greater strength to the decision of the Committee and make it more robust and defensible.

The Lead Councillor for Planning, Legal and Democratic Services, Councillor Tom Hunt stated that the changes proposed reflected a more transparent and accountable planning process which would assist in reducing the planning application backlog and improve upon the proportion of applications considered within the statutory timeline.

The Committee was invited to make comments on the following recommendations made by the Working Group:

**R1 (initial recommendation of the peer group report):**

Provide greater certainty in planning process by ensuring decision making conforms with planning policies and material planning considerations acting on behalf of the whole Guildford community and ensuring that there is clear separation between ward level responsibilities and decision-making role on Committee.

Working Group Recommendation

The Group agreed that a regular (monthly) planning training programme, should be reinstated via MSTeams.

Planning Committee Comments

The Committee was in support of regular monthly planning training for councillors as it would be helpful and wished to confirm which officer would be responsible for devising the training programme. It was recommended that, given the high profile and significant public interest in planning in the borough, all councillors should attend, not just planning committee and substitute members.

It was confirmed that the Executive Head of Planning Development would carry forward the arrangement of a regular training programme for the coming year. It was important to note that all councillors who sit on the Planning Committee would receive mandatory introductory training provided by the Planning Advisory Services (PAS) and that all councillors overall would be encouraged to attend.

The Democratic Services and Elections Manager, John Armstrong stated that the Council also had a Councillor Development Steering Group which was cross-party. It was hoped that members of that group would champion attendance at such training.

The Committee noted that it would be useful if Parish Councillors were also invited to attend planning training that was hosted by Guildford Borough Council so to aid their understanding of the NPPF and Local Plan Policies. Given the additional training was proposed to be hosted on MSTeams this should prove easy to facilitate.

The Executive Head of Planning Development, Gilian Macinnes agreed that it was an excellent idea to offer training to parish councillors who were an important statutory consultee of the Council. However, the training could become unwieldy if there were too many participants. Focused training for Parish Councillors could rather be offered on certain key topics.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation subject to the proviso that whilst the planning training programme would be regular, there might not on all occasions be training every month.

**R2 (initial recommendation of the peer group report):**

Explore ways to rebuild trust and confidence between officers and Members. Consider running an independently facilitated workshop to be held between officers and Members, separate to the Planning Committee meeting, to better understand their roles, issues and concerns.

Working Group Recommendation

The Group agreed to carry over this action to hold an Officer/Member Workshop following the elections in May 2023, if required.

Planning Committee Comments

The Committee noted comments that it felt that an Officer/Member Workshop was most definitely required following the elections in May 2023 and that it was an important action to pursue. The workshop would help build early relationships between officers and members and would assist new councillors with a familiarisation of planning processes and procedures. A follow-up workshop was also recommended to be held six months thereafter. Planning officers would have the opportunity of encouraging councillors to contact them early in the application process to iron out any concerns well in advance. The

Committee also noted comments that planning applications were being circulated to councillors with no named officer and it was therefore difficult to know who to contact in the first instance.

The Executive Head of Planning Development confirmed that she would look to arrange a Workshop after the May elections. In relation to the named officer issue, the planning department was currently experiencing a very difficult staffing problem. Temporary staff were now being recruited with the intention of recruiting permanent staff within the next few months. Councillors were advised to contact senior members of the planning team in the meantime.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation, and agreed that the Member/Officer Workshop was definitely required.

**R3 (initial recommendation of the peer group report):**

Examine way for Planning Committee and relevant officers to discuss and learn from appeal decisions to ensure that decisions on planning applications are undertaken, on behalf of the whole Guildford borough community, in a fair, impartial, and transparent way. The present system tagged onto the end of an often long Planning Committee is not conducive to creating a learning atmosphere.

Working Group Recommendation

The Group agreed that quarterly appeal review sessions be held via MSTeams and facilitated by the Head of Place (or Executive Head of Service)

Planning Committee Comments

The Committee asked for clarification on who would be invited to the review sessions, would it be committee members or just the Chairman and Vice-Chairman. The Committee agreed that this proposed session should not replace the summary of the appeal decisions received at the end of every planning agenda which was a useful aid memoir for committee members.

The Chairman, Councillor White clarified as a member of the Working Group, the intention was that the proposed quarterly appeal sessions would provide an opportunity to have more detailed discussions about appeal decisions. Specifically, to highlight important points that the Committee should bear in mind with regard to future planning decisions.

The Executive Head of Planning Development confirmed that the sessions would be geared towards all members of the Planning Committee including substitutes and that it would be held in private session as it would facilitate a freer flowing discussion. These sessions would also be arranged as part of the wider regular training programme to be devised by the Executive Head of Planning. If the committee had additional topics, they would like to be addressed as part of their training they were encouraged to contact the Executive Head of Planning Development. It was also noted that it could be useful for planning officers to provide an analysis of the appeal decisions in relation to recurring themes which the Executive Head of Planning noted.

**Recommendation:**

The Planning Committee endorsed the Working Group's recommendation.

**R4 (initial recommendation of the peer group report):**

Review Planning Committee reports to see if further explanation can be given on the weight to be afforded to the Local and Neighbourhood Plan policies as well as material planning considerations such as the National Planning Policy Framework (NPPF).

Working Group Recommendation

The Group concluded that convening another working group was not necessary given there were appropriate mechanisms in place already through which councillors could query policy weight afforded to particular proposals.

Planning Committee Comments

The Committee noted comments that if parish councillors were invited to planning training sessions, it would be the ideal time to reflect on the importance of Local and Neighbourhood Plan policies. It would also be helpful to be clear on the definitions and weightings afforded to Neighbourhood Plans and the NPPF and how that was applied in the decision-making process. The Committee noted an observation that the group recommendation had perhaps lost touch with the original recommendation of the LGA. Whilst it was agreed that another working group was probably not necessary it would be good if some thought could be given to planning reports so that the weight assigned to Local and Neighbourhood Plan policies was explained. Committee members also needed to know how to access the Local Neighbourhood Plans and NPPF.

The Executive Head of Planning Development confirmed that following the borough elections in May 2023 training had already been arranged with the Planning Advisory Services (PAS). An introduction to decision making as well as



the relative weight afforded to the different plans and material considerations would be covered. A neighbourhood plan was part of the development plan, which was the beginning point for all planning decision making. The Executive Head of Planning Development would also raise this with planning officers to ensure that they were clear within the reports regarding the weight assigned to these policies.

The Committee noted comments in support of planning officers confirming that they did outline the appropriate weight afforded to neighbourhood plan policies in their reports. Applications had been refused on the basis of one neighbourhood plan policy which was then dismissed at appeal, so such policies did carry weight. The recommendation also did not say that there should not be weight afforded to local or neighbourhood plan policies, but it did say that another working group was not required. Incorporating an understanding of the different policies was crucial and would therefore be taken forward in the training programme.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation, noting that weight to be afforded to Local and Neighbourhood Plans and other material planning considerations would be covered in the training programme.

**R5: (initial recommendation of the peer group report):**

Ensure planning officers and Committee members are more aware of the impact of what a lack of housing delivery has on the weight given to Local Plan policies and kept appropriately updated on the work of the Housing Delivery Board.

Working Group Recommendation

The Group agreed that the topic of housing delivery should be addressed as part of the planning committee training programme and should include an overview of the Land Availability Assessment.

Planning Committee Comments

The Committee noted comments that it was supposed to receive regular updates on Guildford's housing supply figures with regard to how they are being delivered on the ground versus planning applications approved. However, it was noted that the information was not being sent regularly.

The Executive Head of Planning Development confirmed that she would take that comment back to the Local Plan team. It was understood that the housing figures were reviewed regularly but that it was a complex process.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

**R6 (initial recommendation of the peer group report):**

Review the opportunity for further guidance in the form of a supplementary planning document to help guide new high quality and sustainable development.

Working Group recommendation

The Group agreed that no action was required with regard to the above point as the SPDs and DPDs were all documents currently being worked on by the planning policy team and policies coming forward.

Planning Committee Comments

The Committee noted that progress was being made with SPDs and DPDs. A councillor had only the day previously attended a Local Plan Panel meeting where policy officers were devising a Green Belt SPD as well as other relevant policies.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

**R7(initial recommendation of the peer group report):**

Review the Planning Committee referral system focussing particularly on the Member referral process (7-day procedure) and householder referral system to ensure that applications are not unnecessarily delayed and Planning Committee can focus on the strategically more important applications.

Working Group Recommendation

The Group agreed that the 21-day notification procedure to be included in the operational plan to be considered formally as part of the final report. The procedure would give councillors the opportunity for earlier engagement with officers and influence the process going forward.

Planning Committee Comments

The Committee welcomed the proposed 21-day notification procedure as it would enable councillors to be aware of forthcoming applications much earlier in the process. It would also facilitate a dialogue between the councillors and officers regarding what policies might be included in a report to reflect concerns regarding identified harm and/or benefits of a proposed development. All Councillors would therefore be more proactive in this process.

The Committee noted that the 7-day notification process had worked reasonably well to date, however the increased workload for planning officers as well as the potential delays in the processing of applications meant that the system now needed to be replaced.

A concern was raised that the 21-day notification process might result in more applications being referred to Committee than was necessary. The Committee noted a proposed amendment to the process for Councillor Call-up outlined on the supplementary late sheets which included an additional Note within the process to allow a councillor to withdraw any request to refer an application to the Committee. In addition, a flowchart had been produced detailing how the new Call-Up process would work, which was welcomed by the Committee. Concern was expressed that this amendment was not quite precise enough because it was not clear at what point the councillor would know that they were prepared to withdraw their request. The councillor might think the harm was going to be greater than the benefit, so to be on the safe side would call an application to Committee. It was suggested that an additional stage be included in the process to provide that the case officer, before the committee report is written, contacts the councillor to indicate what their recommendation on the application is likely to be and the reasons for it. This would enable the councillor to consider whether they still wished to call-up the application to Committee.

The Committee noted comments regarding the staffing situation in the planning department and concern that planning officers were currently being recruited on a temporary basis who did not necessarily have a good local knowledge of the area.

The Executive Head of Planning Development, confirmed that staffing issues was one factor that she was working hard to resolve as well as introduction of more streamlined procedures in order to reduce the application backlog.

Having a more streamlined call-up to Committee process would be one factor that would assist in improving the Council's performance and councillors would become involved in applications in their ward at a much earlier stage and have a greater opportunity to influence how the officer looked at the application if they were already aware of the local member's concerns.

Concern was expressed that some wards of the borough attracted significantly more planning applications than others, thus putting greater pressure on the councillors for those wards.

- (a) the proposed additional Note to be added to the procedure stating: “A councillor who has requested an application to be called up to Committee may, following further consideration, withdraw that request.”

Recommendation:

The Planning Committee endorsed the Working Group’s recommendation to approve the proposed process for Councillor Call-up (referral) to Planning Committee set out in Appendix 3 to the report, subject to the inclusion of:

- (a) the proposed additional Note to be added to the procedure stating: “A councillor who has requested an application to be called up to Committee may, following further consideration, withdraw that request.”; and
- (b) an additional stage in the process to provide that the case officer, before the committee report is written, contacts the councillor to indicate what their recommendation on the application is likely to be and the reasons for it. This would enable the councillor to consider whether they still wished to call-up the application to Committee.

**R8 (initial recommendation of the peer group report):**

Revisit the site visits protocol with particular emphasis on who attends and on ensuring a consistent approach of officers and conduct of members during the site visit.

Working Group Recommendation

The Group agreed that no changes were required to the current site visit protocol. Councillors were aware of the need to ask for a site visit ahead of time rather than at the meeting itself which was noted to be useful for councillors in assessing the planning merits of a scheme.

Planning Committee’s Comments and Recommendation

The Planning Committee endorsed the Working Group’s recommendation.

**R9 (initial recommendation of the peer group report):**

Review the member overturns process so that alternative motions are raised by Members and advice is provided by officers prior to the officer recommendation vote being made.

Working Group Recommendation

The Group agreed that a clear procedure was needed for councillors to understand and that any reasons given for overturning an officer recommendation had to be robust. The Chairman would need to use their

discretion to ensure that the agreed reasons for refusal were stuck to and to limit the debate. The Group asked the Interim Head of Place, to undertake a light touch benchmarking exercise internally as well as with Waverley Borough Council and to circulate it to the Group via email for agreement, prior to incorporation into a report.

(NB: It was not possible for this piece of work to be completed before the Interim Head of Place's departure from GBC. Consequently, it was picked up by the Interim Joint Executive Head of Planning Development and discussed by the Corporate Governance Task Group. The Task Group had recommended the procedure set out in Appendix 4 to the report submitted to the Committee).

#### Planning Committee Comments

The Committee noted concerns that if a separate vote was taken on each individual reason for refusal, it was possible that councillors might not attach the same weight to particular reasons for refusal resulting in no clear majority voting in favour of any reason for refusal cited.

The Executive Head of Planning Development confirmed that this did happen but that it was better to have one strong, robust and defensible reason for refusal than various weak reasons which were only supported by a few members of the Committee. The Committee would also have the option of recommending a deferral of an application if required.

#### Recommendation:

The Planning Committee endorsed the proposed procedure for councillors overturning officer recommendations at Committee set out in Appendix 4.

#### **R10 (initial recommendation of the peer group report):**

Undertake bespoke probity in planning and appeals training for members with a neutral facilitator, for example, someone who has direct experience of being a Planning Inspector.

#### Working Group Recommendation

The Group agreed that the Probity in Planning training be incorporated into the annual training programme.

#### Planning Committee's Comments and Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

**R11 (initial recommendation of the peer group report):**

Review public speaking opportunities for Parish councils and special interest groups.

Working Group Recommendation

The Group agreed to the recommendation to retain the current public speaking arrangements but for the Chairman to retain the discretion to allow additional speaking slots for significant applications which was already practised.

Planning Committee's Comments and Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

**PL6 REVIEW OF THE PROBITY IN PLANNING LOCAL CODE OF PRACTICE HANDBOOK**

The Committee considered a report on the outcome of a review of the Probity in Planning Handbook which had been conducted by the Corporate Governance Task Group. The Handbook formed part of the Constitution and had last been reviewed in 2019.

The Handbook provided guidance for councillors and officers on their role and conduct in the planning process, including how councillors and officers should manage contact with applicants, developers and objectors or supporters. The purpose of the guidance provided in the document was to ensure that decisions made in the planning process were not biased, were taken openly and transparently, and based only on material planning considerations.

Each part of the Handbook had been carefully reviewed to ensure that the document reflected the law, and current best practice.

The Committee noted that the Corporate Governance and Standards Committee had considered the report at its meeting on 19 January 2023, and a copy of the draft minute in respect of the matter had been appended to the report. The various comments and recommendations in respect of the draft revised Handbook which had been suggested by the Corporate Governance and Standards Committee had been highlighted for this Committee's attention.

In considering the report and the draft revised Handbook, the Committee made the following comments and suggestions:

- Proposal to add the following sentence to the end of paragraph 5 of Annex 2 – Protocol for informal presentations to councillors relating to development:  
*“A copy of the refusal decision and reasons will also be sent to the portfolio holder(s)/ Lead Councillor(s) for Planning Development and Regeneration.”*
- Concern that portfolio holders wishing to support a planning application in respect of the Council’s own development, or which directly affected the Council’s land or property should not be able to speak as a ward councillor as it would have the effect of outnumbering the speakers objecting to the application. It was suggested, in these circumstances, that the portfolio holder should register to speak in one of the public speaking slots. It was noted, however, that allowing non-committee members to speak already skewed the number of speakers speaking for or against an application, so allowing portfolio holders to speak in that capacity made little difference. It was also suggested that the portfolio holder should, in these circumstances and for openness and transparency, declare a corporate interest in the application.
- Concern that registration of officers’ interests was not as transparent as registration of councillors’ interests.
- Clarification was sought as to the likelihood of a legal challenge to a planning decision due to a committee member reading a pre-prepared speech, as opposed to making a speech using prepared bullet points (paragraphs 22.3 and 22.4 of the draft revised Handbook). It was accepted that there would be more of a perception of a councillor being pre-determined by reading a pre-prepared speech, rather than if they were using bullet points as a prompt to cover particular aspects of a planning application. Any judicial review of a decision in which predetermination was alleged, would require as part of the process disclosure of documents as evidence, which would include pre-prepared written speeches.
- The Committee expressed a wish to return to the pre-Covid layout of the Council Chamber for Planning Committee meetings similar to the indicative layout shown at the end of Annex 5 to the draft revised Handbook (Speaking at Planning Committee).

## The Committee

**RECOMMEND:** That the revised ‘Probity in Planning Local Code of Practice Handbook for Councillors and Officers’, attached as Appendix 2 to the report

submitted to the Committee, be adopted by full Council at its extraordinary meeting on 22 February 2023, subject to the addition of:

- (a) The following sentence to the end of paragraph 5 of Annex 2 to the Handbook – Protocol for informal presentations to councillors relating to development:  
*“A copy of the refusal decision and reasons will also be sent to the portfolio holder(s)/ Lead Councillor(s) for Planning Development and Regeneration.”*
  
- (b) The flowchart included on the Late Sheets showing the Planning Application Journey to Annex 3 to the Handbook – the Process for Councillor ‘call-up’ to Planning Committee in order to assist councillors’ understanding of that process.

The meeting finished at 9.20 pm

Signed .....

Date .....

Chairman



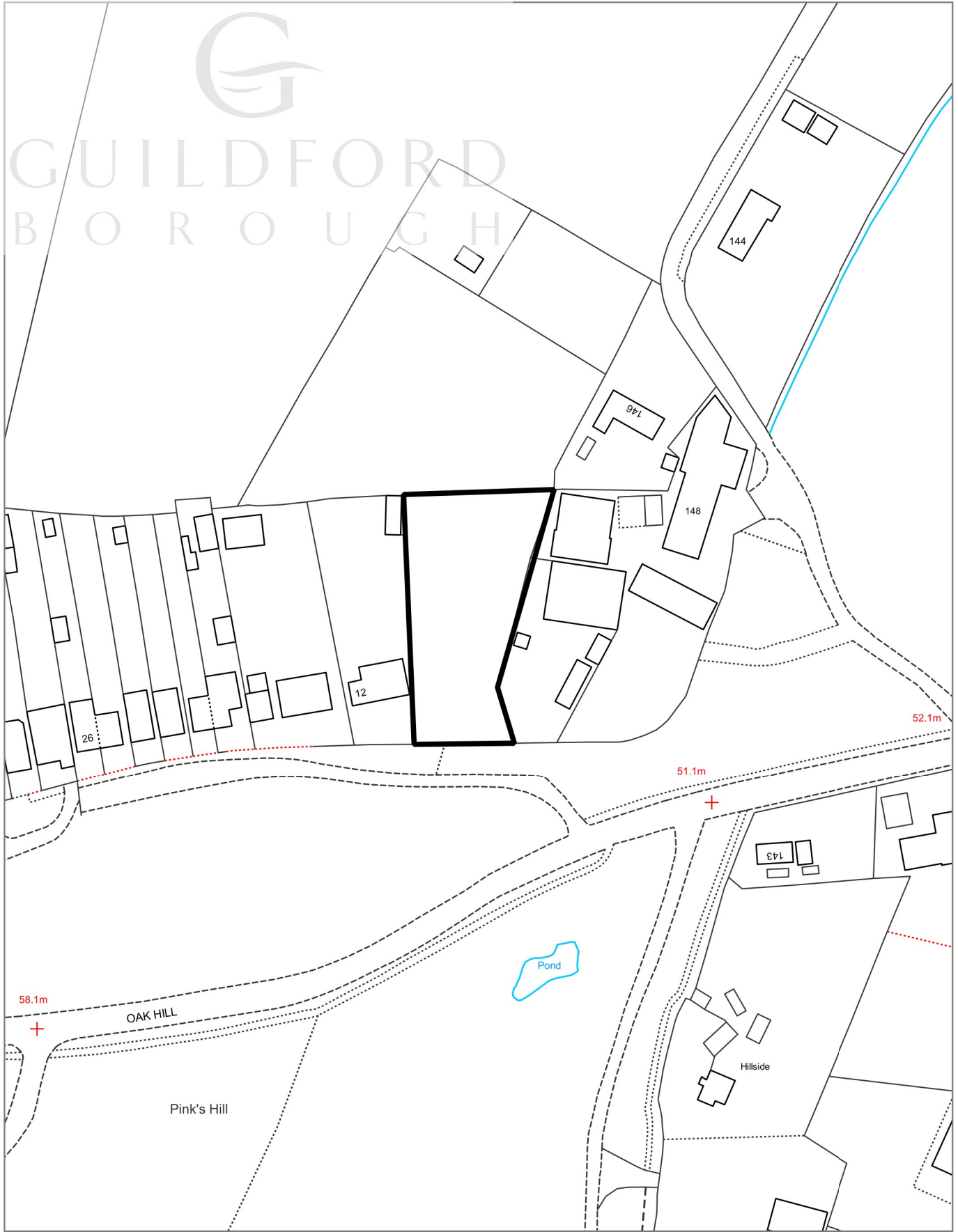
**GUILDFORD BOROUGH COUNCIL****PLANNING COMMITTEE INDEX****01/03/2023**

<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
6.1	Worplesdon	McShane	Land adjacent to 12 Oak Hill, Wood Street Village, GU3 3ER	21/P/02036	REF	61.
6.2	Shere	Harbridge Engineering Ltd	Unit 3C, Kings Court, Burrows Lane, Gomshall, Shere, GU5 9QE	21/P/02589	APPC	73.
6.3	Ash		The Firs, Ash Green Road, Ash, Guildford, GU12 6JJ	22/P/00367	S106	93.
6.4	Tongham	Mr Owen, C/O WS Planning & Architecture	Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey, GU10 1LA	22/P/00738	S106	123.
6.5	West Horsley	Silver Key Developments Ltd, Ground Floor	Land to the rear of 168, The Street, West Horsley, KT24 6HS	22/P/00998	S106	149.
6.6	Stoke	Guildford Borough Council, Millmead House	Weyside Urban Village (Slyfield regeneration Programme), Slyfield Green, Guildford, GU1	22/P/01050	APPC	167.

**Total Applications for Committee****6**

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# 21/P/02036 - Land Adjacent To 12 Oak Hill, Wood Street Village



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Print Date: 13/02/2023

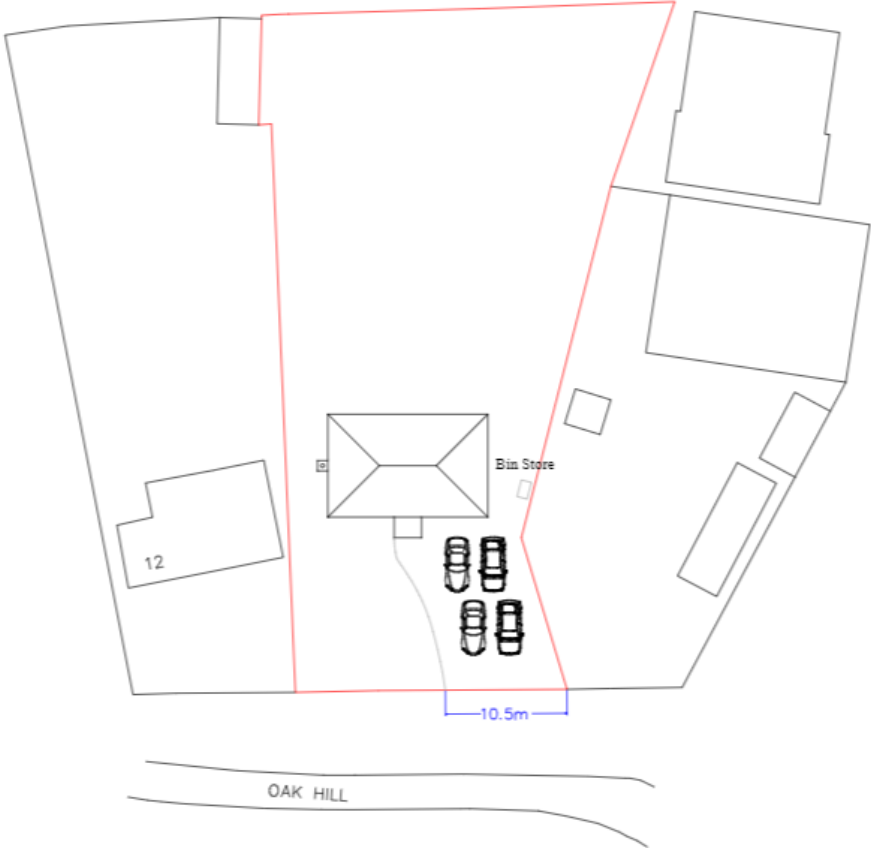


Page 59 Not to Scale



**GUILDFORD**  
BOROUGH

21/P/02036 – Land adjacent to 12 Oak Hill, Wood Street Village, GU3 3ER



**App No:** 21/P/02036 **8 Wk Deadline:** 21/10/2022  
**Appn Type:** Outline Application  
**Case Officer:** Carolyn Preskett  
**Parish:** Worplesdon **Ward:** Worplesdon  
**Agent :** Mr Barnes **Applicant:** Mr McShane  
Yateley Drawing Service Ltd 10 Oakhill  
Yateley Drawing Service Ltd Wood Street Village  
21 Coppice Gardens Guildford  
Yateley GU3 3ER  
GU46 6EF

**Location:** Land adjacent to 12 Oak Hill, Wood Street Village, GU3 3ER  
**Proposal:** Outline application for the erection of a 4 bedroom detached house on land adjacent to 12 Oak Hill to assess the access, appearance, layout and scale.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee because the applicant is the husband of a Guildford Borough Councillor.

#### **Key information**

The proposed development is for a four bedroom detached property on a vacant plot of land in the urban area.

Outline planning consent is sought with access, appearance, layout and scale under consideration.

The site is tree covered and was afforded Tree Preservation Order protection on 26 April 2022 and the Order was formally confirmed, without modification, on 25 October 2022.

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

The site lies within the urban area where the principle of development is acceptable.

The proposed development would result in the removal of a significant number of trees (the majority B grade) to facilitate access, the footprint of the property and to provide useable amenity space.

The site is tree covered and was afforded Tree Preservation Order protection on 26 April 2022 and the Order was formally confirmed, without modification, on 25 October 2022.

The recommendation is for refusal.

**RECOMMENDATION:**

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

1. The proposed development would result in the removal of a significant number of trees (the majority B grade) afforded Tree Preservation Order protection, to facilitate access to the new property, the footprint of the property and useable amenity space for the property. As such the proposed development would be contrary to British Standard (BS5837:2012) and to Policy D1 of the Guildford Borough Local Plan Strategy and Sites 2015 - 2034 (adopted 25 April 2019).
2. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

**Informatives:**

1. This decision relates expressly to drawing(s) EL 1; EL 2; FP 3 and FP 4 and additional information received on 22 September 2021.
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

- Pre-application advice was not sought prior to submission and There are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application

### **Officer's Report**

#### **Site description.**

The application site is a vacant plot of land to the eastern end of Oakhill. The site lies within the urban area of Guildford.

The site slopes gently from north west to south east, with Oakhill running along its southern boundary.

The site is tree covered and was afforded Tree Preservation Order protection on 26 April 2022 and the Order was formally confirmed, without modification, on 25 October 2022.

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

#### **Proposal.**

Outline application for the erection of a 4 bedroom detached house on land adjacent to 12 Oak Hill to assess the access, appearance, layout and scale.

#### **Relevant planning history.**

None relevant

#### **Consultations.**

##### Statutory consultees

County Highway Authority: Recommend conditions

##### Internal consultees

Arboricultural Officer: Objection

##### Worplesdon Parish Council - objection

- lack of information as to whether the access is safe as no visibility splays have been provided

#### **Third party comments:**

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

- plot of land is a mature woodland and not a piece of land with only saplings and gorse
- woodland is a sanctuary for wildlife
- no current direct access to the land

- new access would cross over common land and a culvert
- flood concerns
- application contrary to a range of policies in the Local Plan
- inappropriate scale
- need is for smaller not larger properties
- property to the rear of the site has right of access to all services to lay and maintain

### **Planning policies.**

#### National Planning Policy Framework (NPPF), 2021: \_

Chapter 2: Achieving sustainable development

Chapter 4. Decision making

Chapter 5: Delivering a sufficient supply of homes.

Chapter 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

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

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

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 6.46 years based on most recent evidence as reflected in the GBC LAA (2022). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2021 measurement is 144%. For the purposes of NPPF footnote 8, this is therefore greater than the threshold set out in paragraph 222 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

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 development

ID4: Green and blue infrastructure

#### Guildford Borough Council: Development Management Policies (LPDMP) June 2022

The LPDMP can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies/parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal.



If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

Policy P6/P7 Biodiversity in New Developments  
Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness  
Policy D5: Protection of Amenity and Provision of Amenity Space  
Policy ID11 Parking Standards

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

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

G1: General standards of development

G5: Design code

H4: Housing in urban areas

NE4: Species protection

Supplementary planning documents

National Design Guide (2021)

Residential Design Guide (2004)

Vehicle Parking Standards (2006)

Thames Basin Heaths Special Protection Area Avoidance Strategy (2017)

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

Planning Contributions (2017)

**Planning considerations.**

The main planning considerations in this case are:

- The principle of development
- Impact on character and appearance of the surrounding area
- Living environment
- The impact on neighbouring amenity
- Highway/parking considerations
- Sustainability
- Impact on protected species and biodiversity
- flood risk
- Thames Basin Heath Special Protection Area

The Principle of Development

Policy H1 of the Local Plan: Strategy and sites 2015-2034 seeks to deliver a wide variety of high quality homes that provide all tenures, types and sizes of housing to meet the needs and demands of different people within the community.

Policy H4 of the Saved Local Plan 2003 states that planning permission will be granted for residential development in the urban areas of Guildford provided it meets a number of criteria. The application site is located within the designated urban area of Guildford and therefore there is no in principle objection to the construction of new residential dwellings in this location.

The proposal is considered acceptable subject to compliance with the local and national policies.

Impact on character and appearance of the surrounding area

The application site is a vacant plot of land that sits on the northern side of Oak Hill which itself is a branch off the main road Oak Hill that runs through Wood Street Village. The immediate surrounding area is characterised by linear residential development with a mix of semi detached and detached properties of a variety of styles and that have been subject to extensions and alterations. The proposed new dwelling would be of a very simple design with red facing brick elevations and brown cement roof tiles with white upvc fenestration. Given the existing development within the immediate surrounding area the appearance of the proposed new dwelling is considered acceptable.

However, the application site is an area of woodland that currently sits as a natural break between the residential development of Oak Hill and the small industrial unit at the entrance to Oak Hill. In the Design and Access Statement the applicant states that the site is currently covered in small saplings and gorse, which will form part of a landscaping scheme at Full Planning. This is not the case as was found by the Case Officer on an initial site visit and then confirmed by a detailed site visit with the applicant's tree consultants and the Council's Arboricultural Officer. The proposed development would result in the removal of a significant number of trees (the majority B grade) to facilitate access, the footprint of the property, and to provide useable amenity space. The woodland block referred to as "land adjacent to 12 Oak Hill " was afforded TPO protection on 26 April 2022 and the Order was formally confirmed, without modification on 25 October 2022.

The proposed development would result in the loss of trees and harm to trees afforded TPO protection. The proposed development would result in the loss of this woodland area that currently forms a natural break between the residential development of Oak Hill and the small industrial unit and as such would impact on the character of the area contrary to policy D1 of the LPSS 2019.

Impact on Trees

The application site is tree covered. The Woodland block, referred to as 'land adjacent to 12, Oak Hill, was afforded TPO protection on 26<sup>th</sup> April 2022 and Order was formally confirmed, without modification, on 25<sup>th</sup> October 2022.

The British Standard (BS5837:2012) states that trees in categories 'A', 'B' and 'C' are all a material consideration in the development process. The retention of category 'C' trees, being of low quality or of only limited or short-term potential, will not normally be considered necessary should they impose a significant constraint on development. U category trees are in such a condition that they are unlikely to contribute beyond 10 years , and may be removed as part of good arboricultural practice, irrespective of any development proposal.

In accordance with the recommendations of the British Standard 5837:2012 , the default position should be that structures such as buildings, roads, paths, car park spaces are located outside the root protection areas of retained trees.

This development proposal would result in the removal of a significant number of trees (the majority B grade) to facilitate access, the footprint of the property and to provide useable amenity space.

A site meeting was arranged following concerns raised by the case officer to the Council's Tree Officer and following the submission of a Tree Survey by the applicant's tree consultants to assess whether any trees proposed to be removed, could be retained and provide long-term benefit and to see if changes to the access and site layout were possible. The meeting was attended by the Case Officer, the Council's Tree Officer and the applicant's Tree Consultants.

Potential engineering solutions could be utilised to allow the retention of some trees on the frontage, but still provide access to the site. Possible solutions would likely be cost prohibited and could still result in loss or harm to the trees due to their close proximity.

If development were approved, the proximity of retained trees would be highly likely to cause anxiety for future occupiers. Leaf fall and detritus are symptomatic of trees growing in the built environment and a part of the natural life cycle of trees, but again can cause conflict with new occupiers.

These trees have yet to reach full maturity and, as stated within the British Standard, consideration for a trees ultimate growth (height and width) should be taken into account so as to reduce the need for frequent remedial pruning or other maintenance.

Where development is approved in close proximity to trees, there can often be a perceived threat or apprehension to the new occupiers. This can result in repeated tree work applications to the LPA where the trees are afforded TPO protection because of their benefit to the area.

The meeting did not resolve arboricultural concerns that were raised and therefore the Council's Tree Officer could not support the development application in its current form and any revision of the access or location of the dwelling would still have significant impact on the protected woodland. The applicant and their agent have been made aware of the view of the Council's Tree Officer and were given the opportunity to withdraw the application. The applicant does not wish to withdraw the application.

### Living environment

Policy H1(3) 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 creation of one 4 bed dwelling.

The internal floor area of the new dwelling exceeds the necessary requirements for such a dwelling set out in the nationally described space standards. The space standards set out further requirements in terms of bedroom sizes and dimensions and it is found that the proposed dwelling also meets with these requirements.

The proposals would result in a good sized garden. However, as previously mentioned in this report there are a large number of trees on the site which would impact greatly on the living conditions of any future occupiers of the proposed development due to their close proximity.

### The impact on neighbouring amenity

The neighbouring property most affected by the proposals would be 12 Oakhill to the west of the application site. To the east of the application site is an industrial site.

The proposed new dwelling, due to the distances to the boundaries (the new dwelling would be positioned 3.5m from either boundary) and its location in relation to the neighbouring property at 12 Oakhill, would not result in loss of privacy, loss of light or overbearing impact.

As such the proposals are considered to be in accordance with Policy G1(3) of the saved local plan and Policy D5 of the LPDMP 2022.

#### Highway/parking considerations

The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, has raised no objection subject to the impositions of a condition for the provision of an electric vehicle charging point.

The proposed new dwelling would be served by a new access off Oakhill and there would be sufficient parking area for up to 4 cars.

The proposal would be in accordance with Policy ID3 of the LPSS 2019 in this regard.

#### Sustainability

Policy D2 of the LPSS requires proposals to include information that sets out how sustainable design and construction practice would be incorporated (Policy D2 (1)). Policy D2 parts (5) – (11) requires proposals to include information in relation to climate change mitigation, decentralisation, renewable and low carbon energy. Part (9) sets out that new dwellings need to achieve a 20% reduction in carbon emissions through the use of renewable energy. These requirements are expanded upon within the Climate Change, Sustainable Design, Construction and Energy SPD (2020).

The application has been supported by the GBC Climate Change, Energy and Sustainable Development questionnaire, which outlines how the proposed development would meet sustainability requirements.

In relation to materials, the questionnaire outlines that extracted site materials would be reused to make up ground levels and recycled where necessary. Non-mineral construction waste would be minimised through bulk material deliveries, sourced from local delivery companies/suppliers and FSC certified timber would be utilised.

In terms of low energy design, the new dwelling has been designed to meet with current Building Regulations. Main rooms have been orientated to the south to maximise daylight and sunlight. No cooling/ventilation measures or mechanical cooling have been proposed.

The applicant has confirmed they would meet increased water efficiency standards of 110 litres per person per day and this could be secured via condition, however, they have not provided details of what measures would be installed in order to achieve this.

The questionnaire confirms that the scheme would include the use of Air Source Heat Pump Technology and the installation of solar panels on the southern roof elevation.

A carbon reduction calculation has been provided, it shows that as a result of the proposed measures, there would be a reduction of 20% from the Target Emission Rate, although no details of how this would be achieved have been submitted, this could be secured via condition. Policy D2 of the LPSS requires new buildings to achieve a 20% reduction.

Whilst the proposed development is modest in scale, Policy D2 of the LPSS and the Climate Change, Sustainable Design, Construction and Energy SPD (2020) set out the minimum requirements expected of new buildings with regards to meeting policy requirements. The applicant has provided sufficient information in relation to how the proposed new dwelling would make efficient use of materials, achieve water efficiency requirements or meet low and zero carbon aspirations. They have stated the new dwelling would meet the required 20% reduction from the Target Emission Rate.

No electric vehicle charging point is proposed and there is no cycle storage provision for the dwelling. This could have been secured via a condition, had the application been deemed to be acceptable.

As such, the proposals are in accordance with Policy D2 of the Guildford Borough Local Plan: strategy and sites 2015- 2034 (2019) and the Climate Change, Sustainable Design, Construction and Energy SPD (2020).

#### The impact of biodiversity and protected species

Policy ID4 of the LPSS, 2015-2034, requires a net gain in biodiversity to be achieved in connection with any new development.

This application is an outline application with access, appearance, layout and scale to be considered. Had the scheme been considered acceptable, an Ecological Survey and biodiversity enhancements would have been sought at the reserved matters stage of the application.

#### Flood risk

The application site lies within Flood Zone, an area with a low probability of flooding.

#### Thames Basin Heath Special Protection Area (TBHSPA) and Appropriate Assessment (AA)

The application site is located within the 400m - 5km buffer zone of the TBHSPA. Natural England advise that new residential development in this proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use.

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 off-site contributions document.

As the application is deemed to be unacceptable for the reasons which have already been discussed, the applicant has not in this instance been invited to enter in a s.106 agreement to secure the above contributions as mitigation.

Without the completion of a legal agreement the development would impact on the TBHSPA and would fail to comply with the Thames Basin Heath Avoidance Strategy and is contrary to policy NRM6 of the South East Plan, 2009, policies P5 and ID4 of the LPSS, 2015-2034, and policy NE4 of the saved Local Plan, 2003. For the same reasons the development does not meet the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Subsequently because the application is not being recommended for approval and there is no legal agreement in place to secure SAMM and SANG payments, it is not considered that the proposal would be in accordance with the mitigation measures set out within the Appropriate Assessment agreed by Natural England.

#### Legal agreement requirements

The three tests as set out in Regulation 122 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 1 new residential units, in order for the development to be acceptable in planning terms, a S106 agreement would have been 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.

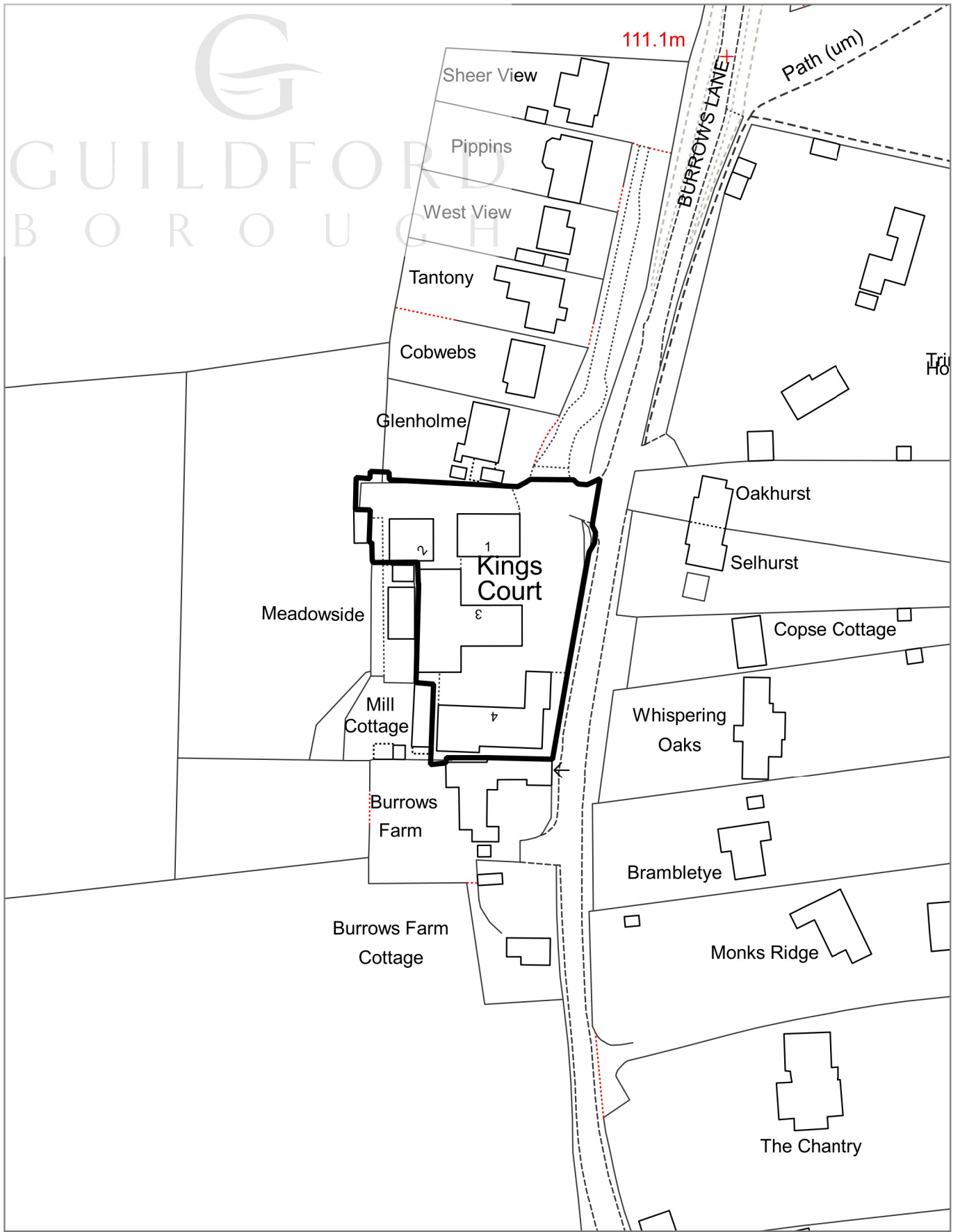
As set out above any subsequent section 106 legal agreement would require the applicant to make payment in line with the SANG and SAMM contributions as set out by the TBHSPA Avoidance Strategy 2017 and the associated tariff within the annual updating of off-site contributions to Special Protection Area Mitigation and Open Space.

If the application was deemed to be acceptable, the Council is of the opinion that the TBHSPA requirements would meet the three tests set out above.

#### Conclusion

The proposed development would provide one new 4 bed dwelling on this currently vacant woodland plot. The principal of development is acceptable, given the location of the site within the Guildford Urban area. However, the proposed new dwelling would result in the loss of trees and harm to trees afforded TPO protection contrary to British Standard (BS5837:2012) . In addition, the proposed development by virtue of the loss of this woodland area would have a detrimental impact on the character and appearance of the area contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019).

# 21/P/02589 - Unit 3c, Kings Court, Burrows Lane, Gomshall, Shere



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Print Date: 13/02/2023



Page 71 Not to Scale



**GUILD FORD**  
BOROUGH

**21/P/02589 – Unit 3C, Kings Court, Burrows Lane, Gomshall, Shere**





**App No:** 21/P/02589 **8 Wk Deadline:** 14/03/2022  
**Appn Type:** Full Application  
**Case Officer:** Katie Williams  
**Parish:** Shere **Ward:** Tillingbourne  
**Agent :** Mr M. Smith **Applicant:** Harbridge Engineering Ltd  
D&M Planning Ltd c/o Agent  
1A High Street  
Godalming  
GU7 1AZ

**Location:** Unit 3C, Kings Court, Burrows Lane, Gomshall, Shere, GU5 9QE  
**Proposal:** Change of use of part of building (Use Class E) to two residential units (C3) including minor fenestration changes and associated external alterations.

### **Executive Summary**

#### **Reason for referral**

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

#### **Key information**

The proposal is for the change of use of part of building (Use Class E) to two residential units (C3) including minor fenestration changes and associated external alterations.

Amended plans (received 23 January 2023) show the following amendments:

- Proposed increase in size of rear rooflights omitted, rear rooflights to be retained as existing size
- Clarification provided regarding headroom for proposed first floor flat
- Extent of external amenity space reduced to avoid right of access to neighbouring property, red line boundary amended accordingly
- Plans amended to show proposed enlarged dormer window / balcony at first floor correctly on the proposed side elevation and proposed roof plan (correcting discrepancies in originally submitted drawing)

A further amended plan (received 9 February 2023) shows a revision to the proposed parking spaces to be allocated to the residential units.

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

The proposed development will result in the conversion of an existing office unit to residential use. It is concluded that the proposed development will not constitute inappropriate development within the Green Belt and will not have a greater impact on the openness of the Green Belt compared to the existing use. The proposal would deliver a net increase of two x 1 bedroom dwellings in a sustainable location and the proposed loss of the employment unit on the site has been sufficiently justified.

The development would not harmfully affect the character or the appearance of the site or surrounding area, would not materially impact on the residential amenities currently enjoyed by the occupants of the surrounding properties and the development would not give rise to conditions prejudicial to highway safety. It is therefore concluded that planning permission should be granted 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:

LMKC/DD1.11 (Block 3 Site Location Plan) received 13 December 2021  
Amended plans received 23 January 2023: LMKC/PAD 3.10 REV B, 3.2 REV B, 3.3 REV B, 3.4 REV B, 3.5 REV B, 3.6 REV B and 3.7 REV B.  
Amended plans received 9 February 2023: LMKC/PAD 1.8 REV B and 3.1 REV B.

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

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

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

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

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

Reason: To encourage the use of electric cars in order to reduce carbon emissions and in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2021.

6. 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.

7. The development hereby permitted shall not be occupied until details of the proposed storage facilities and collection arrangements for bins and recycling have been submitted to and agreed in writing by the Local Planning Authority. The facilities shall then be provided in accordance with the agreed details and made available for use, prior to the occupation of the development. These facilities shall be maintained in accordance with the approved details thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

8. The facilities for cycle storage shown on the approved plans shall be fully implemented and made available for user prior to the occupation of the development hereby permitted and shall thereafter be retained for such use at all times.

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

9. No development shall take place until a scheme for protecting the proposed dwellings from noise from the adjacent residential and commercial units has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is agreed in writing by the authority.

Reason: As occupiers of the development, without such a scheme, are likely to suffer from noise to an unacceptable degree.

10. No work shall take place until detailed drawings of the new balcony (including balustrade design, materials and finish) to the first floor flat and boundary treatment to the amenity area for the ground floor flat (including design and height of proposed fencing) have been submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

### **Informatives:**

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

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

In this case pre-application advice was not sought prior to submission. Minor alterations were required to overcome concerns, these were sought and (either) the applicant agreed to the changes.

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

### **Officer's Report**

#### **Site description.**

The application site is located on the western side of Burrows Lane to the south of the village of Gomshall. The site comprises of a relatively recently built new development, made up of four detached buildings comprised of 8 units, all within commercial use (Class E), except for Block no.2 which comprises a work / live development. The units are largely occupied, except for three units which currently remain vacant (3A, 3C and 4B).

The complex of buildings are set around the northern, western and southern edges of the site, with parking throughout and to the east. Unit 3C is set within the largest building on the wider consented site (Building 3) in the centre of the site.

To the north of the site is a row of detached bungalows access via private road, to the south Burrows Farm and opposite the site further residential properties.

The site is located within the Green Belt and Surrey Hills Area of Outstanding Natural Beauty (AONB) and within an Area of Great Landscape Value (AGLV).

### **Proposal.**

Change of use of part of building (Use Class E) to two residential units (C3) including minor fenestration changes and associated external alterations.

Amended plans (received 23 January 2023) show the following amendments:

- Proposed increase in size of rear rooflights omitted, rear rooflights to be retained as existing size
- Clarification provided regarding headroom for proposed first floor flat
- Extent of external amenity space reduced to avoid right of access to neighbouring property, red line boundary amended accordingly
- Plans amended to show proposed enlarged dormer window / balcony at first floor correctly on the proposed side elevation and proposed roof plan (correcting discrepancies in originally submitted drawing)

A further amended plan (received 9 February 2023) shows a revision to the proposed parking spaces to be allocated to the residential units.

### Housing mix

2 x 1-bed flats

### Parking

The submitted details refer to 2 no. allocated spaces, 1 space per flat.

### **Relevant planning history.**

**05/P/00750** - Erection of four detached two storey blocks comprising 14 Industrial units with offices above and one work/live unit with associated car parking and landscaping following demolition of all existing buildings on site. (Withdrawn 21/06/2005)

**05/P/01686:** Erection of three detached two storey office blocks and one single storey office block comprising B1 and B2 industrial units and 1 work / live unit with associated parking and landscaping following demolition of all existing buildings on site. (Amended plans received 20/09/2005 to show revised sight lines and received 16/11/05 showing revised elevations). (Approve 14/12/2005)

**06/P/00548** - Relaxation of conditions 05 & 15 of 05/P/1686 to allow Blocks 1,3 & 4 and the non-residential floor area associated with the live work unit (Block 2) to be used as Class B1. (Approve 26/04/2006)

**15/P/01808** - Erection of 9 dwellings (8 x 3 bed & 1 x 4 bed) following demolition of existing commercial B1 and B2 industrial units, associated storage buildings and one dwelling). Refuse 26/11/2015. Appeal Dismissed 26/04/2016.

**17/P/02599** - Erection of 6 detached dwellings together with associated car parking and landscaping following demolition of existing commercial and storage buildings. (Refuse 26/04/2018)

**17/P/02602** - Proposed two pairs of semi-detached two storey dwellings and two terraces of five two storey dwellings with associated car parking and landscaping following demolition of existing commercial B1 and B2 industrial units (scheme 3) (14 units). (Refuse 06/03/2018)

**18/P/01775** - Variation of condition 5 of 06/P/00548, approved 25/04/2006, to change the approved opening hours of the live/work unit (Block 2). (Approve 08/11/2018)

**19/P/01223** - Change of use of land from agricultural to ancillary car parking, laying of hardstanding to provide 20 car parking spaces and landscape improvement works. (Refuse 05/09/2019)

**19/P/01282** - Variation of condition 5 (hours of work) of planning permission 06/P/00548 approved on 25/04/2006, to ensure that the hours of work refer to the whole site and not to one specific unit, and condition 16 (approved plans) to allow the installation of dormer windows on Block 2, Block 3 and Block 4 (amended plan received 14 October 2019). (Approve 05/12/2019). (Appeal Allowed 03/06/2020)

**19/P/02011** - Change of use of land from agricultural to ancillary car parking, laying of hardstanding to provide 21 car parking spaces and landscape improvement works. (Refuse 16/01/2020)

**21/P/02588** - Variation of condition 5 re application 06/P/00548: The use hereby permitted shall not operate other than between the hours of 7:30am-8pm Mondays to Fridays (inclusive) and 8am-5pm Saturdays, and 9am - 5pm on Sundays and Bank or National Holidays. Deliveries in association with the permitted office and live/work use shall not operate other than between the hours of 8am-5.30pm Mondays to Fridays and 8am-5pm Saturdays and 9am - 5pm on Sundays and Bank or National Holidays. (Approve 05/10/2022)

**21/P02590 (Unit 4B, Burrows Lane)**: - Change of use of part of building (Use Class E) to two residential units (C3), minor fenestration changes and associated external alterations. (Withdrawn 26/10/2022)

#### **Consultations:**

##### Statutory Consultees

Surrey County Council Highways: No objection subject to conditions.

AONB Officer: No objection subject to conditions

Shere Parish Council: Objection due to overdevelopment, inappropriate mix of office / residential and the detrimental effect on neighbours

Thames Water: No comment received

Environmental Health Officer: No comment received

Planning Policy: Advise that the marketing undertaken does not reflect the requirements of development plan policy. [Officer comment: further information has been submitted which is discussed below.]

Third party comments:

21 letters of objection have been received; key issues raised are as follows:

- Inadequate car parking
- Inadequate space for manoeuvring of cars and delivery vehicles
- Traffic congestion
- Risk to highway safety
- Previous refusal for residential on site
- Over-development
- Harm to AONB
- Light pollution
- Unsustainable location
- Fencing over existing pedestrian access disappeared when Kings Court was built but is now proposed to be reinstated
- Set a precedence [Officer comment: each application is assessed on its own merits]
- Changing hours of operation impacts the access to the gate which can impact local residents
- Harm to the character of the area
- Increase of cyclists in the area
- GBC restricted the site to commercial only
- Noise and disturbance from occupants
- Conflicts between residents and office workers
- Query whether change of use is lawful as Unit 3C must have been in continuous business use for 2 years prior [Officer comment: This requirement relates to prior notification applications for permitted development]
- Lower quality accommodation
- Breach of a covenant [Officer comment: this is a civil matter]
- quality of private amenity space and living accommodation
- Maintenance difficulties with neighbouring properties

## Agenda item number: 6(2)

- Use for short-term/holiday lets [Officer comment: this is managed under separate legislation]
- Impact on residential amenity of Meadowside
- Inaccurate ownership plans [officer comment: the applicant has provided evidence in the application form that they have served notice on those with an interest in the land]

1 letter of support has been received; key items raised are as follows:

- Working from home considered well
- Flats could be occupied by workers at King's Court
- Reduced parking burden with no more than 2 spaces per flat
- Alternative to proposals is for a coffee roasting house which could create noise/air pollution, so this is preferable

### **Planning policies.**

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

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 5: Delivering a sufficient supply of homes.

Chapter 6: Building a strong, competitive economy

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places.

Chapter 13: Protecting Green Belt Land

Chapter 15: Conserving and enhancing the natural environment

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

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

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as being 6.46 years based on most recent evidence as reflected in the GBC LAA (2022). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2021 measurement is 144%. For the purposes of NPPF footnote 8, this is therefore greater than the threshold set out in paragraph 222 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

S1: Presumption in favour of sustainable development

H1: Homes for all

P1: Surrey Hills AONB and AGLV

P2: Green Belt

E1: Meeting Employment Needs

E3: Maintaining employment capacity and improving employment floorspace

D1: Place shaping

ID1: Infrastructure and delivery

ID3: Sustainable transport for new developments

ID4: Green and blue infrastructure



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

G1 General Standards of Development

G5 Design Code

H7 Conversions

Guildford Borough Council: Development Management Policies (LPDMP) June 2022

The LPDMP can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies/parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

Policy P6/P7: Biodiversity in New Developments

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity space

Policy D12: Sustainable and Low Impact Development

Policy D13: Climate Change Adaptation

Policy D14: Carbon Emissions from Buildings

Policy ID11: Parking Standards

Supplementary planning documents:

National:

National Design Guide (2021)

Local:

Residential Design Guide (2004)

Vehicle Parking Standards (2006)

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

**Planning considerations.**

The main planning considerations in this case are:

- The principle of development and impact on the Green Belt
- Loss of employment
- Impact on the character and appearance of the area
- Living environment
- The impact on neighbouring amenity
- Highway/parking considerations
- Sustainability

### The Principle of Development and Impact on the Green Belt

The site is located within the Green Belt, outside of any settlement area. Policy P2 of the Local Plan enacts national planning policy as set out within the NPPF. The NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. This planning application does not seek to provide additional footprint to the Green Belt, rather it seeks a change of use from employment use to residential use. Paragraph 150 of the NPPF (2021) states that re-use of buildings, provided these are of a permanent construction, is not considered inappropriate development so long as they preserve openness and do not conflict with the purposes of including land within the Green Belt.

With regards to openness, the impact of the proposed development is not considered to be significant. The only external alteration to the existing external appearance of the buildings is an extension to an existing dormer to provide a balcony. The balcony will be inset within the existing roof space and will not result in a substantially different appearance, in relation to scale and bulk, to the outside of the building. It will be seen within the context of the existing roofscape. New boundary treatment will also be introduced to create garden space; however, the design of this can be secured by condition to ensure the proposed is not significant.

Further, given the proposed use, it is considered the proposed development would result in a de-intensification of use of the site, as such, reducing potential comings and goings.

Therefore, it is considered that as a result of the proposed development, the openness of the Green Belt will not be materially affected. The principle of the proposed development in the Green Belt is considered acceptable.

### Loss of Employment

Policy E3 of the LPSS restricts the loss of employment floorspace across the Borough. In the case of this site, the site is located outside of any designated employment site and as such paragraph 12 of Policy E3 is relevant here. This states that *'redevelopment or change of use to housing use will be acceptable if evidence is provided of active and comprehensive marketing of the site for at least 12 months prior to submission of a planning application'*.

Policy E3(paragraph 14) goes on to state that *'redevelopment or change of use to a non-employment use will only be acceptable where the land or premises are unsuitably located in terms of its impact on the environment, levels of traffic movement, its accessibility to public transport and its link with infrastructure, and its impact on the amenity of the area of adjoining occupiers.'*

The supporting text to the policy confirms that a flexible approach will be applied to change of use in locations outside town centres and the boroughs key employment sites.

As noted above, planning approval is extant for the buildings to be in use as offices. A marketing statement has been provided as part of this application. Following concerns raised by the Policy Officer, further additional marketing information and clarification has also been provided by the applicant. Policy E3 of the LPSS and the accompanying Appendix 4 detail the appropriate level of information required to be submitted for active marketing information. The following sets out an assessment of the submitted marketing statement and additional information against the requirements of Appendix 4 (of the LPSS) which states that 'evidence of active marketing is to include all of the following':

**a) contact information posted in a prominent location on site in the form of an advertising board (subject to advertising consent, if required)**

A photo of contact information and "for sale" sign to the front of the site has been provided.

**b) registration of the property with at least one commercial property agent**

The marketing statement demonstrates screenshots of the development site have been on several websites, including Hurst Warne, Zoopla, Novaloca and Estate Agents Clearing House.

Rightmove, Zoopla, On The Market and Prime Location still show the development listed for sale.

The applicant has confirmed the list of agents and their appointments, in chronological order, as follows:

Owen Shipp – appointed 8 March 2018 and letter ceasing their appointment on 1<sup>st</sup> September 2020, the leads summary from Owen Shipp and the Facebook leads generated have also been provided. During their time appointed Owen Shipp managed to introduce the buyers of units 1 and 4C – in total Owen Shipp were appointed for 2 years and 6 months for these 2 sales.

Kingstons – who are a partner company with Owen Shipp – were also appointed on a joint basis towards the end of 2019 but they were basically inactive for the two months of involvement and so we parted company pretty quickly

Hurst Warne – appointed 25 September 2020 and ceased 24 May 2022 and so were appointed for a period of 1 year and 8 months. During this period they introduced the buyers of units 2, 3B and 4C and these all completed in early spring 2021.

Chesworths were appointed in August 2021 and ceased in March 2022 but failed to get any viewings

Keller Williams Appointed March 2022 – Details of listings included with the submission. They are still currently appointed as agents but they haven't generated any viewings for a few months now.

Gascoignes – appointed April 2021 and ceased at the end of June 2021 with little improvement

Robinsons – appointed in August 2022, they have had a few viewings but there has been no real interest generated and no second viewings

So, in total, the applicant has been marketing with 7 different agencies over a continuous period of 4 and a half years since March 2018

**c) full property details and particulars available to inquirers on request**

The photos of the site online do include internal photos of the building finished, but unfitted. Full property details could also be followed up on request. Pictures of the sales brochure for the site have also been provided which includes internal photos for some of the fitted out units.

**d) property marketed for its current or last use**

The property has been / is being marketed as office / commercial space.

**e) property marketed at a reasonable price and terms, including in relation to use, condition, quality and location of floorspace**

The sold prices (see below) show the prices of units within the site and the prices these were sold at.

Unit 4a Kings Court	£414,000
Unit 3b Kings Court	£517,080
Unit 4c Kings Court	£341,900
Unit 1 Kings Court	£159,600
Unit 2 Kings Court	£170,100

4B is available for purchase at a price of £625,000; 4A and 4C were sold for £414,000 and £341,000 respectively. The floor space in site 4B is double the size of 4C. As 3C is larger in scale, a pricing point of £535,000 is unlikely to be considered unreasonable (based on previously sold prices). The submitted information also demonstrates that the unit has also been marketed for rent without success.

**f) no covenant or any other form of tie restricting the future use or operation of the property or land**

There is no covenant for the site. The site is restricted by condition on the working hours, although a planning application to vary this condition to allow for longer working hours during the week and to include Saturdays was approved in October 2022. This application also sought to extend the working hours to include Sundays, however this part of the proposal was not agreed.

In addition, Appendix 4 of the LPSS states that evidence should also be submitted regarding:

**a) the history of marketing, agent(s) and media used (press articles and advertisements);**

History of marketing, agents and media used have been provided on the marketing statement with screenshots and web links.

**b) interest in the site/premises including**

- the number and details of enquiries received, the number, type, proposed uses and value of offers received;**
- reasons for refusal of any offer received, and reasons why any offers fell through;**
- the asking price or rent at which the site or property has been offered, including a professional valuation from at least three independent agents to confirm that this is reasonable and competitive (including the offer of renewal of lease to existing tenants at a reasonable market rate);**

The marketing statement explains that 20 different viewing parties have attended the site with no successful offers coming through.

Reasons for this have included a limited market, lack of local demand, isolated micro-location, overspill car parking, Covid-19, bank lending reduced and out of hours trading on the site.

No information from separate independent valuers has been submitted to confirm the price is reasonable and competitive. The pricing point for the unit is £535,000. As noted above, when compared with the sold prices for other units within the development, as 3C is larger in scale, a pricing point of £535,000 is unlikely to be considered unreasonable (based on previously sold prices).

**c) flexibility in space offered, including dividing up large areas of floorspace where this is possible and practical and alternative layouts; and**

The offices are small. The website postings include mention of the option of the unit being combined with the adjacent unit to provide a larger unit.

**d) the reasons for prospective tenants not taking up space and how these problems have been addressed;**

The submitted information demonstrates there has been flexibility in the marketing of the site, including providing the option of sale or rent, combining the unit with the adjacent unit to increase its size and offering the unit for sale unfitted or fitted out with fixtures and fittings, as well as attempts made by the various agents to attract buyers / tenants.

**e) alternative marketing strategies, including management of the space by specialist third party providers.**

Leaflet drops, websites e.g. Facebook and banners have been used to promote the sale of the site. The marketing of the site for rent has also been carried out.

**f) the length of marketing period (at least 12 months continuous marketing), including dates; and**

From the submitted marketing report and additional information provided by the applicant, Officer are satisfied that the site has been marketed for at least 12 months.

**g) the length of the vacancy period.**

The site is a new build and based on officer site visits and confirmation from the applicant has been fully built and subsequently vacant for approximately 2 years.

The applicant has submitted supporting comments which seeks to address this policy requirement. These are summarised as follows:

- These un-utilized commercial units were consented and built in a world quite different from the world of today; business has changed, working from home is of very high prevalence, the internet has facilitated high quality home working. The worldwide pandemic and more recent Cost of Living Crisis, interest rate hikes and the like have resulted in an environment whereby businesses are not investing in property and they are not looking for long term rental commitments.
- These units were completed 2 years ago; they have been on the market for 4 years but there has been next to no interest for sale or rent.
- The last open market sale on the site was over 18 months ago.
- Several different commercial agents have been appointed to market Kings Court.
- An opportunity for cycle retail units was prevented by the rejection of the planning application 21/P/02588 which sought Sunday working hours to facilitate such a commercial use.
- The units have been built with an extremely high level of insulation which will provide very low levels of energy use.
- Parking and vehicle movements will be significantly reduced if the use is changed to residential and which, in turn, will benefit the AONB.
- Amenity space provided, combined with excellent and accessible countryside will give an excellent quality of living to the inhabitants whilst not compromising any commercial activities.

## Agenda item number: 6(2)

- The locale has a void in smaller and available dwellings and so these units will provide a valuable contribution to the diversity of dwelling as well as adding to GBC housing.
- The site already has one Live/Work unit on site and these units provide further accommodation for home working in a modern environment
- The site is surrounded by residential units and has one residential unit incorporated and therefore these changes will not be out of character and will not compromise the balance of the neighbourhood.

In summary, whilst no separate valuation from independent estate agents has been provided, taking into account the length of marketing that has been carried out for the unit subject of this application, together with the additional supporting information set out above, it is considered that the submitted information satisfactorily addresses the requirements of Policy E3 in this instance and the application is deemed to be compliant with the aims of the NPPF.

### Impact to character and appearance of the area

Policy D1 of the LPSS requires (1) all new development to achieve high quality design that responds to distinctive local character of the area in which its set. Section (4) requires all new development to be designed to reflect distinct local character of the area and to respond to and reinforce locally distinct patterns of development, including landscape setting. Policy G5 of the Saved Local Plan sets out criteria to ensure new development is in keeping with the surrounding area.

The site is located within the Surrey Hills AONB, as such policy P1 of the Local Plan is relevant. Policy P1 outlines that great weight will be given to the conservation and enhancement of the natural beauty of the AONB and development proposals must have regard to protecting its setting.

The application proposes internal alterations to the office space, to create a first and ground floor flat, entered from the front elevation. The existing windows and door appear as residential so this would not alter, ensuring the building remains in keeping with the locality. A boundary treatment would be set to the rear most part of the side elevation of the building, serving as a small private amenity area for the ground floor flat. A new side door is proposed to provide direct access to the amenity space. The submitted plans indicate that the proposed boundary treatment will be picket fencing, however, it is considered details of this could be secured via condition. The fence would be set behind the car parking spaces and would remain, subject to appropriate conditions, as in keeping with the locality and not materially harmful to the character of the area.

As existing, the dormer to the front elevation is a small addition to the roof and balances well with the two dormers to the northern front elevation of the building. The proposal incorporates a small increase in the width of this dormer window and the cutting away of a small section of the existing roof slope in front of the dormer window, in order to provide a balcony / amenity area for the first floor flat. Access to the balcony would be via glazed doors set back within the roof slope. Balustrading is proposed to be glazed, giving it a modern and lightweight appearance that would appear sympathetic to facing elevations of the existing building. Details of the materials for the proposed balustrade can be secured by condition to ensure they are in keeping.

The proposed changes to the dormer window would be modest and this feature would remain in keeping with the scale, proportions and character of the existing building. There would be no increase in the height of the dormer window which would remain as existing, set down significantly from the ridge of the building.

The AONB officer has been consulted on the proposals and raises no objection to the proposed development.

As a result, it is concluded that the proposed alterations to the building would not adversely impact on its character or that of the wider surroundings, including the landscape character of the AONB. The proposal therefore accords with Policies D1 and P1 of the LPSS.

### Living environment

#### *Space Standards*

Policy H1(3) 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 creation of two, 1-bed apartments. The internal floor area of both apartments exceeds the minimum requirement for such a dwelling set out in the nationally described space standards. The space standards set out further requirements in terms of bedroom sizes and dimensions and it is found that the proposed dwellings also meet with these requirements.

The application proposes a very small outdoor private amenity area to the ground floor flat. It is recognised that this amenity space will be very small and set adjacent to parking spaces and overshadowed by the adjacent buildings. However, given that the internal accommodation is reasonably spacious for a 1 bedroom flat and the rural location of the site, in close proximity to nearby countryside and public footpaths, this level of outdoor amenity space is considered acceptable in this instance.

The balcony associated with the first-floor unit will have a more satisfactory outlook, and whilst a garden would be preferable in this location, for the reasons set out above, is also considered acceptable in this instance.

#### *Noise*

While noting local plan policy requirements, given the adoption of the plan in 2018, the national planning policy position in the NPPF is key and the significant material consideration. Paragraph 187 of the NPPF 2021 requires that 'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

The Agent of Change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. Local Planning Authorities should ensure that planning decisions reflect the Agent of Change principle and take account of existing noise-generating uses in a sensitive manner when new development, particularly residential, is proposed nearby. That being said office uses should be broadly compatible in most situations with preserving the amenities of residential development.

The application site has commercial use as existing, with Block 2 utilised as a live-work unit. A variation condition planning application was recently submitted to the council (21/P/02588), which sought an extension to opening hours of the B1 office units. This application was approved in October 2022. Even with the extended working hours approved under this recent application, the times would not be considered to materially harm the amenities of the residential flats. Suitable noise insulation can be added to appropriately mitigate any harm by way of noise. Notably the habitable rooms are predominately located away from the neighbouring office units.

### *Outlook*

The flats would be located to the southern part of Block 3. The windows to the habitable rooms at first floor would provide sufficient natural daylight and outlook.

The windows to the ground floor flat to the rear elevation, serving the en-suite, bedroom and secondary window of the living room would not have a positive outlook, with the view out to a close board fence. However, it is only the bedroom that would be a habitable room with a primary window that would have this outlook. Whilst this is not considered a good level of outlook, it is not considered so harmful as to materially harm the living conditions for future residents. The study will not have any windows but is not considered materially harmful.

### The impact on neighbouring amenity

Policy G1(3) of the Saved Local Plan seeks to protect the amenity of occupants of buildings from unneighbourly development in terms of privacy, access to sunlight and daylight, noise, vibration, pollution, dust and smell. Policy H4 states that permission will be granted if development does not have an unacceptable effect on amenity.

Meadowside is a two-storey dwelling located immediately west of the site. Following the receipt of amended plans, no changes are now proposed to the west elevation, which faces onto Meadowside. The relationship between the neighbour and the existing rooflight windows is already accepted. The proposal is not considered to materially alter the residential amenity, or create undue harm by way of overlooking or loss of privacy.

Hill Cottage is set sufficiently far away from the application site to not have any undue harm on their residential amenity.

The location of unit 3C in the centre of the site ensures there would be no significant impacts upon the privacy of neighbouring residential dwellings. Due to the position of Unit 3C and the positioning of the windows and proposed balcony which will face towards an existing parking area, there are also no concerns with regard to the amenities enjoyed by the occupants of the neighbouring commercial units.

The proposal would also not increase the intensity of use and of comings and goings to the site. Therefore, residential amenity of neighbouring units is safeguarded through the proposal and the proposals comply with G1(3) of the Saved Local Plan.

### Highway/parking considerations

The County Highway Authority (CHA) has been consulted on the scheme and has confirmed no objection.



The proposal will utilise the existing access to the site. The CHA has advised that the proposed development is likely to see a decreased level of vehicle movements to/from the site when compared to the existing extant use. Vegetation should be regularly maintained at the site access to ensure maximum visibility splays are achievable at all times. It is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network. The CHA considers that the proposal will not have a material impact on highway safety.

The applicant has confirmed that 2 of the existing spaces serving the office units will be allocated to serve the proposed residential units (1 space per flat). This parking provision accords with the Council's adopted parking standards. It is also noted that the existing use of the building as offices is likely to generate more parking demand than the residential equivalent.

A shared cycle store is proposed within the building at ground floor level which would meet the Council's requirements.

External arrangements are not indicated for refuse collection but given the existing use, details of refuse collection/management could be agreed by condition.

Overall, the highway considerations are considered to be in accordance with Policy ID3 of the LPSS, Policy ID11 of the LPDMP and the National Planning Policy Framework 2021.

### Sustainability

Policy D2 of the LPSS sets out that new development needs to achieve a 20% reduction in carbon emissions through the use of renewable energy.

The proposal is for the change of use of an existing building. As the existing built form is redeveloped except that to provide the internal alterations and roof dormers, the disposal of waste materials is minimised. Sustainable lifestyles have been considered within this proposal with the inclusion of EV charging points and cycle spaces to encourage sustainable transport for a low carbon economy as well as waste storage which includes recycling bins. It is considered reasonable to apply the water efficiency condition to ensure the development achieves the higher standard of water efficiency.

Overall, the development is considered in accordance with the aims of D2, which seeks to minimise waste and include the provision of a low carbon economy.

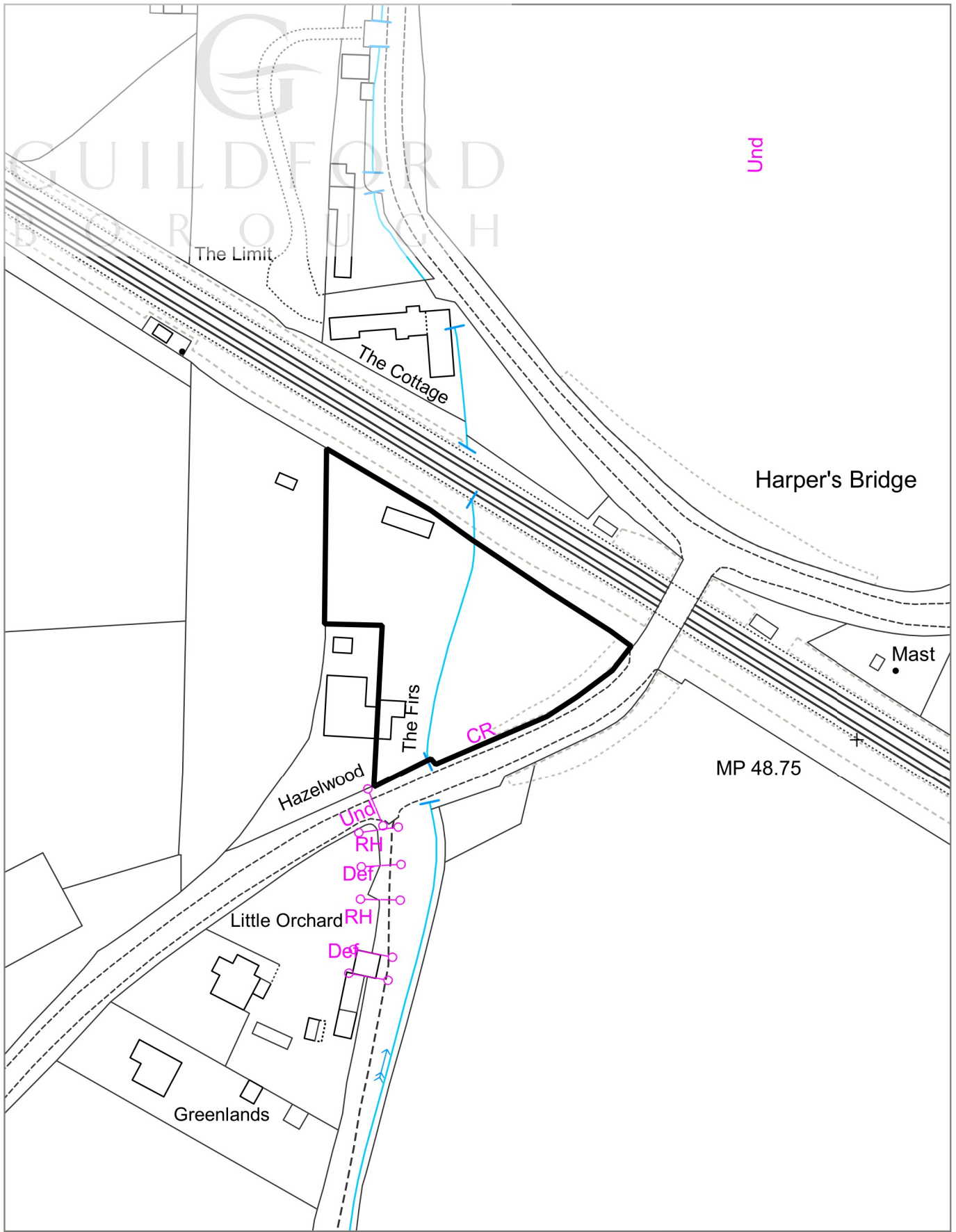
### **Conclusion**

The proposed development will result in the conversion of an existing office unit to residential use. It is concluded that the proposed development will not constitute inappropriate development within the Green Belt and will not have a greater impact on the openness of the Green Belt compared to the existing use. The proposal would deliver a net increase of two x 1 bedroom dwellings in a sustainable location and the proposed loss of the employment unit on the site has been sufficiently justified.

The development would not harmfully affect the character or the appearance of the site or surrounding area, would not materially impact on the residential amenities currently enjoyed by the occupants of the surrounding properties and the development would not give rise to conditions prejudicial to highway safety. It is therefore concluded that planning permission should be granted subject to conditions.

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# 22/P/00367 - The Firs, Ash Green Road, Ash, Guildford



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Print Date: 13/02/2023



Page 91 Not to Scale



**22/P/00367 – The Firs, Ash Green Road, Ash, Guildford**



**App No:** 22/P/00367 **8 Wk Deadline:** 19/05/2022  
**Appn Type:** Full Application  
**Case Officer:** Jo Trask  
**Parish:** Ash **Ward:** Ash South & Tongham  
**Agent :** Mr Edwards **Applicant:** The Occupier/Owner  
Martin Edwards Architects  
2b The Hangar  
Perseverance Works  
38 Kingsland Road  
London  
E2 8DD

**Location:** The Firs, Ash Green Road, Ash, Guildford, GU12 6JJ  
**Proposal:** Residential development of 7 houses and associated bicycle and garden stores and associated landscaping and extensions and alterations to The Firs (existing dwelling).

### **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**

7 x 2 bed dwellings arranged as one terrace of 3 and two pairs of semi detached dwellings  
Single and two storey extension to existing dwelling known as The Firs

Max building height 7.9m to ridge

13 Car parking spaces

16 secure cycle parking spaces

Communal bin store

15m buffer to Ancient Woodland

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

The proposal following the adoption of the Local Plan LPSS falls within the Ash Urban Area, where the principal of residential development is acceptable subject to complying with the relevant policies.

To the west of the site is Ancient Woodland.

The site lies within 400m to 5km of the Thames Basin Heaths Special Protection Area (TBHSPA).

The proposal would extend the existing dwelling at single and two storey height, resulting in a better balancing of the existing semi detached pair. The proposal also includes the erection of 7 two bedroom dwellings, located towards the rear boundary of the site. Vehicular access for the existing and new dwellings will be via a newly created access to the east of the existing drive.

The proposal would result in a satisfactory designed development, meeting Nationally Described Space Standards. Each dwelling would be afforded private amenity space. Measures are proposed to mitigate noise from the adjacent railway line.

The proposal would result in an attractive form of development which would not give rise to any harm to the surrounding character of the area, would create a good quality living environment and would contribute 7 dwellings towards meeting the Councils housing need.

Subject to securing appropriate mitigation for the identified harm to the TBHSPA and conditions as set out in committee report the proposed development is recommended for approval.

**RECOMMENDATION:**

**Subject to a Section 106 Agreement securing SANG and SAMM the decision is to:**

**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: 7005 REV P3 Site Plan Levels, PA05 REV P2 Existing Cross Section AA BB CC, PA06 REV P2 Proposed Cross Section AA BB CC, PA07 REV P2 Proposed floor plan 2 bed house, PA\_08 REV P2 proposed 2 bed cross section, PA09 REV P2 Proposed elevations 3 No. 2 bed house, PA10 REV P2 Proposed elevations 4 No. 2 bed house, PA11 REV P2 Proposed rear elevation 2 bed house, and PA15 REV P2 3 bed car port proposed elevations received on 25 February 2022, PA22 REV P2 Existing Roof Plan 3 bed house received 21 March 2022, PA21 REV P2 Existing floor plans 3 bed house received 22 March 2022, PA00 REV P3 Site Location Plan, PA01 REV P3 Existing site plan, PA02 REV P3 Proposed site plan, and PA20 REV P2 Existing elevations 3 bed house received on 23 March 2022, PA 17 REV P3 Proposed elevations 3 bed house, PA18 REV P3 Proposed floor plans 3 bed house and PA19 REV P3 Proposed roof plan 3 bed house received on 15 November 2022, PA\_03 REV P3 Site/Block Plan, PA\_04 REV P3 Site/Block Plan 2 and PA\_16 REV P3 communal bin store received on 22 December 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 development hereby approved shall not be first occupied unless and until the proposed vehicular access to Ash Green Road has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. H-01 Rev P3, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and are in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2021.

4. 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. PA\_02 Rev P3, 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.

5. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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

6. The development hereby approved shall not be occupied unless and until each of the proposed dwellings and at least 1 of the visitor parking bays are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

7. No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) measures to prevent the deposit of materials on the highway
  - (e) on-site turning for construction vehicles

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

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

8. No development shall commence until an Arboricultural Method Statement (AMS) (detailing all aspects of construction and staging works) and a Tree Protection Plan (TPP), all in accordance with British Standard 5837:2012, 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 purpose of the development until tree protection measures and any other pre commencement measures as set out in the AMS and TPP, have been installed/implemented.

The protection measure 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 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

9. 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. This pre commencement condition goes to the heart of the planning permission.



10. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 l/s for the whole site.
  - c) Details of the condition of the receiving watercourse.
  - d) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
  - e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
  - f) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - g) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site. This pre commencement condition goes to the heart of the planning permission.

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

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

12. No development above slab level shall take place 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 buildings are satisfactory.

13. No development shall take place until full details, of both hard and soft landscape proposals, for the development as a whole including the Ancient woodland buffer zone and its enclosure, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

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

15. The development shall be carried out in accordance with the mitigation measures set out in the Noise and Vibration Assessment Report 20/0320/R1 by Cole Jarman.

Reason: To protect the residential amenity of the occupants of the development.

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

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

17. Immediately prior to works commencing a survey of the site by an appropriately qualified and experienced ecologist should be undertaken within the proposed development boundary and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected a suitable course of action shall be submitted to and approved in writing. The development shall then be carried out in accordance with the approved details.

During construction activities on site regard must be given to the potential presence of terrestrial mammals to ensure that these species do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any animals that may fall in.

If badger activity is detected, works should cease and advice from a suitably experienced ecologist sought to prevent harm to this species.

If any close-boarded fencing is to be used at the site, we recommend that holes are included in the base of 20cmx20cm to allow badgers to move freely through the site.

Reason: To prevent harm to a protected species. This pre commencement condition goes to the heart of the planning permission.

18. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the Updated Preliminary Ecological Appraisal dated February 2022.

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

19. Biodiversity Enhancement and Management Plan (BEMP)  
No development shall take place until a Biodiversity Enhancement and Management Plan (BEMP), as recommended in Paragraph 7.2 of the Updated Preliminary Ecological Appraisal, detailing the management measures required to deliver a biodiversity net gain for the development shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

The BEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the above referenced report and should include, but not be limited to following:

a) Description and evaluation of existing and newly created features to be managed including but not limited to:

i. Newly planted habitats which will be of value to wildlife, such as native seed/fruit bearing and nectar-rich species; wild flower grassland margins to attract butterfly and moth species such as the small heath butterfly; and species which attract night flying insects

ii. Inclusion of hedgehog passes and houses

iii. Provision of nesting/roosting habitat for bird and bat species

b) Ecological trends and constraints on site that might influence management

c) Aims and objectives of management

d) Appropriate management options for achieving aims and objectives

e) Prescriptions for management actions, together with a plan of management compartments

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)

- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

20. Prior to construction above slab level a Sensitive Lighting Plan shall be submitted to and approved in writing by the LPA. The lighting plan shall be informed by the recommendations 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. The development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of habitat and a protected species.

21. Prior to commencement of development a detailed reptile mitigation strategy be submitted to and approved in writing by the LPA prior to commencement. The strategy will need to be prepared by a suitably qualified ecologist and appropriate to the local context. The reptile mitigation strategy should include, but not be limited to the following:
- a) Location and map of the proposed translocation site
  - b) Assessment of the habitats present, including their ecological function to reptiles
  - c) Analysis of reptile carrying capacity of translocation site
  - d) Details of management measures that are required
  - e) Work schedule (including an annual work plan capable of being rolled forward over a five-year period)
  - f) Details of the body or organisation responsible for implementation of the reptile mitigation strategy
  - g) Ongoing monitoring and remedial measures
  - h) Legal and funding mechanisms by which the long-term implementation of the reptile mitigation strategy will be secured by the applicant with the management body(ies) responsible for its delivery.
  - i) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme

Reason: To mitigate against the loss of existing biodiversity, protected species and nature habitats. This pre commencement condition goes to the heart of the planning permission.

22. Construction Environmental Management Plan (CEMP). Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details .  
The CEMP should include, but not be limited to:
- a) Map showing the location of all of the ecological features
  - b) Risk assessment of the potentially damaging construction activities
  - c) Practical measures to avoid and reduce impacts during construction including pollution protection measures
  - d) Location and timing of works to avoid harm to biodiversity features
  - e) Responsible persons and lines of communication
  - f) Use of protected fences, exclusion barriers and warning signs.

#### Badgers

During construction activities on site regard must be given to the potential presence of terrestrial mammals to ensure that these species do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any animals that may fall in.

If badger activity is detected, works should cease and advice from a suitably experienced ecologist sought to prevent harm to this species.

If any close-boarded fencing is to be used at the site, we recommend that holes are included in the base of 20cmx20cm to allow badgers to move freely through the site.

Reason: To mitigate against ecological harm resulting from construction activities. This pre commencement condition goes to the heart of the planning permission.

#### Informatives:

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

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

A previous application was submitted this application seeks to address the concerns raised at that point in time. The application has been submitted in accordance with that advice and no further issues have arisen.

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)

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

The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated

highway 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 (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see

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

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

[www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment – this will be at the applicant's own cost.

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.

The developer is advised that Public Byway Number 521 is located opposite the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation

4. The developers attention is drawn to the letter from Network Rail advising of the need to engage with Network Rail's Asset Protection and Optimisation (ASPRO) team prior to commencement of development and the list of informatives attached to that letter.
5. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.
6. The developer is advised that they are required to obtain a Bat Mitigation Licence from Natural England following receipt of planning permission and prior to any works which may affect bats commencing.
7. To prevent its spread the Rhododendrum ponticum on-site should be eradicated using qualified and experienced contractors and disposed of in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991. Further information on this species can be obtained from the GB Non-native Species Secretariat at 'www.nonnativespecies.org'

### **Officer's Report**

#### **Site description.**

The site comprises a two storey semi detached house with a small redundant stable building to the rear, greenhouse to rear. The existing dwellinghouse has been previously extended, whilst remaining the smaller side of the semi-detached. The site is roughly triangular in shape, bounded to the north and east by the North Downs railway line and to the south by Ash Green Road. The site wraps around the rear of the neighbouring property Hazelwood. Following the adoption of the Local Plan: Strategy and Sites 2019 the site is now within the urban area, the boundary to which runs along the south-eastern site edge to Ash Green Road.

The site is semi rural in character. A number of trees define the boundary to the railway line (Ascot to Guildford line), with hedging to the southern boundary interspersed with trees fronting Ash Green Road.

The site is relatively flat and informally divided by a stream running north south through the site bounded by hedging. The southern section of the stream is culverted running under Ash Green Road, with the northern part of the stream culverted as it meets the railway embankment to the north of the site. Existing fencing partitions the residential garden and stable/paddock area.

Ancient woodland is located directly to the west of the site. Ash Green Road rises to the south east up towards the bridge. To the south/southeast boundary of the site is countryside.

The site is within 400m- 5km of the Thames Basin Heaths SPA.

Further to the west lies land allocated for housing under policy A31: Land to the south and east of Ash and Tongham, the application site does not form part of the allocated site and is separated from it by a copse of Ancient Woodland.

The site is located within Flood zone 1. A proportion of the site to the east is identified as 1:30 yr and 1:100 yr surface water risk of flooding.

**Proposal.**

Residential development of 7 houses and associated bicycle and garden stores and associated landscaping and extensions and alterations to The Firs (an existing dwelling) to create a 3 bed dwelling.

Total units

1 x 3 bed (existing)

7 x 2 bed (proposed)

Two storey height

Parking 13 car parking spaces

Cycle parking 16 spaces

Amended plans have been received reducing the width of the proposed rear extension to The Firs, to ensure that it is fully within the applicants ownership and further amended plans relocating the position of the doors to the communal bin store to address cleansing officers comments.

**Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
21/P/00918	Erection of eight new houses and a replacement house with carport's and ancillary residential workspaces	Withdrawn 05/08/2021	N/A

**Consultations.**

Statutory consultees

County Highway Authority: The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds recommends conditions regarding the following: visibility zones, parking and turning of vehicles, secure covered cycle parking and e bike charging, electric vehicle charging, and a Construction Transport Management Plan.

Surrey Lead Local Flood Authority: The application lies outside the LLFA Statutory Duty requirements and their comments are advisory. However the LLFA have reviewed the submitted Flood Risk Drainage Strategy, Campbell Reith Hill LLP, February 202, Revision P3 document reference: 13654-CRH-ZZ-XX- RP-C-0001 (The Firs) - Planning P3.doc and made advisory comments regarding the management of the surface water discharge. The applicant has responded and provided a Communication letter from Campbell Reith Hill LLP, 14/12/2022 and a Drainage Strategy (Annotated), Campbell Reith Consulting Engineers, Feb 2022, Drawing no 7004 revision 4. The surface water flood risk to and from the site has been considered and appropriate mitigation measures proposed. No objection subject to suitably worded conditions regarding the submission of a detailed design of a surface water drainage scheme and verification report.



Thames Water: Surface Water Drainage - subject to the sequential approach being followed to the disposal of surface water no objection is raised. Where discharge to a public sewer is proposed prior approval from Thames Water Developer Services will be required. There are public sewers crossing or close to the development - advise reading Thames Water guide working near or diverting pipes. No objection with regard to Waste Water Network and Sewage Treatment Works infrastructure capacity.

Network Rail: Due to the proximity to Network Rail's land and the operational railway, request the developer engages with Network Rail's Asset Protection and Optimisation (ASPRO) Team prior to commencement of any works. Contact details are available in the correspondence received.

Surrey Wildlife Trust: requested a Barn Owl survey and further bat information. Following these comments a Barn Owl Survey report and Bat Emergence and Re-entry Surveys have been provided for the proposed development site. The applicant is advised that a Bat Mitigation Licence is required. Surrey Wildlife Trust recommend conditions for mitigation and protection of habitat and species.

The Environment Agency: have advised that this is not an application they wish to comment on.

#### Internal consultees

Tree officer: Proposed buffer to the ancient woodland is sufficient. No objection subject to a suitably worded condition to secure Arboricultural Method Statement and Tree Protection Plan.

Environmental Health officer: Examined the location and noted the proximity to the railway. No objection subject to condition/s to secure the mitigation measures for noise control set out in the noise report by Cole Jarman Associates.

Cleansing: The revised location of the door to the bin store strikes a balance between the operatives convenience and the convenience of the resident users. Satisfied that the communal store is large enough to accommodate the required bin storage and any expansion required in the upcoming Environment Act 2021. No objection.

#### Parish Council

Ash Parish Council object on the following grounds:

- out of character
- overdevelopment
- flooding and proximity to stream
- lack of parking
- proximity to railway line posing environmental issues - (officer note - Environmental Health are satisfied subject to condition to secure the proposed noise mitigation measures)
- proximity to Ancient woodland (officer note: the development observes the 15m buffer, the tree officer has no concerns)
- cumulative impact on local amenities and lack of infrastructure
- Thames Basin Heath SPA - (officer note: a s106 is required to secure mitigation in accordance with the Strategy)
- impact on wildlife
- emergency and refuse vehicle access
- cumulative impact on traffic

**Third party comments:**

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

- not allocated for housing in the local plan, outside of Policy A31
- housing not required
- loss of privacy
- loss of light
- land ownership issue - officer note the applicant has signed certificate A that the site is in their ownership. Any land ownership dispute is a civil matter.
- chimney and fire place contradicts the Green intent
- questions on sustainable energy measures (officer note: the application is required to comply with Policy D2 and the supporting SPD)
- highway safety concerns
- lack of parking
- Electric Vehicle charging points
- lack of infrastructure
- out of character
- over development
- out of scale
- noise and disturbance
- impact on wildlife
- proximity to ancient woodland
- within SPA buffer zone
- bat survey required (officer note: a bat survey has been provided and Surrey Wildlife Trust have no objection subject to conditions)

Following receipt of amended plans:

Four letters of representation raising the following concerns:

- original objection still stands
- extension to The Firs not subordinate
- over development of the plot
- highway safety concerns
- access
- loss of open space
- loss of neighbour amenity
- flooding
- lack of parking
- impact on bats/wildlife
- proximity to ancient woodland (officer note: a 15m buffer is shown between the woodland and the curtilages of the proposed dwellings.)
- cumulative affect of development

In total 23 letters of neighbour representation have been received.

## **Planning policies.**

### National Planning Policy Framework (NPPF):

Chapter 5: Delivering a sufficient supply of homes  
Chapter 12: Achieving well designed spaces  
Chapter 15: Conserving and enhancing the natural environment

The National Design Guide (NDG)

### South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

### Guildford Borough Local Plan: Strategy and sites 2015-2034

The Guildford Borough Local Plan: Strategy and Sites (LPSS) was adopted by the Council on 25 April 2019. The Plan is up-to-date and 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).

D1 Place shaping  
D2 Climate Change, Sustainable design, construction and energy  
H1 Homes for all  
ID4 Green and blue infrastructure  
P4 Flooding, flood risk, and groundwater protection zones  
P5 Thames Basin Heaths Special Protection Area  
S1 Presumption in favour of sustainable development

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as being 6.46 years based on most recent evidence as reflected in the GBC LAA (2022). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2021 measurement is 144%. For the purposes of NPPF footnote 8, this is therefore greater than the threshold set out in paragraph 222 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

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

G1 General Standards of Development  
G5 Design Code

### Planning Practice Guidance

### National Design Guide

### Supplementary planning documents:

Climate change, sustainable design, construction and energy SPD 2020  
Vehicle parking standards SPD  
Thames Basin Heaths Special Protection Area Avoidance Strategy SPD  
Planning contributions SPD  
The Guildford Borough Residential Design Guide

## **Emerging Policies**

### **Guildford Borough (Submission) Local Plan: Development Management Policies (June 2022):**

The National Planning Policy Framework provides the following advice at para 48:

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Guildford's Local Plan Development Management Policies (LPDMP) can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies/parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report. Where relevant, the weight for individual policies will be set out in the main body of the report.

Policy H5: Housing Extensions and Alterations including Annexes

Policy P6/P7 : Biodiversity in New Developments

Policy P8/P9: Protecting Important Habitats and Species

Policy P12: Water Quality and Air Quality Management

Policy P13: Sustainable Surface Water Management

Policy D4: Achieving High Quality Design

Policy D5: Protection of Amenity and Amenity Space

Policy D13: Climate Change Adaptation

Policy D14: Carbon Emissions from Buildings

Policy D15: Renewable and Low Carbon Energy Generation and Storage

Policy ID6: Open Space in New Development

Policy ID11: Parking Standards

### **Guildford Borough Council – Draft Parking SPD 2022:**

The Parking SPD contains the numerical parking standards for non-strategic sites, alongside further guidance in relation to the application of the parking standards themselves and design guidance. The numerical parking standards themselves are not dissimilar to those in the SCC vehicular, electric vehicle and cycle parking guidance for new developments but have been bench marked against observed car availability levels across the various geographies of Guildford Borough. The draft Parking SPD has been thorough consultation, and is intended to be adopted at the same time as the LPDMP. As a generality, it is considered that the Parking SPD, which hangs off Policy ID11 (and also Policy ID3 of the LPSS), should be given 'considerable' weight prior to its adoption.

## **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- living environment
- NDSS
- housing mix
- the impact on the character of the area
- the impact on neighbouring amenity
- Sustainability
- highways
- vehicle and parking
- trees
- flooding
- ecology
- biodiversity
- Thames Basin Heath SPA
- legal agreement requirements
- the concerns of consultees

### Principle of development

Following the adoption of the local plan Strategy and sites 2015-2034 the site falls within the Ash Urban area.

Subject to meeting other policy requirements and providing a satisfactory form of development, set out in the report below, no objection is raised to the principle of housing on this site.

### Living environment

Policy D5 of the LDMP relates to the provision of amenity space. It states:

2) All new build residential development proposals, including flatted development, are expected to have direct access to an area of private outdoor amenity space, both private and shared, development proposals are required to:

- a) take into account the orientation of the amenity space in relation to the sun at different times of the year;
- b) address issues of overlooking and enclosure, which may otherwise impact unacceptably on the proposed property and any neighbouring properties;

4) development proposals are required to have regard to relevant national and local design guidance or codes, including in relation to garden sizes and residential building separation distances.

All of the dwellings proposed would have access to private outdoor space.

The development comprises 3 house types. The first is an extension to the existing semi-detach dwelling to provide a 3 bed dwelling. A private garden is provided to the front of the dwelling with additional private amenity space to the side and rear. Two parking spaces serving the dwelling are to be provided via a double carport, located directly beyond the rear garden serving the extended property. 3 staggered visitor spaces are also located adjacent to this rear boundary. Sufficient space exists to enable a planting buffer to ensure no unacceptable harm would arise to the living environment of the future occupants. A proposed landscaped buffer (to be secured by

condition) alongside the stream (running north south) to the east of the dwelling mitigates against any potential noise and disturbance from the proposed access drive which will serve the 7 properties to the rear.

The 3 bed dwelling would be provided with adequate external amenity space.

The second house type is a 2 bedroom dwelling, forming a terrace of three dwellings. These are located to the rear of the existing dwelling and are staggered within the plot orientated towards the entrance of the site. Each dwelling is provided with private amenity space to the rear and a greater amount of private amenity to the front of the dwelling. To the first floor rear of each dwelling an oriel window will serve the bedroom, to be fitted with acoustic vents. No objection is raised from the Environmental Health officer subject to a condition to secure the mitigation measures set out within the accompanying noise report by Cole Jarman Associates. The proposed measures for acoustically enhanced glazing and ventilation are sufficient to protect the residential amenities of the occupants, achieving suitable internal noise levels.

The third dwelling type, comprises 2 bedrooms and is arranged as two pairs of semi-detached dwellings. The dwellings would be provided with private amenity space to the rear and a greater amount of private amenity to the front. Each dwelling would have private external access between the front and rear garden areas. To the first floor rear of each dwelling an oriel window will serve the bedroom, to be fitted with acoustic vents. No objection is raised from the Environmental Health officer subject to a condition to secure the mitigation measures set out within the accompanying noise report by Cole Jarman Associates. These proposed measures are sufficient to protect the residential amenities of the occupants.

Each of the new terrace and semi detached properties are served with a small area of private amenity space directly to the rear. A larger area of private amenity space is provided to the front (southern aspect), terminating in a secure and covered bike store and boundary wall. Located within the boundary wall is a pedestrian gate to provide direct access to the parking area.

Each dwelling will be provided with an allocated parking space and secure cycle parking.

The development would be in close proximity to the railway line. A Noise and Vibration Assessment by Cole Jarman accompanies the application dealing with rail noise. This has been assessed by Environmental Health officers who have advised that the mitigation measures proposed in the noise report are acceptable and recommend these measures be secured by condition.

The layout provides for adequate separation distances between buildings /properties to ensure appropriate privacy, outlook and daylight/sunlight. All units will meet the required Nationally Described Space Standards in terms of internal layout/space (see table below).

The proposed layout would afford each of the dwellings a good quality living environment and private amenity space. As such, the proposed units would be acceptable and the application complies with emerging policy D5.

Nationally Described Space Standards (NDSS)

The application is accompanied with the following matrix, confirming compliance with the NDSS.

House Type	No. bed spaces	GIA (NDSS)	GIA (proposed)	Built in storage (NDSS)	built in storage (proposed)	Compliance
2 bed 2 storey	4p	79sqm	80sqm	2sqm	4.2sqm	Yes
3 bed 2 storey	4p	84sqm	125sqm	2.5sqm	4.7sqm	Yes

The proposed dwellings, including the existing dwelling to be extended exceed the minimum standards set out in the NDSS. The proposed development would provide a good quality living environment.

Housing Mix

Policy H1 of the LPSS states that 'new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location.' The housing need set out in the SHMA is a borough wide need. The proposal would provide seven 2 bed units and one 3 bed unit. The proposal would contribute to meeting the identified housing need in the borough. No objection is raised to the proposal for a net increase of 2 and 3 bed dwellings in this location.

Impact on the character of the area

The importance of design is supported through local and national policy. The National Planning Policy Framework (NPPF) Chapter 12 sets out the requirements for well-designed places. The National Design Guide (NDG) sets out the 10 characteristics of good design. Policy D1 Place Shaping (LPSS) requires all new development to, '...achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set.' Emerging LPDMP policy D4: Achieving High Quality Design and Respecting Local Distinctiveness states that development proposals demonstrate how they achieve the 10 characteristics of well designed spaces and have regard to relevant national and local design codes and incorporate high quality design. The Guildford Residential Borough Design Guide promotes and sets out guidance for high standards of housing design in the Borough. The site lies within the Rural-Urban Fringe Character Area E1: Tongham Rural Urban Fringe.

The proposal comprises 4 semi-detached homes, a short terrace of 3 dwellings and an extension to The Firs cottage. The seven properties comprising two pairs of semi detached properties and one terrace of three properties are proposed to be located to the rear of the site, all to be served by one vehicular access to the east of The Firs. Covered bike/garden stores and a parking fore court would be located to the front of the proposed homes. The dwellings would have a low eaves line and a form intended to reflect the local domestic architecture. A simple palette of materials is proposed, to complement materials seen in the locality. The thresholds between the parking courtyard and private garden areas would be formed by mid height brick walls with a translucent mineral paint finish, clay tile coping and timber gates. The sections of wall would be separated by bike stores, which would be timber clad with standing seam-metal roofs. A communal enclosed bin storage area is located towards the front of the site. A land bridge over

the stream will connect the east and west parts of the site. To the west lies ancient woodland. The submitted layout provides a 15m buffer zone between the woodland and the closest property boundary.

Building heights annotated as 7.9m to top of ridge, would not be harmful to the surrounding scale and character.

The Firs would be renovated and extended. The existing dwelling forms the smaller half of the pair of dwellings, with the neighbouring property Hazelwood having benefited from additions over the years. The proposal seeks to extend the existing property to provide a 3 bed dwelling, through replacing the existing side extension with a part two storey part single storey side/rear extension. The proposed two storey side/rear extension would continue the existing ridge line of the pair of dwellings and would be designed with a gable end roofs to the side and rear. This is in scale and character with the existing development and would attempt to re balance the semi-detached pair of dwellings. Whilst the proposed two storey side extension is not set back from the front building line, the width of the proposed extension allowing for the continuation of the existing ridge line and double valleyed roof provides an attractive design in character with the existing dwelling and not harmful to the scale of the pair of semi-detached properties as a whole. On this basis the design, height and scale of the extension is acceptable and would not give rise to unacceptable harm to the existing dwelling and pair of dwellings. The proposed materials are listed as clay 'arrowhead' profile tiles for the vertical tile hanging to the first floor front and part side elevations and a translucent paint finish to the proposed brick work. It is considered reasonable for a condition requiring the submission of materials to ensure they are enhancing to the character of the area. Subject to a suitably worded condition, no objection is raised on character grounds.

The architectural approach reflects the local vernacular and materials. The use of satisfactory and appropriate materials is key to the success of the development and is the subject of a condition.

The boundary treatment to the new dwellings would consist of bike/garden store, walls and gates to provide enclosure whilst establishing a degree of surveillance and interest to the frontages. Landscape illustrations have been provided. This shows tree planting between the parking court bays, softening the appearance of the scheme. Low post and rail fencing with native hedge planting proposed between gardens, to create a informal and softer boundary treatment. Detailed landscaping will be the subject of a condition to ensure the hard and soft landscaping takes account of the rural edge character of the site and to ensure an appropriate boundary to the ancient woodland 15m buffer zone. Boundary treatment to the Firs is indicated as a boundary wall to the frontage with timber fencing to the side and rear. No objection subject to securing details as part of a landscaping condition.

The scheme makes efficient use of the site whilst maintaining adequate space for existing and proposed tree planting. The scale, character and layout of the scheme would provide an acceptable transition between the urban and rural character and would not give rise to any identified harm to the character of the area. No objection is raised subject to conditions.

#### Impact on neighbour amenity

Each of the proposed new dwellings are orientated to ensure the residential amenity of future occupants is protected. No concerns are identified regarding unacceptable loss of privacy, overlooking or loss of light to the future occupants of the proposed dwellings.



### The Cottage

Is located to the north of the application site. The railway line and embankment forms a barrier between. The proposed development due to this distances between the proposed development and The Cottage, in addition to the railway line between would not give rise to any unacceptable harm to the residential amenities of the occupants of The Cottage.

### Hazelwood

Hazelwood forming the other half of the semi-detach is physically attached to The Firs. The proposal seeks to extend The Firs with a two storey side/rear extension and single storey rear extension. Amended plans were sought and received to ensure the proposed extension to the rear is fully within the applicants land and does not encroach over the boundary with the neighbouring property. The proposed single storey element would extend along the boundary with the adjoining neighbour Hazelwood. The single storey rear extension would project 2.3m beyond the rear wall of the adjoining neighbour. This element is flat roof in design measuring 2.9m in height. This would not give rise to unacceptable harm to the residential amenities of the neighbouring occupants. The proposed rear extension if granted planning permission does not give consent for any development over or under property outside the applicants control. In this scenario the landowners separate consent would be required. The Party Wall Act 1996 deals with development in proximity of a boundary. The proposed two storey rear extension is set away from the shared boundary and would not result in an unacceptable loss of light, overlooking or loss of privacy to the neighbouring property.

A double car port is proposed to the rear boundary of The Firs. This would measure 2.8m in height and is a single storey flat roof structure with a living roof proposed to the roof area. No unacceptable harm to residential amenity is identified.

The proposed terrace properties sited to the rear would be orientated away from the rear elevation of Hazelwood and The Firs. Furthermore the separation distance of 17.5m between the corner of the front elevation of the end terrace and the rear garden boundary of Hazelwood would ensure no unacceptable loss of privacy or overlooking arises.

### Sustainable Energy

Policy D2 sets out the requirements for sustainable design and construction. The Climate Change, sustainable design, construction and energy SPD 2020 goes into detail of what is expected. A fabric first approach is sought.

The application is accompanied by an Energy and Sustainability Statement by Hoare Lea dated January 2022. A fabric first approach has been taken. Heating and hot water to be provided by high efficiency air source heat pumps and roof mounted photovoltaic cells to provide a renewable source of power. Mechanical ventilation and heat recovery is proposed. The dwellings have been designed to ensure compliance with Part L1A. A condition is recommended to secure compliance with policy D2.

Electric vehicle charging points are proposed and would be secured by condition.

The proposed materials to driveway would be permeable.

Water efficiency proposed to be limited to 100L/person/day. This complies with the requirements and can be secured via condition.

### Highways

The existing vehicular access is proposed to be removed and replaced with a pedestrian access to serve the Firs. A new access will be created just to the north east of the existing drive and will measure 6m in width. Visibility splays are provided in accordance with the Manual for Streets standards for a 30mph road. A swept path analysis for the parking layout shows a fire tender can access the site and leave in forward gear. The new vehicular access would serve the existing (extended dwelling) and the 7 new dwellings.

With regard to highway safety and capacity Surrey County Council as the Highway Authority have advised that vegetation should be regularly maintained at the vehicular access to the site to ensure maximum visibility splays are achievable at all times. Vehicle tracking has been provided which demonstrates that vehicles can enter and leave the site in forward gear. The development of an additional 7 units is not considered to result in a significant increase in vehicular trips on the surrounding highway network. The Highway Authority considers that the proposal will not have a material impact on highway safety or capacity.

No objection is raised on highway safety or capacity grounds.

### Vehicle and Cycle Parking

In terms of car parking, a total of 13 parking spaces are provided, including allocated parking and visitor parking. The accompanying Transport Statement identifies the parking as allocating 2 spaces for the 3 bed unit and 1 space for each 2 bed unit with 4 spaces to be unallocated. The parking area is located to the rear of the site, accessed via one vehicular access point onto Ash Green Road.

Emerging policy ID11: Parking Standards and the draft Parking SPD are relevant. The parking requirements for non strategic sites in the suburban areas for use by residents are maximum standards and are set out in the draft Parking SPD 2022, in appendix A table A1 of the draft SPD. The provision of visitor parking at a ratio of 0.2 spaces per dwelling is required where 50% or more of the total number of spaces, provided for use by residents themselves, are allocated. The parking provision for this development based on table A1 is 2 bed houses 1.5 spaces and 3 bed houses 2 spaces, visitor spaces 0.2 spaces per dwelling. This equates to a maximum requirement of:

7 x 2 bed = 10.5 spaces

1 x 3 bed = 2 spaces

8 x 0.2 visitor spaces = 1.6 spaces

Total maximum requirement of 14 spaces.

The proposed development makes provision for 13 vehicle parking spaces. The draft Parking SPD standards are maximum parking standards. The proposal in providing 13 parking spaces provides an acceptable level of parking provision.

Electric vehicle charging is to be secured by condition.

The proposed layout makes provision for secure cycle parking, for the parking of 2 cycle spaces per dwelling, within the residential curtilages of each dwelling. This is appropriate and the details are to be secured by condition.

No objection is raised on parking grounds.

### Trees

The site to the north west adjoins Ancient Woodland. The Standing Advice provides guidance regarding potential mitigation regarding development in close proximity to Ancient Woodland. The advice is that an appropriate buffer zone should be provided of semi-natural habitat between the development and the Ancient Woodland (depending on the size of the development, a minimum buffer should be at least 15 metres). The purpose of the buffer is for the protection of the ancient woodland, and must be devoid of all development and pathways. This area whilst providing visual amenity would not contribute to useable amenity for occupants of the development. The application proposes a 15-metre buffer from the ancient woodland, as shown on drawing no.PA\_02, which provides an adequate buffer between the woodland and development. The suggested landscaping condition would include details for the buffer zone and the boundary treatment required to ensure the buffer zone remains devoid of all development and pathways and provides visual amenity only.

Existing trees on the Ash Road frontage would be retained and supplemented with additional planting.

Nine individual trees are identified for removal and three groups of trees and the partial removal of six groups of trees. Three individual trees (T1, T8 and T9 (category B)) and the partial removal of a group of Lawson cypress trees are identified as having moderate retention value. Suitable new tree planting is required to mitigate the loss of the existing trees. This is to be secured through condition as part of the landscaping scheme. The arboricultural information has been reviewed by the lpa tree officer who raises no objection subject to a suitably worded condition to secure a detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

No objection subject to conditions to secure a detailed AMS and TPP and suitable replacement tree planting to mitigate the tree removal.

### Flooding

The application is accompanied by a Flood Risk Assessment and Drainage Strategy by Campbell Reith, dated February 2022. This identified the site as being relatively flat with a general fall towards the water course at the centre of the site. The site is located within flood zone 1 and lies within an area that is at a low risk of flooding. With the SFRA identifying the site as being located within an area that is not susceptible to groundwater flooding. A 1.2m wide maintenance and access strip is provided adjacent to the on site water course to allow for any maintenance works that may be required during the lifetime of the development. Surface water runoff is proposed to be managed on site and discharged into the existing on site water course. Foul water drainage is proposed to be discharged into the Thames Water foul sewer, for which a section 106 Thames Water application will be required.

The proposed drainage strategy through the use of SuDS features states that no buildings are at increased risk from surface water flooding, and includes the use of permeable paving, filter drains, proprietary treatment systems. The development will be raised across the site by 300mm to ensure finished floor levels are above surface water flood levels.

A Sustainable Urban Drainage system is proposed. Following initial comments from Surrey as Lead Local Flood Authority additional information was provided in the form of a 'Communication Letter' from Campbell Reith Hill LLP (14/12/2002) and Drainage Strategy (Annotated), By Campbell Reith Consulting Engineers, Feb 2022, Drawing no. 7004 revision 4. This considered the surface water flood risk from the site, the potential presence of shallow ground water, desk top study identifying the underlain bedrock as London Clay Formation and existing cottage connecting to the existing water course. The discharge rate for the site is identified as 5 l/s based on 5 outfall's into the existing watercourse with a restriction on each outfall. The applicant

has provided options to reduce the number of outfall's. The LLFA advised that the proposed mitigation measures are appropriate and have recommended conditions.

The LLFA have advised that if the proposed works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written consent.

Subject to conditions requiring the submission of a detailed surface water drainage scheme and a verification report no objection is raised on flooding grounds.

### Ecology

An updated Preliminary Ecological Appraisal (PEA) accompanies the application. The PEA identified two European statutory sites within 5km, three UK statutory sites within 2 km, ancient woodland sites within 2km and seven non statutory sites within 1 km.

#### *Bats*

A Preliminary Bat Roost Assessment dated February 2022 accompanies the application. This identified The Firs site as having high potential to support roosting bats. Best practice when high potential is identified is for dusk emergence and dawn re entry surveys to be undertaken. Dusk emergence bat surveys were undertaken on 21st July 2022 and 4th August 2022 and a dawn re entry bat survey undertaken on 2 September 2022, recording a total of seven bats species on site, including: common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, noctule, Dabenton's bat, serotine and Natterer's bat. The surveys identified foraging activity in addition to common pipistrelle emergence and re-entry beneath hanging tiles on Hazelwood and the Firs. Day bat roosts used by common pipistrelle have been confirmed in The Firs and likely present in Hazelwood. No unlicensed works can be undertaken. Recommendations including the requirement of a licence application are set out within the Dusk Emergence and Dawn Re-entry surveys by Middlemarch dated September 2022.

Surrey Wild life trust have recommended conditions and advised that a Bat Mitigation Licence is required. Nocturnal species are sensitive to any increase in artificial lighting, a sensitive lighting management plan condition is recommended to ensure the proposed development does not result in a net increase in artificial lighting at primary foraging and commuting routes across the site.

#### *Barn Owls*

Following additional survey information, Barn owl Survey by Middlemarch October 2022. Surrey Wildlife Trust have advised that the Barn Owl Survey Report appears appropriate in scope and methodology and has identified the likely absence of active signs within the development site. The site contains suitable habitat for breeding and foraging barn owl. As the Barn Owl is highly mobile and move roost frequently a precautionary approach to works should be implemented. Surrey Wildlife Trust have advised that the applicant is required to apply for a Barn Owl Mitigation Licence.

#### *Nesting birds*

A Nesting Bird Survey by Middlemarch Environmental dated 14 February 2022 accompanies the application. Nest and nesting birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended). The survey identified an active Wood pigeon nest in tree T11 to be removed. In accordance with the Wildlife Act the tree cannot be removed until the nest is no longer active. A further survey will be require to update the survey prior to, within 48 hours of, planned tree removal. Building demolition, vegetation and site clearance should avoid bird nesting season, of this is not possible and only small areas of dense vegetation are affected the site could be inspected by an ecologist within 24hrs of any clearance works.

### *Badgers*

A badger survey submitted (Badger Survey, Middlemarch Environmental, February 14th 2022) did not identify any badger setts on or adjacent to the site. The survey findings did indicate that badgers may access the site for use as a temporary foraging source and precautionary recommendations are made. Surrey Wildlife have commented that the report identified the likely absence of active badger setts within and adjacent to the development site. However possible signs of badger activity were identified within the development site and so it is likely that badgers are known to be present locally. A condition is recommended to survey the site immediately prior to the start of works by an appropriately qualified ecologist to search for any new badger setts and confirm existing setts are inactive. Construction activities should ensure regard is had to the potential presence of terrestrial mammals. If badger activity is detected mitigation measures will be required. This is the subject of a condition.

### *Hedgehog*

The desk study identified two records of hedgehog within a 1km radius of the survey area. The Updated Preliminary Ecological Appraisal considers that it is likely that hedgehog utilise the site in some capacity. Opportunities exist for hedgehog with good connectivity within the wider landscape. Mitigation measures are identified in the PEA. Surrey Wildlife Trust recommend that these measures are incorporated into a suitably detailed Construction Environmental Management Plan.

### *Great Crested Newt*

Surrey Wildlife Trust have advised that the Great Crested Newt (GCN) Habitat Suitability Index Assessment and DNA Survey report is appropriate in scope and methodology and has identified a likely absence of Great Crested Newt on the development site. The survey did not identify high quality terrestrial habitat for great crested newts, great crested newts were not found to be present within any of the water bodies identifies within a 500m radius of the site. The survey concludes that great crested newts are not present on site or within the immediate vicinity. However Surrey Wildlife Trust advise that some suitable habitat for Great Crested Newt does exist within the site and should GCN be identified during works, all works should cease immediately and advice sought from Natural England. Recommendations within section 7.3 of the PEA should be followed.

### *Water vole*

A Water Vole Survey by Middlemarch Environmental Ltd dated 14th February 2022 accompanies the application. No records of water vole were identified within 1km of the survey area. However the stream running through the site offers potential habitat for water voles despite concluding water voles are absent from the survey area, recommendations are detailed within section 7.3 of the PEA.

### *Reptiles*

The desk survey provided two records of reptiles, both located 650m southwest of the site. A Reptile Survey was completed on site in 2022 identifying low populations of slow worm and grass snake. A Reptile Mitigation Strategy has been completed for the site and is detailed within section 7.3 of the PEA. Surrey Wildlife Trust recommend the reptile mitigation is informed by the Arboricultural Impact Assessment. Surrey Wildlife Trust have advised that Reptile Translocation best practise is clear that the proposed receptor site should be subject to written, agreed and funded pre and post translocation management agreement and monitoring programme. In the absence of details a suitably worded condition is suggested.

### *Invertebrates*

The survey area whilst not providing suitable habitat for stag beetle does provide suitable opportunity for other notable and more common invertebrate. Provided the hedgerows are retained and new habitat created/enhanced no long term impact on invertebrates is anticipated.

### Biodiversity

Policy ID4 of the LPSS criteria 2 states: 'New development should aim to deliver gains in biodiversity where appropriate. Where proposals fall within or adjacent to a Biodiversity Opportunity Area (BOA), biodiversity measures should support that BOA's objectives. The forthcoming SPD will set out guidance on how this can be achieved. Emerging Policy P6/P7 Biodiversity in New Developments requires qualifying developments to achieve biodiversity net gain of at least 20%.

The NPPF para 179 (b) states plans should: promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. Para 180 states the following principles should be applied: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The buffer zone to the west adjacent to the ancient woodland is annotated as an area of native planting. Native planting is proposed along banks to stream, with a planted roof to the proposed double car port. Opportunity exists to secure net biodiversity gains. Surrey Wildlife Trust recommend a condition to secure a Biodiversity Enhancement and Management Plan.

### Thames Basin Heaths SPA

The application site is located within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area (TBHSPA). Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 7 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

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

In this instance, the proposal will rely on off-site SANG to mitigate its impact on the SPA. This will be secured through a Section 106 agreement.

On this basis, it is considered that the proposal would be compliant with the objectives of the TBHSPA Avoidance Strategy SPD 2017 and policy NRM6 of the South East Plan 2009.

An Appropriate Assessment has also been completed by the Local Planning Authority.

### Planning contributions and legal tests

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

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

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

*Thames Basin Heaths SPA*

The development is required to mitigate its impact on the TBHSPA. A Suitable Alternative Natural Greenspace (SANG contribution of £41,376.23 and a Strategic Access Management and Monitoring (SAMM) contribution of £5,511.45) would be secured through the legal agreement. This would accord with the TBHSPA Avoidance Strategy SPD, 2017.

Without securing these measures through the s.106 agreement, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

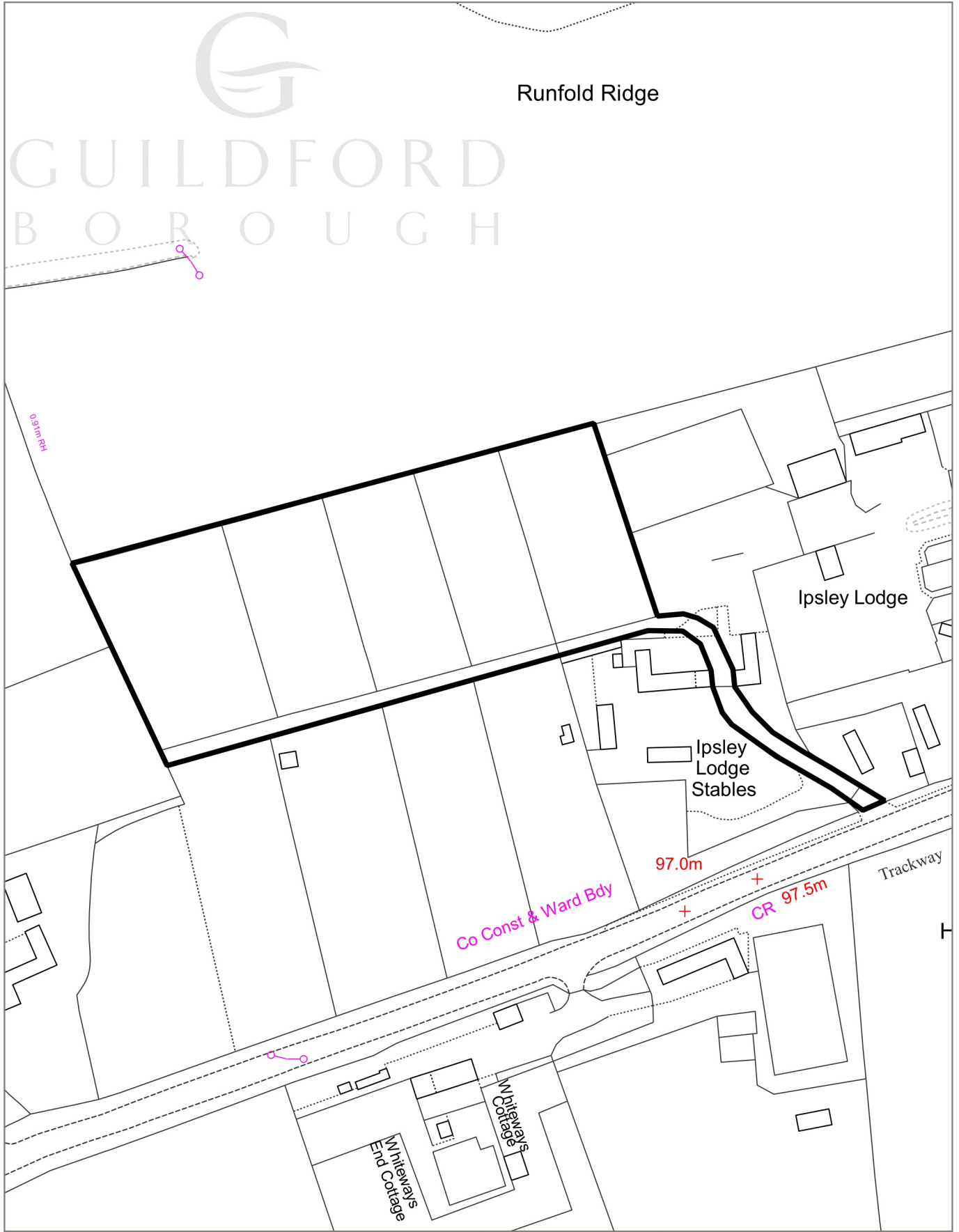
**Conclusion.**

The proposed development would result in a net increase of 7 dwellings, providing a positive contribution towards the Boroughs housing need. The proposal is for a well designed small development of housing, providing a high quality residential environment. No adverse impact on the amenities of the neighbouring residents have been identified. No objections have been raised by the statutory or internal consultees. Subject to the completion of a S106 to secure appropriate mitigation for the identified impact on the TBHSPA, and the suggested conditions, which include but are not limited to, mitigation of protected species and habitat, trees, landscaping (including buffer to the Ancient Woodland), materials, highway, sustainability, drainage and noise measures the proposed development is recommended for approval

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# 22/P/00738 - Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey



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Page 121 Not to Scale



GUILDFORD  
BOROUGH

22/P/00738 - Ipsley Lodge Stables, Hogs Back, Seale



Not to scale



**App No:** 22/P/00738 **8 Wk Deadline:** 26/07/2022  
**Appn Type:** Full Application  
**Case Officer:** Lisa Botha  
**Parish:** Tongham **Ward:** Ash South & Tongham  
**Agent :** Mr Brownjohn **Applicant:** Mr Owen  
WS Planning & Architecture C/O WS Planning &  
5 Pool House Architecture  
Bancroft Road 5 Pool House  
Reigate Bancroft Road  
RH2 7RP Reigate  
RH2 7RP

**Location:** Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey, GU10  
1LA

**Proposal:** Change of use of land for the proposed creation of 4  
Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes,  
4 Touring Caravans, and the erection of 4 Dayrooms

### **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 an area of land formerly comprised of five paddocks associated with the equestrian use of the land. The surrounding area is predominantly residential in nature.

The site lies within the countryside beyond the Green Belt and is located on the border with the Green Belt, Surrey Hills Area of Outstanding Natural Beauty (AONB) and AGLV (Area of Great Landscape Value). The site is also in the Blackwater Valley strategic open gap and is located within the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The site is accessed via the existing vehicle access into Ipsley Lodge Stables to the south-east. At the time of the Officer's site visit the application site comprised four roughly equally sized pitches with landscaped areas to the southern end of the site and hardsurfacing to the northern end with caravans located towards the northern end of the site on each of the pitches.

Application 21/P/01640 for a change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms, and the formation of a new access was refused for a number of reasons: the lack of justification for the location of the proposal within the countryside, the sustainability of the location of the site, the impact on the AONB, highway concerns, the sustainability of the development and the impact of the proposal on the integrity of the Thames Basin Heaths Special Protection Area.

This application differs from the refused 21/P/01640 scheme in that:

- The site no longer seeks to provide a new vehicular access from the Hogs Back to the site
- Greater landscaping is proposed on site
- "The personal circumstances of the occupants of the site have now been provided
- A Climate Change, Sustainable Design, Construction and Energy Questionnaire has been submitted

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

There is no justification for the site to be located within its countryside location. The proposed development would result in some harm to the character of the site itself but would not result in any harm to the AONB. It would not result in any closing of the strategic gap between Ash and Tongham urban area or Aldershot and Ash Green Village.

No adverse impact on neighbouring amenity has been identified as a result of the proposed development and no adverse impact on highway considerations would occur.

Whilst some harm may have occurred to protected species and habitats on the site during the course of the developing the site, biodiversity enhancements and mitigation would be secured by condition. The site is considered to be located in a relatively sustainable location and sustainability measure would also be secured by condition.

It is noted that the development of the site is currently unauthorised and this adds weight against granting planning permission to a limited degree.

However, whilst the Council can demonstrate a 5 year supply of traveller sites, none are currently available and only 4 are available within the next 5 years. Should permission be refused, the applicants would be likely to have to revert to roadside living; this weighs heavily in favour of the proposal.

There are also a number of children on site who are currently attending local educational establishments; the best interests of the children have been taken into consideration and this also weighs heavily in favour of the proposal; as does the need for an occupant on the site to access medical care.

As such it is considered that, on balance, , subject to securing mitigation against the impact of the proposal on the Thames Basin Heaths Special Protection Area, the application be recommended for a temporary and personal permission for the existing occupants of the site to allow time for allocated sites to come forward.

### **RECOMMENDATION:**

**Subject to a Section 106 Agreement securing SANG and SANG the decision is to:**

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

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (or any Act revoking or re-enacting or amending that Act with or without modification) in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing of the local planning authority.

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.

Apply Conditions 8CL01 (1) to (3) as appropriate.

1. The site shall only be occupied by the following persons:

- Mr Billy Connors and Bridie Connors and their resident dependents
- Mr Darren Patrick Owen and Ann Brien and their resident dependents
- Mr Darren Trevor Owen and Barbara Owen and their resident dependents
- Kathleen Connors and her resident dependents

and shall be for a limited period of time expiring five years from the decision date. On or before the expiry date the use of the site hereby approved shall discontinue. Upon the cessation of the use of each plot, either by virtue of this temporary permission, or by the persons named in this permission ceasing the occupation of their respective plots, all caravans, buildings and materials shall be removed from the respective plot/s and the land restored in accordance with a scheme previously submitted and approved in writing by the local planning authority in pursuance of condition 4.

Reason: In granting this permission the local planning authority has had regard to the personal circumstances of the occupants and the lack of availability of pitches within the Borough.

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

J003700-DD01 – Site Location Plan  
J003700-DD02 – As Existing Site Plan  
J003700-DD04 – As Proposed Dayroom  
2012038-01-B – Visibility Splays plans  
2012038-TK01 – Tracking Plan

all received 25/04/22 and J003700-DD03 revision B – As Proposed Site Plan received 08/12/22

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

3. No more than 8 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be static caravans) shall be stationed on the site at any time.

Reason: To prevent intensification of the usage on this site, in the interests of the visual amenities of the area.

4. The use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of that use shall be removed within 28 days of failure to meet any of the requirements set out in (i) to (iv) below:

i) within 3 months of the date of this decision, or such other period as the local planning authority may agree in writing, a scheme shall be submitted in writing to the local planning authority.

The scheme shall include details of

- a) a planting scheme for the site, including a schedule of maintenance for a period of 5 years for the existing boundary treatments and planting, including the replacement of any tree, hedge or shrub that is removed, uprooted, destroyed or dies or becomes seriously damaged or defective.
- b) the provision of any external lighting.
- c) provision for foul and surface water drainage for the site.
- d) details of the restoration of the site in accordance with Condition 1 above.
- e) a timetable for the implementation of each of the elements of the submitted scheme.

ii) within 11 months of the date of this decision, the scheme referred to above shall have been approved in writing by the local planning authority or, if the local planning authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal or appeals shall have been made to, and accepted as valid by the Secretary of State.

iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable and the approved scheme shall thereafter apply.

Reason: To ensure that the development is carried out to minimise the impact on the character of the area.

5. Visibility zones shall be provided in accordance with the approved plans, 2012038-01-B, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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

6. Space shall be 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: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users.

7. Within 3 months of the date of the decision, details of facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided within 6 months of the date of the development and retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order to encourage the use of more sustainable modes of transport.

8. Within 3 months of the date of this decision, details of a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) shall be submitted and approved in writing by the Local Planning Authority for approval in writing. Within 6 months of the date of the development hereby approved, the approved scheme shall be provided and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order to encourage the use of more sustainable modes of transport.

9. No caravans shall be sited outside of the hardsurfaced area located at the northern end of each pitch identified on drawing number J003700-DD03 revision B.

Reason: To protect the character of the area, and the setting of the Area of Outstanding Natural Beauty.

10. Within 3 months of the date of the decision, details of the sustainability measures to be included in the development have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Sustainable Design and Construction Supplementary Planning Document (March 2011). The development shall thereafter be carried out in accordance with the approved details.

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.

11. Within 3 months of the date of the decision, a baseline for the site prior to the existing development taking place on the land, and a scheme to mitigate against the impact of the development of the land and to enhance the nature conservation interest of the site together with a timetable for the proposed works, shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

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

**Informatives:**

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

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

In this instance pre-application advice was not sought prior to submission, minor alterations were required to overcome concerns, these were sought and (either) the applicant agreed to the changes.

2. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).
3. In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the Council as part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT



valuation to compensate for the loss of highway amenity.

4. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway 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 (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

5. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance, obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
6. 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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

## **Officer's Report**

### **Site description.**

The application site relates to an area of land formerly comprised of five paddocks associated with the equestrian use of the wider site. The surrounding area is predominantly residential in nature, predominantly detached and two-storey in height, with the density of development reducing as you move westwards along the Hogs Back

The site lies within the countryside beyond the Green Belt and is located on the border with the Green Belt, Surrey Hills Area of Outstanding Natural Beauty (AONB) and AGLV (Area of Great Landscape Value). The site is also in the Blackwater Valley strategic open gap and is located within the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA).

The site is accessed via the existing vehicle access into Ipsley Lodge Stables to the south-east. At the time of the Officer's site visit the application site comprised four roughly equally sized pitches with landscaped areas to the southern end of the site and hardsurfacing to the northern end with caravans located towards the northern end of the site on each of the pitches.

### **Proposal.**

Change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms (retrospective)

### **Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
21/P/01640	Change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms, and the formation of a new access.	Pending	N/A
21/P/00505	Erection of two 3 bedroom houses and two mobile home pitches.	Pending	N/A

### **Consultations.**

County Highway Authority: No objection on safety, capacity and policy grounds subject to conditions relating to visibility zones, the layout of parking so that vehicles may enter and leave in forward gear, the provision of a charging point for e-bikes and the covered parking of bicycles and the provision of a fast-charge electric vehicle charging point

Head of Environmental Health and Licensing: No objection

Seale and Sands Parish Council: Object for the following reasons:

- the site was considered not appropriate for use as a site for gypsy / traveller accommodation
- the land is designated for equestrian use therefore any development on this site is inappropriate and not in accordance with the Guildford Local Plan and any mitigations offered by the applicant are not relevant (Officer note: the site has not been allocated for equestrian use)
- the families identified in the application left their previous site to move to this unapproved location so have in effect created their own need for such a site

Tongham Parish Council: Object for the following reasons:

- the present turning onto the old A31 is very tight and traffic is fast (Officer note: the highway authority has assessed the access which serves an adjacent site and has raised no objection)
- the site is not sufficiently large enough
- the area as a whole has been inundated with new developments
- the Local Plan policies should not be overruled
- the land is equestrian, is opposite the AONB and is adjacent to Suitable Alternative Natural Greenspace
- references made in the supporting statement are not comparable to this application
- sufficient pitches area provided within this area

Area of Outstanding Natural Beauty Officer: No objection as the site could not be seen from the AONB to the south.

Natural England: Natural England: In accordance with an agreed position with Natural England, Natural England (NE) 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. An individual consultation with NE will therefore not be required in these cases.

### **Third party comments:**

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

- contrary to policy (Officer note: this will be addressed in the report below)
- adverse impact on character
- the Local Plan policies should not be overruled
- the site is not located in a sustainable location and would rely heavily on the use of private vehicles (Officer note: this will be discussed later in the report)
- adverse impact on the setting of the AONB (Officer report: No objection has been raised by the AONB Officer)
- excessive hardsurfacing has been laid (Officer note: the level of hardsurfacing has been reduced in size whilst enabling the safe movement of caravans onto and off of the site)
- increase in surface water from the site onto neighbouring properties
- the injunction has been breached (Officer note: the injunction has now expired)
- proximity to Suitable Alternative Natural Green space (Officer note: a legal agreement will secure the required mitigation against the impact of the proposed development on the TBHSPA)
- the site is being used for dog breeding and other commercial activities (Officer note: this application is for residential use and must be assessed on its own merits, should a material change in use occur planning permission may be required)

- loss of much needed equestrian facilities (Officer note: there is no policy requirement to retain paddocks)
- council tax is not being paid (Officer note: this is not a material planning consideration)
- the site does not have infrastructure to support the residents (Officer note: the applicants are currently on mains water and electricity)
- highway safety (Officer note: the County Highway Authority has raised no objection)
- waste is left on the side of the road (Officer note: the applicant has discussed waste collection with the Refuse and Recycling team; refuse will be collected at the entrance of the site onto the Hogs Back)
- the site is located within an Area of Outstanding Natural Beauty (Officer note: the application site is not located within the AONB)
- adverse impact on ecology (Officer note: this is addressed later in the report)
- the site is being used as a dump (Officer note: whilst a sign outside of the site had been erected relating to the dumping of material this did not relate to the application site and has been dealt with by the Council's enforcement officers)
- sufficient traveller sites have been provided within the plan period
- the applicants made themselves homeless when they gave up their previous site
- unauthorized works carried out to the entrance wall to the site (Officer note: this does not form part of the application site)
- light pollution (Officer note: this is discussed later in the report)
- noise and disturbance (Officer note: the application is for a residential site, should a statutory nuisance arise this would be dealt with by separate environmental protection legislation)
- loss of water pressure for neighbouring residents
- no cycle store or electric vehicle points shown (Officer note: a condition is recommended to secure these facilities)

### **Planning policies.**

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

2. Achieving sustainable development.
4. Decision-making.
5. Delivering a sufficient supply of homes.
8. Promoting healthy and safe communities.
9. Promoting sustainable transport.
11. Making effective use of land.
12. Achieving well-designed places.
14. Meeting the challenge of climate change, flooding and coastal change.
15. Conserving and enhancing the natural environment.

#### Planning Policy for Traveller Sites (PPTS), 2015:

The Government also published Planning Policy for Traveller Sites (PPTS) in August 2015. The overarching aim of the PPTS is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

For decision taking, the PPTS states that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the

policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated site and  
e) that they should determine applications for sites from any travellers and not just those with local connections.

South East Plan (SEP), 2009:

NRM6: Thames Basin Heaths Special Protection Area.

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

The National Planning Policy Framework provides the following advice at para 48:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the Framework, the greater the weight that may be given)

Guildford's Local Plan Development Management Policies (LPDMP) can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies / parts of policies that are not subject to any proposed main modification should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further reconsideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a difference conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as being 6.46 years based on most recent evidence as reflected in the GBC LAA (2002). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2021 measurement is 144%. For the purposes of NPPF footnote 8, this is therefore greater than the threshold set out in paragraph 222 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

S2: Planning for the borough - our spatial development strategy

H1: Homes for all

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

P3: Countryside

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

Emerging Local Plan Development Management Policies

P6/P7: Biodiversity in New Developments  
P8/P9: Protecting Important Habitats and Species  
P13: Sustainable Surface Water Management  
D4: Achieving High Quality Design and Respecting Local Distinctiveness  
D5: Protection of Amenity and Provision of Amenity Space  
D12: Sustainable and Low Impact Development  
ID11: Parking Standards

Supplementary Planning Documents

Draft Parking Supplementary Planning Document 2022 - Given the advanced stage of this document, considerable weight can now be attributed to this document  
Climate Change, Sustainable Design, Construction and Energy SPD 2020  
Guildford Landscape Character Assessment 2007  
Vehicle Parking Standards SPD 2006

**Planning considerations.**

The main planning considerations in this case are:

- background
- changes to the refused 21/P/01640 scheme
- the principle of development
- impact on the countryside
- countryside location
- impact on scale and character of the site and surrounding area and its setting and countryside location
- impact on strategic gaps
- the impact on neighbouring amenity
- highways and parking considerations
- impact on ecology and biodiversity
- the living environment
- sustainability
- Thames Basin Heaths Special Protection Area
- unauthorised development
- the Council's duty under other Acts
- planning balance

Background to this application

Application 21/P/01640 for a change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms, and the formation of a new access was refused for the following reasons:

- The development would result in the stationing of mobile homes with associated ancillary buildings and new access route within the countryside where development should be limited. The site is not sustainable in relation to accessibility for future occupants and will result in the

heavy reliance on private vehicle. The Council maintains an up-to-date housing land supply and has enough sufficient provision for traveller sites, as such there is no justification for the location of the proposal in the countryside. Therefore, the proposal fails to comply with policy P3 of the Guildford Borough Local Plan: Strategy and Sites, 2015-2034, and the requirements of Chapter 15 of the National Planning Policy Framework, 2021, or the Planning Policy for Traveller Sites August 2015 (PPTS).

- The proposed development would, as a result of the extent of the hardstanding, intensity of development, and the proposed location and design of the new access, have a harmful impact on the character and appearance of the locality and would result in a feature which would be incongruous and detract from the countryside context and the setting of the Surrey Hills AONB and AGLV, contrary to policies P1, P3, H1 and D1 of the LPSS, 2015-2034, G5 of the saved Local Plan, and requirements of the NPPF, 2021.
- The proposal fails to demonstrate that the access shown on plans is capable of serving the development. As such, the proposal is contrary to policy ID3 of the LPSS, 2015-2034 and Chapter 9 of the NPPF, 2021.
- No information regarding sustainability has been provided with the application and as such without precise details the Council cannot be satisfied that the proposal is compliant with policy D2 of the LPSS, 2015-2034.
- The Council cannot be satisfied that either the development on site or the proposed development would not cause harm to protected species or that there is no net loss of biodiversity on site. In the absence of any ecological assessment of the site, the proposal cannot demonstrate that it would not result in harm to legally protected species and habitats contrary to policy ID4 of the Guildford borough Local Plan: Strategy and Sites 2015-2034, policies NE4 and NE6 of the Guildford Borough Local Plan (as saved by CLG Direction 24/09/2007), the NPPF, the PPG and the Wildlife and Countryside Act (1981) (as amended), Conservation of Habitats and Species Regulations (2017) (as amended) and Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006
- The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

#### Changes to the refused 21/P/01640 scheme

- The site no longer seeks to provide a new vehicular access from the Hogs Back to the site
- Greater landscaping is proposed on site
- The personal circumstances of the applicants of the site have now been provided

- A Climate Change, Sustainable Design, Construction and Energy Questionnaire has been submitted

#### The principle of development

Policy S2 of the Local Plan: Strategy and Sites 2015-2034 details that provision has been made for permanent pitches within the borough for Gypsies and Travellers and Travelling Showpeople (a total of 8 between 2017- and 2034) and states that 41 additional permanent pitches have also been allocated for those who do not meet the planning definition of travellers and four permanent plots for Travelling Showpeople who do not meet the planning definition.

Policy H1 of the Local Plan: Strategy and Sites 2015-2034 states that new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment. The Land Availability Assessment 2020 confirms that sufficient pitches and plots to meet the needs of the travelling community have been identified and that need for pitches for Gypsies and Travellers who meet the planning definition of travellers in both the short and longer term is currently being met.

The supporting text to Policy H1 also states that small-scale traveller sites are supported as it is believed that such sites will better integrate with the locality.

#### Impact on the countryside

The application site lies within land designated as 'countryside' and as such policy P3 of the LPSS, 2015-2034, is relevant. This policy states that:

(1) Within the area of countryside, as designated on the Policies Map, development will be permitted provided it:

- a) requires a countryside location or where a rural location can be justified, and
- b) is proportionate to the nature and scale of the site, its setting and countryside location, and
- c) does not lead to greater physical or visual coalescence between the (i) Ash and Tongham urban area and (ii) either Aldershot or Ash Green village.

Therefore, these factors will form the basis of the assessment below.

Further, the PPTS, 2015, states at paragraph 25 that:

'Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure'.

#### Countryside location

Chapter 15 of the NPPF places importance on recognising the intrinsic character and beauty of the countryside. For this reason the Council's Local Plan seeks to limit any development within the countryside unless it can be demonstrated that it is necessary in that location and contributes positively towards the rural economy.



It is not uncommon for gypsy sites to be located within the countryside; however, it is noted that there is no particular justification for the applicants to be sited on this particular site within the countryside and as such the application would fail to meet this requirement of Policy P3. The benefits of the site's location are however discussed below.

Whilst it is noted that concern was raised with regard to the sustainability of the location on the refused 21/P/01640 scheme, it is important to note that the PPTS states that authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements. Whilst the application site is not located within an existing settlement but in the open countryside, it is not located in open countryside that is away from existing settlements being located just 340m as the crow flies to the urban area of Tongham.

The site is located off the Hogs Back which is served by a pavement which runs all the way into Tongham which is served by a local shopping centre with a local convenience store 15 minutes walk from the site. A petrol station with a retail element selling goods to meet day-to-day needs is also located on the Hogs Back within a 20 minute walk. Tongham is also served by a primary school with Ash Manor Senior school and nurseries also located within Tongham and nearby Ash. Whilst it is noted that the route to these destinations are not lit at night, this is not a unique situation within rural areas where you would not expect illumination at night.

A bus stop is located immediately opposite the application site, however, it is no longer in use; and as such it is likely that the occupants of the site would predominantly rely on private vehicles as the occupants of the existing dwellings which currently run along the Hogs Back are also likely to do. However, as there are facilities within the local area that could easily be accessed by foot or bicycle, occupants of the site would not need to rely on private vehicles and a condition is recommended to secure the provision of covered bicycle stores on site to encourage the use of more sustainable modes of transport.

The application site is also located between, but set back from, a linear form of residential development that lines the Hogs Back with a greater density of dwellings to the east, reducing in density further to the west as the area becomes more rural in character; as such the site would be situated within an area of existing residential development and not in an isolated location within the open countryside that is away from existing settlements.

The proposed development seeks permission for only four pitches, each of a similar size to the residential plots to the east; and even in combination with the pitches at Ipsley Lodge to the south of the application, the number of pitches is limited and as such would respect the scale of, and not dominate, the nearest settled community and due to their limited number would avoid placing undue pressure on the local infrastructure.

#### Impact on scale and character of the site and surrounding area and its setting and countryside location

Paragraph 26 of the PPTS sets out in a) to d) relevant considerations on the effective use of land, environmental enhancements, promoting healthy lifestyles and preventing isolation.

Paragraph 170(b) of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Policy D1(6) of the LPSS advises that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting.

The site is not located within the AONB or AGLV, however, it is noted that these designated areas are located further to the south of the application site. The Surrey Hills AONB Management Plan 2020-2025 has planning management policies to ensure that new development enhances local character and the environmental quality of its nationally important setting.

Policy P1 seeks to conserve and enhance and to maximise the special landscape qualities and scenic beauty of the AONB and development proposals within the AGLV will be required to demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself.

The site falls within the Hog's Back Chalk Ridge landscape character area (character area B1) as defined by the Landscape Character Assessment (LCA) and Guidance.

The key characteristics of this landscape character area are:

- Steeply rising slopes of the North Downs forming a dramatic chalk ridge.
- There are large fields of arable and pasture on the slopes with woodland blocks particularly to the east and small areas of chalk grassland along the ridge top.
- Sparse settlement pattern of hamlets, scattered farmsteads and substantial houses.
- A historical line of communication and defence with numerous vantage points
- A peaceful rural landscape providing panoramic views from the rising slopes and ridge top and forming a backdrop to the surrounding lower land and to Guildford.

The application site is relatively typical of this landscape due to the sparse pattern of development and wide-ranging views across the landscape.

The most relevant landscape guidelines for the Hogs Back Chalk Ridge Character Area include:

- Conserve the sense of a rural, sparsely settled area with limited visible development.
- Maintain the existing dispersed pattern of settlement and the character of the small hamlets and farmsteads at the foot of the slopes avoiding the spread of villages up the slopes of the ridge.
- Oppose the erection of further tall vertical structures such as telecom masts on the ridge top where they will be visually dominant and potentially impact on important views from Guildford and where they would adversely affect views from the wider landscape. Aim to utilise existing masts in preference to the erection of new ones.
- Consider the impact of development in adjacent areas (such as Puttenham) in views from the ridgeline. Maintain the rural setting and containment of villages at the foot of the ridge.
- Protect landscape character and quality from further negative impact of transport networks including the introduction of signs, gantries and lighting columns that impact on local distinctiveness, and work to foster local distinctiveness where standard design criteria creates a lack of variation and 'urbanisation' of rural roads.
- Ensure that the development of the A31 and associated signage, lighting, services and recreational opportunities is sensitive to the visual dominance of the ridgeline in views from below so that development does not detract from the rural character of the area.
- Promote landscape benefits in road design, construction and mitigation and resist fragmentation of habitats and promote nature conservation schemes and maintenance, which enhance the contribution of verges and road boundaries to biodiversity and screening.
- Conserve the rural roads minimising small-scale incremental change such as signage, fencing or improvements, which would change their character.
- Ensure that road lighting schemes are assessed for visual impact and encourage conservation of the existing 'dark skies' on the ridge slopes and skyline.
- Promote the use of traditional signage features with particular regard to local style and materials.

- Promote appropriate management of car parks and rest areas by land owners and support sense of ownership through the encouragement of stakeholder or local community adoption of areas.

The proposal introduces development into a previously open undeveloped area of countryside. Significant areas of hardstanding within the pitches have already been laid on the site which are harmful to the immediate landscape character and detract from the open and green nature of the site. However, during the course of consideration of the application an amended plan has been received reducing the level of hardstanding and increasing the level of landscaping which would still enable the safe movement of mobile homes onto and off the site as necessary whilst maintaining a largely soft landscaped site. The number of pitches proposed is limited and as such would not introduce a level or density of development that would alter the rural character of the area, which would be maintained.

The site, whilst benefiting from trees along the northern and western boundaries of the site, is relatively open to the wider landscape. However, due to the proposed location of the mobile homes and day rooms (which are relatively modest in scale) towards the northern end of the site where existing boundary trees are present and where additional planting is proposed, the mobile homes would not be apparent from views from the north. Similarly, as the mobile homes would be set back within the site, they would not be visible from longer distance from the Area of Outstanding Natural Beauty (AONB) to the South. The AONB Officer who was not consulted on the earlier 21/P/01640 application also raises no objection to the proposed development as the site is not visible from the south.

Furthermore, due to the ground levels which rise from the Hogs Back to the application site and the intervening paddocks and the trees / hedges located along the Hogs Back, at there would be no appreciable public visual impact from the proposed development. As the proposal seeks to utilise the existing access which serves Ipsley Lodge, off the Hogs Back, there would again be no additional road required to access the site limiting the impact of the proposal on the countryside further.

Due to its rural location and position on a ridge, the impact of external lighting has the potential to result in light pollution, predominantly sky glow, and whilst the mobile homes would be set back within the site, reducing the impact when viewed from more sensitive views from the south, a condition is recommended to control external lighting to ensure it is directed downwards to limit this impact.

The proposed development is therefore considered to be of an appropriate scale for this countryside location, and whilst it would result in changes within the site itself which would result in some harm, the level of soft landscaping and low density of the development proposed would ensure that the rural character of the site is maintained. Furthermore, the proposal would have a very limited visual impact on the wider countryside or on views into or out of the AONB and would not conflict with any of the landscape character guidelines for the area. As such it is considered that whilst some harm would occur as a result of the hardsurfacing and presence of mobile homes and day rooms, this harm would be limited.

#### Impact on strategic gaps

The development is contained within the immediate vicinity not extending further than the established line of trees and vegetation to the north, beyond this there is an absence of development. Therefore, and notwithstanding other assessment upon scale and character, the proposal in itself would not result in any greater physical or visual coalescence between either the Ash and Tongham urban area or Aldershot or Ash Green village

### The living environment

The site is located in a residential area away from a busy road or commercial premises and is therefore considered suitable for its intended use. Each pitch would have sufficient room to accommodate a static mobile home and tourer and would also benefit from a landscaped amenity area for children to play as well as a parking area. As such it is considered that the living environment would be acceptable.

### The impact on neighbouring amenity

The proposed mobile home pitches would be approximately 65 metres from the closest neighbouring residential property which is a new dwelling located to the east of the application site. The proposal would be located over 100 metres from Ipsley Lodge, comprised of 9 flats. Therefore, the separation distance between these residential units is sufficient to prevent any loss of amenity. The proposal is not considered to have any adverse impact in terms of loss of light, loss of privacy, noise or overbearing impact and would therefore comply with saved policy G1 (3) of the Guildford Borough Local Plan 2003 and the NPPF, 2021.

### Highways and parking considerations

The application seeks to share the existing vehicle access which is used to serve Ipsley Lodge Stables, a site just to the south-east of the application site. The County Highway Authority is satisfied that the access off the Hogs Back would be sufficient to meet the needs of the applicants and do not consider that the proposal would result in a significant increase in vehicular trips on the surrounding network; and as such do not consider that the proposal would have a material impact on highway safety. The proposal is therefore acceptable in this regard subject to conditions.

### Impact on ecology and biodiversity

The applicant has not submitted an ecological impact assessment with this application, and as such it has not possible to assess the impact of the proposed development on legally protected species and the biodiversity value of the site. It is noted however from aerial images, that the site was used for grazing prior to the current occupiers developing the site and as such it is unlikely that this site in equestrian use would have been particularly rich in biodiversity. However, any habitats that may have been in existence would have already been adversely impacted when the site was cleared and hard surfacing laid and continued as the unauthorised occupation of the site intensified, preventing any re-wilding to take place.

It is noted that the applicants have already carried out some planting on site and seek to introduce further measures to improve the biodiversity of the site including the introduction of bat boxes, bird boxes, reptile refugia and the planting of native hedges. However, Policy ID4 of the Local Plan requires all development to improve the biodiversity on site; as such a condition is recommended to ensure a baseline for the ecological value of the site prior to being occupied is established, in order that appropriate mitigation, along with biodiversity enhancements are secured for the site.

A condition is also recommended to secure to secure the details of any external lighting so that the impact of any bats in the area on this ridge is minimised.

### Sustainability

A Climate Change, Energy and Sustainable Development Questionnaire was submitted during the course of the application. Whilst the questionnaire was not designed for applications for a change of use for the siting of caravans and as such is difficult to apply to caravans, it has been completed where possible. It is noteworthy that caravans are a low waste form of dwelling given that they are built under factory conditions and that their transient nature would enable them to be sited such that best use would be made of solar gain.

The completed questionnaire states that the hardstanding works were undertaken in 2020 but that the material used was recycled construction waste which had been screened prior to importation and any further material required will be sustainably sourced where possible. Water harvesting could be incorporated into the scheme and soft landscaping and permeable surfaces on the site have been maximised. Renewable energies could be utilised to reduce the carbon requirement of the development.

The Council is therefore satisfied that the proposal is compliant with policy D2 of the LPSS, 2015-2034 and policy D12 of the Draft Guildford Borough Local Plan: Development Management Policies 2022.

### Thames Basin Heaths Special Protection Area

The application site is located within the 400m – 5km buffer zone of the TBHSPA. Natural England advise that new residential development in this proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes four static caravan pitches and as such has the potential, in combination with other development, to have a significant adverse impact on the protected sites. The Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD in July 2017 which provides a framework by which applicants can provide or contribute to the delivery, maintenance and management of Suitable Alternative Natural Green Space (SANGS) within the borough and to Strategic Access Management and Monitoring (SAMM) which can mitigate the impact of development. In this instance the development requires a SANG and a SAMM contribution which should be secured by a Legal Agreement.

It is therefore concluded that subject to the completion of a legal agreement the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

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. In line with standing advice from Natural England, no objection is raised to an Appropriate Assessment undertaken which concludes that there would be no adverse impact on the integrity of the SPA 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 SPD 2017.

It is therefore concluded that subject to the completion of a legal agreement the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

#### Unauthorised development

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 unauthorised 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 regularise part unauthorised 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.

#### The Council's duty under other Acts

##### Human Right Act

It is recognised that the occupiers of the site have a right to a home and family life under Article 8 of the European Convention on Human Rights. Article 8 is a qualified right and may be interfered with in accordance with the law and if it necessary in a democratic society. Any interference with the right must be proportionate to the legitimate public end.

##### Rights of the child

Article 3.1 of the United Nations Convention on the Rights of the Child is also relevant and states 'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'. These are therefore an important material consideration in any planning decision to which significant weight should be given..

##### The Council's duties under the Equality Act 2010

Section 149(1) of the Equality Act 2010 provides:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Public Sector Equality Duty the Council has a positive obligation to act so as to facilitate the gypsy way of life, but there is no duty to guarantee it in any particular case.

Planning balance

Policy H, paragraph 24 of the PPTS requires five criteria to be considered with planning applications for traveller sites:

a) the existing level of local provision and need for sites

The Council currently has a 5-year supply of sites that has met the required target for travellers that meet The Annex 1 PPTS definition which states that:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.

It should be noted that in a recent judgment in *Smith v Secretary of State for Levelling Up, Housing & Communities & Anor* [2022] EWCA, the Judges found the above definition to be discriminatory against those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan and that this discrimination was inextricably linked to their ethnic identity.

Whilst the definition of travellers in the PPTS has not been amended to take account of this judgement, this is a material consideration. However, the Council's Land Availability Assessment goes beyond the requirements of the PPTS and identifies sufficient sites to meet the need for all traveller accommodation (including travellers who do not meet the PPTS definition and those travellers of unknown planning status) over the plan period (2015 - 2034).

b) the availability (or lack) of alternative accommodation for the applicants –

The Council's need for Traveller accommodation is set out in Policy S2 and states that there is a need for a total of 53 pitches to meet the needs of travellers up until 2034. Since January 2017 a total of 32 pitches have either been granted planning permission, built out or can be built out with the benefit of an extant permission. A further 21 pitches therefore need to be provided to meet the identified need. Whilst there are three public sites within the borough with a total of 41 pitches there are currently no pitches available and there is a waiting list of 20 people to occupy one of these pitches. The Land Availability Assessment also identifies that only 11 pitches are likely to be available over the next five-year period.

Whilst it is noted that there is an extant permission for 2 pitches at a private site in Ash (following permission being granted for 4 pitches and only 2 of them being built out) this would be insufficient to meet the pitch numbers required by this application and, as this site is a private site, there is no expectation that these would be available for the applicants of this application.

As such if permission were to be refused, this is likely to result in the applicants having to lead a roadside existence. Indeed, the applicants have submitted details of their personal circumstances and confirm that should permission not be granted, this would likely result in a roadside existence for them and their families.

c) other personal circumstances of the applicant –

The personal circumstances of the individuals on site have been provided. There are currently a total of nine adults and 8 children on site, with another child expected soon. All of the pitches currently have children residing on them with three of the four pitches with young children, some of whom are nursery or school age and attend age-appropriate educational settings in nearby Tongham and Ash. One of the residents is currently under medical supervision.

The occupants of three of the pitches travel for work, with the occupants of the fourth pitch supported by their family members. The occupants of one of the pitches have stated that they attend and trade at fairs such as the Appleby fair and has referred to their aversion for living in brick and mortar housing. There is a general desire amongst the occupants of the site to live a more settled lifestyle and provide / continue to provide education for their children and those of appropriate age and it has been confirmed that these children are attending local settings.

The occupants confirm that they have been living a roadside existence or have been doubling up on family plots for a number of years prior to occupying this site with one occupant confirming that they were on a waiting list for a Council owned pitch but was informed that it would likely around 10 years before a pitch became available in Chertsey.

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites – the site would meet the criteria set out in policy B paragraph 13 of the PPTS in that the site:

- being small in scale would promote a peaceful and integrated co-existence between the site and the local community
- would allow access to appropriate health services with local GP offices and a hospital within a short distance at Frimley
- ensure that children can attend school on a regular basis due to its close proximity to Tongham and Ash schools and nurseries where children are already enrolled
- provide a settled base that reduces the need for long-distance travelling which would be in line with one occupant who seeks to limit his travel due to having a young family
- reduces possible environmental damage caused by unauthorised encampment by providing a settled base
- provides for proper consideration for the effect of local environmental quality on the health and well-being of the travellers that may locate there or on others as a result of new development as is located away from busy roads and commercial premises and due to the nature of the proposed residential use and the limited pitch numbers would ensure the impact on others is limited
- would avoid placing undue pressure on local infrastructure and services as the proposal is for a small number of pitches and no objections have been received in this regard
- is not located in an area at risk of flooding as it is located on a ridge in an elevation position within the landscape

No commercial use is sought on the site under this application and whilst living and working from the same location thereby omitting many travel to work journeys would contribute to sustainability, any material change of use on the site would need to be assessed against the relevant planning policies. Excluding this last point, which is not relevant to this application, the site would meet the criteria set out in policy B paragraph 13 of the PPTS.



e) that they should determine applications for sites from any travellers and not just those with local connections –

One occupant has made reference to having local connections, however, this application will assess the needs from all of the occupants on the site and not just the occupant with local connections.

The aspects that weigh against the proposal are examined below:

- Countryside

The development would result in the stationing of mobile homes with associated ancillary buildings and hardsurfacing within the countryside where development should be limited and as such would result in some visual harm. The site, due to its location away from public transport, would also result in occupants relying to some degree on the use of private vehicles. There is no justification for the requirement for the proposal to be on this particular site. The Council maintains an up-to-date housing land supply and has enough sufficient provision for traveller sites within the plan period, as such there is no justification for the location of the proposal in the countryside. This harm is afforded substantial weight.

Matters which weigh in favour of the application:

- Alternative site

This is a retrospective application and as such the family groups would need to leave their current site if this application is refused. Whilst the Local Plan makes provision for sites to come forward over the plan period, not is not expected that any public sites will become available in the short term and as such the families may end up homeless. Therefore, this matter carries significant weight in the balance.

- Personal circumstances

The applicants and their families have a right to a home and family life under Article 8 of the European Convention on Human Rights and the access to education, health and other services. Furthermore, the best interests of the child would be affected in the event that planning permission was refused if forced to live on a roadside encampment. However, this does not outweigh the harm to the planning policies especially the protection of the countryside.

Taking all the above into account, it is concluded that the substantial harm to the countryside would not be outweighed by the lack of any other sites, the human rights issues and the best interests of the child to justify the grant of full planning permission.

In addition to the above the Council must consider whether it would be appropriate to grant either a personal permission or a temporary permission.

Personal permission

If permission were granted with a personal restriction this would affect the balancing exercise. However, it would not reduce the weight afforded to the harm identified.

### Temporary permission

As noted above the lack of sites in the shorter term carries significant weight and given that any harm to the countryside would be temporary with the reinstatement of the land to paddocks readily achieved, then the level of harm in this respect can be reduced slightly. The personal circumstances of the occupants, in particular those pertaining to the children and their continuing need to attend educational settings, as well as the needs of the occupant currently under medical supervision, would weigh in favour of granting temporary permission.

### Balancing exercise

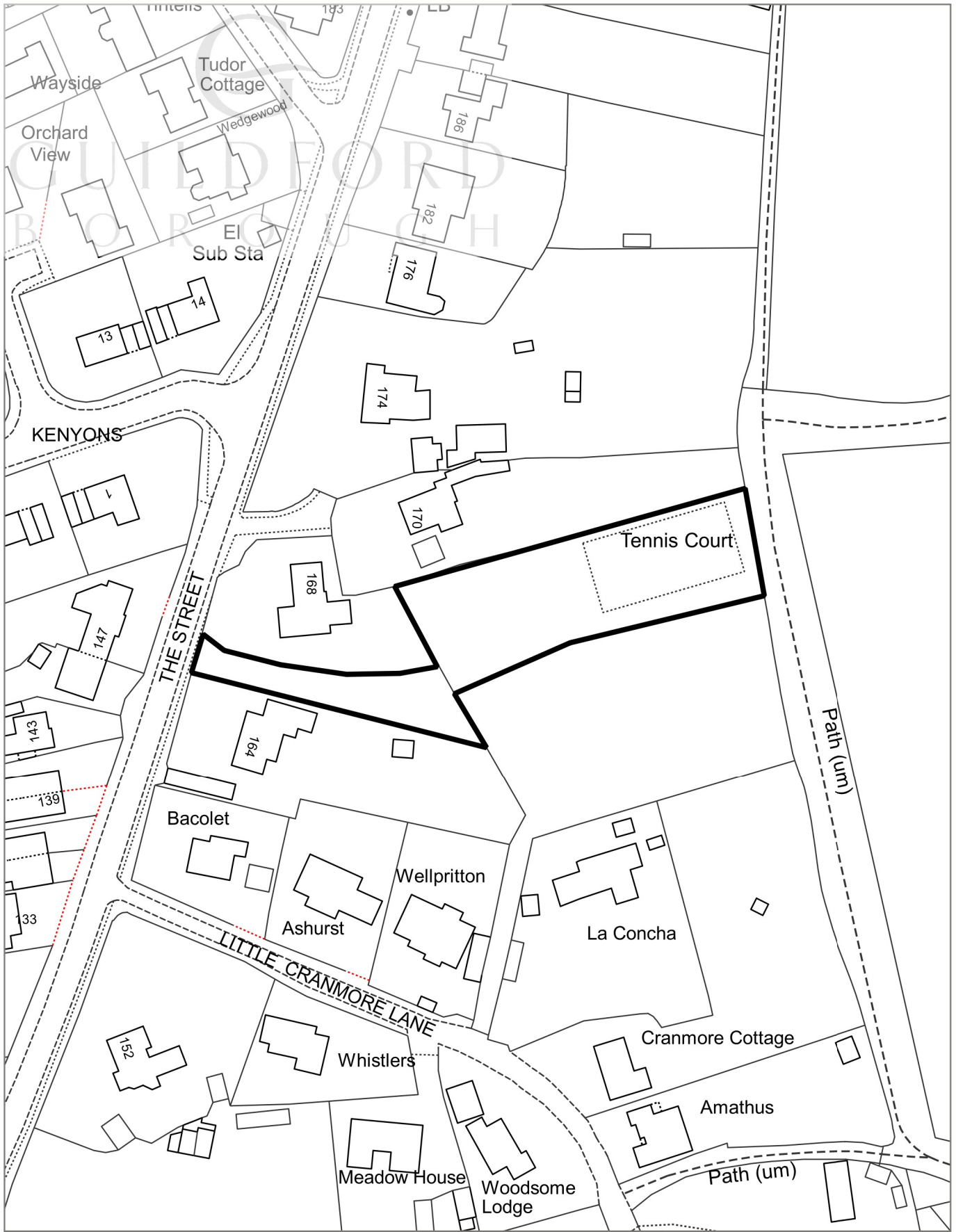
It is therefore considered that the combination of the lack of available sites in the short term, the education and medical needs of the existing occupants of the site and the likelihood of the occupants having to lead a roadside existence which would not be in the best interests of the children, together the ability to reinstate the land to paddocks with relative ease following the cessation of a temporary permission, would justify tipping the balance in favour of granting a temporary and personal permission to the occupants of the site for a limited time period after which it is expected that authorised sites will be available.

### Conclusion

The Council has conducted a full balancing exercise and concluded that full planning permission should not be granted. In reaching this conclusion the Council has had regard to interference in their human rights and the Public Sector Equality Duty on the family's ability to live their traditional way of life, as well as to their opportunities to access education, health and other services. In this case, the interference is necessary to control the use of the site in the general public interest, the objectives of countryside planning policy and highway safety. It would not be disproportionate.

However, taking into account the personal circumstances of the occupants on site and taking into consideration the best interests of the children, it is considered that a temporary and personal permission is granted in order for sufficient time to pass for the provision of authorised sites, subject to the imposition of conditions and a legal agreement to secure the necessary mitigation against the impact of the proposed development on the integrity of the Thames Basin Heaths Special Protection Area.

# 22/P/00998 - Land To The Rear Of 168, The Street, West Horsley



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Print Date: 13/02/2023

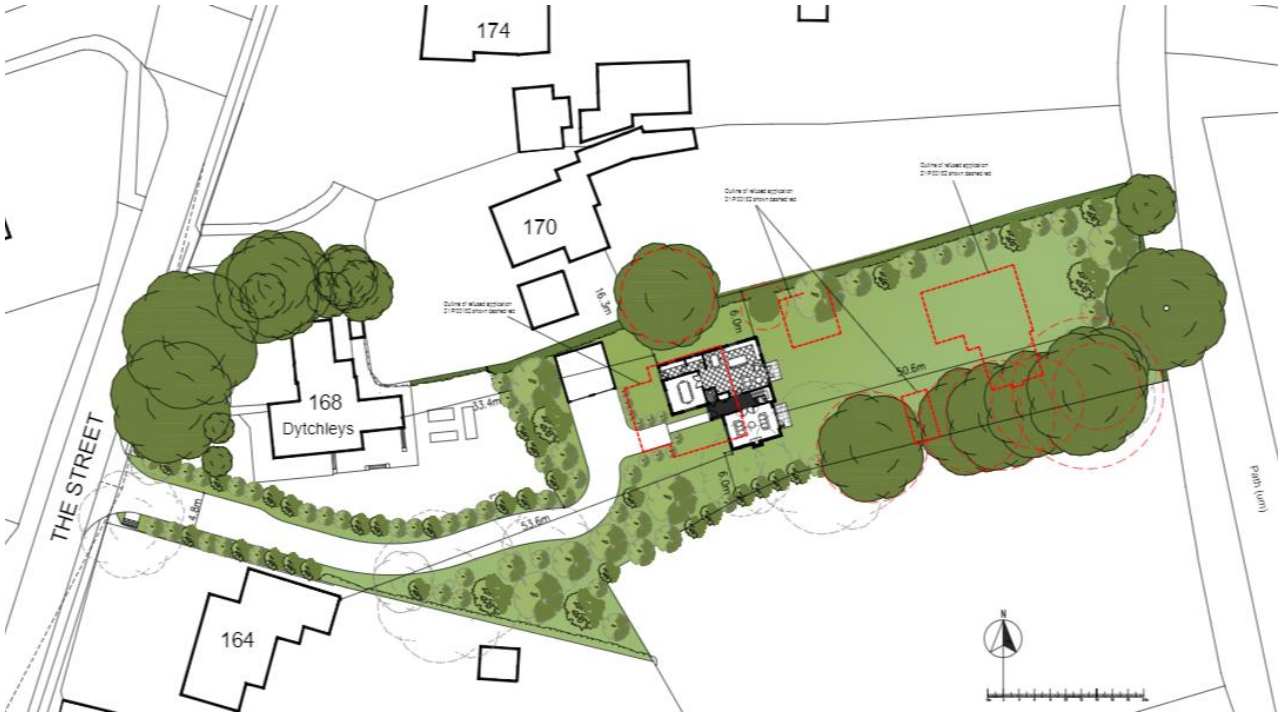


Page 147 Not to Scale



**GUILDFORD**  
BOROUGH

22/P/00998 – Land to the rear of 168 The Street, West Horsley



Not to scale



**App No:** 22/P/00998 **8 Wk Deadline:** 03/08/2022  
**Appn Type:** Full Application  
**Case Officer:** Ben Mitchell  
**Parish:** West Horsley **Ward:** Clandon & Horsley  
**Agent :** Mr Conoley **Applicant:** Mr Everest  
Michael Conoley Associates Silver Key Developments Ltd  
The Old Forge Ground Floor  
The Green Egerton House  
Elstead 68 Baker Street  
GU8 6DD Weybridge  
KT13 8AL

**Location:** Land to the rear of 168, The Street, West Horsley, KT24 6HS  
**Proposal:** Erection of a detached Self-build / Custom Build dwelling with associated garaging and new access on land to the rear of Dytchleys, 168 The Street

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee as it has been called in by Cllr Anderson during the 7-day process with concerns that it would represent inappropriate backland development and would harm the traditional rural edge to the village.

#### **Key information**

The proposed dwelling would be a large two storey detached dwelling sited approximately 33m behind (to the east) of No.168, which is itself sited adjacent to the The Street.

It would be 7.3m in overall height with excavation works setting the building down from the surrounding dwellings.

It would be of an Arts and Crafts styling with traditional materials such as brick and clay tiles, with an oak framed double height porch.

The proposed dwelling would provide four bedrooms and a further single storey detached double garage in front (to the north-west) of the principal elevation of the dwelling providing two designated parking spaces.

Access would be provided off the The Street, with a driveway running between No.168 and No.164 The Street.

This application follows the previously refused application for the erection of three dwellings on the site under application 21/P/00182. The application was refused on grounds the number of dwellings proposed, together with their overall scale, height, bulk, layout and positioning would be harmful to the character of the surrounding area and would not achieve a transitional edge to the village.

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

The site is located in West Horsley, which has been in-set from the Green Belt and the development would contribute to the identified need for 20% four bedroom market homes, as identified within SHMA 2015 and Addendum Report 2017. Therefore, the principle of development is considered acceptable.

The proposed dwelling would be sited behind No.168 The Street. However, it would be a reasonable height and scale, have an in-keeping design and character, and a number of existing dwellings are sited further back within their respective plots including No.170 The Street (to the north) and La Concha, Little Cranmore Lane (to the south-east). The proposed development would not be sited significantly beyond these highlighted existing dwellings. The rear garden would be significant in its length and is considered to maintain an appropriate natural transition to the surrounding countryside.

No harmful neighbouring amenity impacts have been identified owing to the adequate separation to the neighbouring dwellings, and the proposed access would be bounded by hedging and vegetation to avoid harmful noise and light impacts for cars accessing the proposed dwelling.

The dwelling would be in line with nationally described space standards and would maintain sufficient amenity space to both the proposed dwelling and No.168.

Sufficient car parking has been provided and bin storage would be sited at the end of the drive, adjacent to the highway, as to avoid the need for refuse vehicles to access the site.

The proposal would not have any significant adverse impacts on biodiversity and would utilise biodiversity enhancements.

Several lower quality trees are proposed to be removed, with the higher quality ones being retained and the Council's Tree Officer has not objected to the development. A soft landscaping scheme would be secured via condition to mitigate the loss of existing trees.

The development would not result in an increased chance of flooding.

The development would comply with policy sustainability requirements, and further sustainability measures would be secured via condition.

A S106 has been drafted to secure SANG and SAMM payments to mitigate any potential harm to the Thames Basin Heath SPA. The applicant has confirmed they are willing to enter into this agreement.

### **RECOMMENDATION:**

**Subject to a Section 106 Agreement securing appropriate SANG and SAMM mitigation payments, the decision is to:**

#### **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: 1501/P-201, 1501/P-204, 1501/S-101, 1501/P-202, 1501/P-203 received on 8th June 2022.

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 above 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 is satisfactory.

4. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to The Street has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.1501/P-201, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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

5. 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. 1501/P-201, 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

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

Reason: To encourage the use of electric cars in order to reduce carbon emissions and in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2021

7. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided to encourage travel by means other than private motor vehicles and in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2021

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) measures to prevent the deposit of materials on the highway
- (e) on-site turning for construction vehicles

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and are in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2021. It is considered necessary for this to be a pre-commencement condition as protection for highway safety and avoiding inconvenience on other highway users should be established prior to the start of construction where issues could arise

9. 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



10. 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). 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. It is considered necessary for this to be a pre-commencement condition as the provision of appropriate sustainability measures should be ingrained into the development prior to construction

11. The approved Arboricultural Impact Assessment and Tree Protection Strategy, prepared by Mark Welby Arboricultural Consultant, (Revision C 13/06/2022), must be adhered to in full. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

12. No development shall take place until full details of a soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

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

13. The development hereby permitted shall not be occupied until the biodiversity enhancement measures as set out in paragraph 13.2 of the submitted Design and Access Statement received 23rd June 2022 have been implemented in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In order to preserve and enhance the natural environment including protected species and to increase the biodiversity of the site and mitigate any impact from the development

**Informatives:**

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

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

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

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see:  
[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).
4. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway 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 (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:  
<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

5. The developer is 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).
6. 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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the Highway Authority recommend that the developer and LPA liaise with their Building Control Teams and Local Fire Service to understand any additional requirements.
7. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment – this will be at the developer's own cost.

### **Officer's Report**

#### **Site description.**

The site is within the West Horsley Settlement Boundary and inset from the Green Belt. The site is also within the 400m to 5km buffer of the Thames Basin Heath SPA.

The site consists of part of the long rear garden of 168 The Street which includes an existing tennis court at the end of the garden. The rear (eastern) boundary of the site forms the boundary with the Green Belt to the east.

The site adjoins the neighbouring property of 170 The Street to the north and paddock land to the rear of 164 The Street to the south. This land is the subject of recent planning application for five new dwellings which was refused and the appeal dismissed. The proposed access to the site is positioned adjacent to the southern boundary of the site adjacent to 164 The Street.

#### **Proposal.**

Erection of a detached dwelling with associated garaging and new access on land to the rear of Dytchleys, 168 The Street

#### **Officer note:**

The proposed dwelling would be a large two storey detached dwelling sited approximately 33m behind (to the east) of No.168, which is itself sited adjacent to the The Street. The proposed dwelling would be 7.3m in overall height with excavation works setting the building down from the surrounding dwellings. It would be of an Arts and Crafts styling with traditional materials such as brick and clay tiles, with an oak framed double height porch. The proposed dwelling would provide four bedrooms and a further single storey detached double garage in front (to the north-west) of the principal elevation of the dwelling providing two designated parking spaces. Access would be provided off the The Street, with a driveway running between No.168 and No.164 The Street.

This application follows the previously refused application for the erection of three dwellings on the site under application 21/P/00182. The application was refused on grounds the number of dwellings proposed, together with their overall scale, height, bulk, layout and positioning would be harmful to the character of the surrounding area and would not achieve a transitional edge to the village.

**Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
21/P/00182	Proposed erection of a pair of two storey semi-detached dwellings and one two storey detached dwelling, with associated garaging and new access.	Refuse 22/11/2021	A p p e a l withdrawn 27/09/2022
20/P/01194	Erection of two detached dwellings	Withdrawn 17/12/2020	N/A

**Consultations.**

SCC Highways - no objections, subject to relevant conditions

West Horsley Parish Council - objects on the following grounds

- backland development is inappropriate
- no need for further housing
- harm to semi-rural character owing to visibility from adjacent footpath
- harm to the amenity of No.170 garden
- overlooking concerns
- transitional edge between garden and green belt would be eroded
- erosion of views through open farmland
- introduction of parking onto green field location causes harm to character of the area
- harm to biodiversity

GBC Tree Officer - no objections, subject to relevant conditions for tree protection measures

**Third party comments:**

One letter of representation has been received raising the following objections and concerns:

- inappropriate positioning encroaching on green field land
- unofficial building line at rear should be observed
- access should not allow for further houses to be constructed

**Planning policies.**

National Planning Policy Framework (NPPF) 2021

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

South East Plan 2009

NRM6. Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and Sites 2015 - 2034

- H1. Homes for all
- P5. Thames Basin Heath Special Protection Area
- D1. Place shaping
- D2. Climate change, sustainable design, construction and energy
- ID3. Sustainable transport for new development
- 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
- NE4. Species protection
- NE5. Development affecting trees, hedges & woodlands

West Horsley Neighbourhood Plan 2016 - 2033

- WH2. Design management in the village settlement
- WH3. Design management within rural areas
- WH4. Housing mix
- WH14. Biodiversity
- WH15. Dark skies

Supplementary planning documents (SPD)

National:

National Design Guide 2021

Local:

Residential Design Guide 2004

Vehicle Parking Standards 2006

Thames Basin Heath Special Protection Area Avoidance Strategy 2017

Climate Change, Sustainable Design, Construction and Energy 2020

### Emerging Local Plan

Guildford's Local Plan Development Management Policies (LPDMP) can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies/parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

P6/P7. Biodiversity in new developments  
P13. Sustainable surface water management  
D4. Achieving high quality design and respecting local distinctiveness  
D5. Protecting the amenity and provision of amenity space  
D9. Residential infill development  
D12. Sustainable and low impact development  
D13. Climate change adaptation  
D14. Carbon emissions from buildings  
ID11. Parking standards

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the character and scale of the area
- the impact on neighbouring amenity
- amenity and space standards
- highway and parking considerations
- the impact on biodiversity and ecology
- the impact on trees and vegetation
- the impact on surface water flooding
- sustainability
- Thames Basin Heath Special Protection Area (TBHSPA) and Appropriate Assessment (AA)
- legal agreement requirements

### Principle of development

The application site is within West Horsley. The NPPF identifies that only villages whose open character makes an important contribution to the openness of the Green Belt should be included within the Green Belt. As such, West Horsley has been assessed against this under the LPSS 2015 - 2034 and has been inset from the Green Belt. The application site also falls within the Identified Settlement Boundary. Therefore, given the established principle that West Horsley does not contribute to the openness of the Green Belt and as such, has been inset from it, it is not required to assess this application in regards to its impact on the Green Belt.

The SHMA 2015 and Addendum Report 2017 identifies a need for 20% four bedroom open market homes of which this development would contribute to. Further, the NPPF Part 5 requires the delivery of a sufficient supply of homes, of which this development would contribute to. Therefore, it is considered that the principle of development within the application site for the erection of a new dwelling is appropriate, subject to further planning considerations.

#### Impact on the character and scale of the area

Para 130 of the NPPF stipulates that developments:

- a) "will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development";
- b) "are visually attractive as a result of good architecture, layout and appropriate and effective landscaping";
- c) "are sympathetic to local character and history, including the surrounding built environment and landscape setting";
- d) "establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit";

Policy 4.5.12 (Policy D1 of the 2019 Local Plan) requires "assessment of the design of new development to ensure that it provides a positive benefit in terms of landscape and townscape character, and enhances local distinctiveness.... to protect, conserve and enhance the landscape character of the Borough".

The site lies on the edge of the settlement of West Horsley, with countryside to the east. Policy WH2(i) of the West Horsley Neighbourhood Plan states: 'Where adjoining the boundaries of the built-up area of the village, the emphasis will be on the provision of housing types and built forms that help maintain an appropriate transitional edge to the village and maintain local character and countryside views;'

The proposed dwelling would be a large detached two storey dwelling providing four bedrooms.

The existing dwellings surrounding the site consist of relatively modest two storey detached dwellings on spacious plots, including the existing dwelling at 168 The Street and neighbouring dwelling 170 The Street. There are existing mature trees and hedging on the site boundaries. Properties along this part of The Street, on the eastern side of the road, are predominantly comprised of detached dwellings on spacious plots in a line of ribbon development fronting the road, with the ends of their long rear gardens, largely free from development, backing onto the countryside edge. This provides an open and spacious character and a gentle transition between the edge of the village and the countryside beyond. The dwelling at 170 The Street is set further back from the road but is one of the older dwellings and is modest in terms of its scale, bulk and height and is of a rural cottage style.

The proposed dwelling would sit comfortably within the large plot, sited towards the western boundary maintaining a large rear garden that bound the adjacent countryside to its east. It would be positioned centrally across the width of the plot, maintaining a separation of six metres between each adjacent side boundary. The proposed dwelling would be marginally taller than the surrounding dwellings, however, given the level change towards the rear of the site accounting for the excavation works, it would be set down further than the neighbouring dwellings and as such, would not appear overly tall when viewed from the surrounding area. Overall, the proposed dwelling would not be dissimilar in overall built form to the surrounding dwellings and given its siting, boundary treatments and set down nature, would not be of an overly large scale. A detached garage is proposed sited adjacent to the south-western elevation of the dwelling and would be of an in-keeping scale that reflected the similar use of detached garaging within the surrounding area.

It is acknowledged that the proposal would be sited within the rear garden of No.168 The Street. However, as mentioned, the pattern of development along The Street, consists of dwellings in a ribbon pattern with frontages onto the highway. However, there are examples within the area (No.170 and La Concha), of dwellings set further back behind the rear elevations of neighbouring properties. The proposed dwelling's principal elevation would be in line with the rear elevation of No.170, whilst it would sit in line with La Concha, which is sited to the south-east. Given the orientation of No.170, the proposed dwelling and La Concha, this would result in an informal building line being formed and as such, the proposed dwelling would sit within that as to not appear incongruous within the surrounding context of dwellings. Therefore, given the development would only consist of a single dwelling of an appropriate scale, that would maintain a significant rear garden with a natural transition to the surrounding countryside, it is not considered that this development would be inappropriate. The development would not extend significantly behind the established pattern of development and as such, would maintain sufficient views of the natural landscape whilst not appearing overly dominant at the rear of the existing dwellings. In this, the development would provide an appropriate transitional edge to the village and therefore, would maintain local character and countryside views.

The proposed dwelling would utilise traditional styling and materials, with fully hipped roofs and some modern architectural detailing. In this, the dwelling would not appear out-of-keeping with the character of the area and the design would be of a sympathetic nature that did not cause harm to the surrounding village or contrast too starkly to the established dwellings along The Street.

Primarily through the reduction in the number of dwellings and appropriate siting of the proposed dwelling, this development has overcome the concerns raised within the previously refused application 21/P/00182 in regards to its impact on character and scale. As mentioned, the dwelling would maintain a transitional edge to the village with a dwelling sited in an appropriate location as to not appear out of keeping with the surrounding residential development. As such, the case officer has visited the site and is satisfied that the scale of the development is in keeping with the surrounding area and the design of the would not detract from the character of the surrounding area and would therefore accord with Part 12 of the NPPF, Policies D1 of LPSS 2015 - 2034 and G5 of the Local Plan 2003 and WH2 of the West Horsley Neighbourhood Plan.

As outlined above, considerable weight shall now be given to the emerging LPDMP. Policy D9 of the LPDMP states that residential infill development should integrate well with surrounding development and respond positively to the existing character and identity of the local area. As outlined above, the development would achieve this and as such, the proposal would comply with Policy D9 of the LPDMP.

#### Impact on neighbouring amenity

The dwelling would maintain a minimum separation distance of 16.3m and 33.4m to No.170 and No.168, respectively. Given this significant separation and that the dwelling would not be of an overly large scale there would not be an adverse loss of light, overshadowing or an unacceptable overbearing impact to either of the neighbouring dwellings. Although the dwelling in itself would not result in a harmful loss of light or overbearing impact to the neighbouring dwellings, as existing, there is a significant amount of mature vegetation that would provide additional screening between the respective dwellings and as such, further limiting visibility of the dwelling within the existing amenity space of either dwelling.



On the northern side roof slope, there would be four side facing rooflights that would be adjacent to No.170. However, given these would have a cill height of above 1.7m and that there is existing boundary treatments between the dwellings with a fairly significant separation, these would not cause concerns for overlooking.

Owing to the proposed dwellings positioning to the rear of No.168, there would be first floor windows on the front elevation of the proposed dwelling that would face the rear garden of No.168. However, given the significant separation of 33.4m between the rear elevation of No.168 and the front elevation of the proposed dwelling, it is not considered this would cause harmful overlooking that would negatively impact the amenity space of No.168.

The proposed driveway would run between No.168 and No.164. The proposed driveway would be bounded by hedging and vegetation on both boundaries and the proposed parking area would also be screened from No.168 with several layers of vegetation. This would provide adequate protection from the potential noise impacts and light pollution from headlights with cars travelling between the two dwellings as to not cause harm to the neighbouring amenity of either adjacent dwelling. Further, given this development is limited to a single dwelling, there would not be a significant generation of traffic that would cause concern given the positioning of the driveway.

#### Amenity and space standards

Policy H1(3) 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 creation of one four bed dwelling. The internal floor area significantly exceeds the minimum requirement for such a dwelling set out in the nationally described space standards. The space standards set out further requirements in terms of bedroom sizes and dimensions and it is found that the dwelling also meets with these requirements.

The proposed garden area would be adequate in terms of outdoor amenity space with a rear garden measuring 50.6m in length. In erecting a dwelling within the rear garden of No.168, the host dwelling would maintain a sufficient rear amenity space with a rear garden that, at minimum, extended 12.3m in depth and further extended around the side of No.168.

#### Highway and parking considerations

The Council's Maximum Parking Standards require dwellings of more than three bedrooms to provide two vehicle parking spaces. There would be sufficient space to the front of the dwelling and within the external garage to provide at least two off-street car parking spaces in line with the Council's requirements.

Bin storage has been provided at the entrance of the development adjacent to The Street which would ensure that a refuse vehicle did not need to enter the site. The CHA has no objection to the application, 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.

In order to promote sustainable transport and to reduce carbon emissions, if the application is approved, conditions will be added to ensure the provision of a suitable electric vehicle charging point and covered parking for bicycles with the provision of a charging point for e-bikes, as recommended by the County Highway Authority.

### Impact on biodiversity and ecology

LPSS Policy ID4 sets out the Council will seek to maintain, conserve and enhance biodiversity and will seek opportunities for habitat restoration and creation, while new development should aim to deliver gains in biodiversity where appropriate.

The site comprises a residential garden laid to lawn with a hard-surfaced tennis court. There are no existing buildings to be demolished as part of the proposals.

The submitted Design and Access Statement states that there are several opportunities for Biodiversity Gain are suggested as part of the proposals. These are the planting of additional mixed native species hedgerows and the addition of an 'insect hotel' woodpile to the rear of the site. Biodiversity enhancement measures could be secured by condition. Subject to such condition it is considered that the proposal will not have an adverse impact on ecology and biodiversity.

Considering the above, the proposal will not have any significant adverse effects on biodiversity and does not conflict with LPSS policy ID4, subject to necessary conditions.

### Impact on trees and vegetation

There are several mature trees on all boundaries of the site, in particular to the southern and front boundary.

An Arboricultural Method Statement has been submitted with the application which includes details of trees to be removed and proposed measures for protecting the trees during the course of development. Several trees are proposed to be removed along the southern boundary in particular, as well as trees at the new access point. The trees to be removed have been assessed as being poorer quality (category C or U trees) and the Council's Tree Officer has no objection to their removal. The higher quality trees are being retained and a condition is recommended to ensure the development is carried out in accordance with the agreed tree protection details to ensure the retained trees are protected during the course of development.

The proposals also show the proposed provision of new trees and hedge planting along the southern and northern boundaries of the site. This proposed planting will be important to mitigate the loss of the trees to be removed and a soft landscaping scheme, to include details of all new planting, would need to be secured by condition as part of any subsequent planning approval.

### Impact on surface water flooding

The site is located within Flood Zone 1 and is below the site area threshold for requiring a Flood Risk Assessment.

The submitted D&A statement sets out that the proposals will incorporate rainwater harvesting, permeable driveways and parking areas and all surface water will be discharge to soakaways.

Although there have been concerns raised by third parties in respect to surface water drainage owing to the excavation works, given the application site is not within Flood Zone 2 or 3 and is not in a designated area at risk of surface water flooding, it would not be reasonable to the impose further requirements on surface water flooding.

### Sustainability

As set out in the Climate Change, Sustainable Design, Construction and Energy SPD 2020 and Policy D2 of the new Local Plan, there is a requirement to achieve a 20 percent reduction in carbon emissions through the use of on site low or zero carbon technologies. The application has been supported by the GBC Climate Change, Energy and Sustainable Development questionnaire, which outlines how the proposed development will meet sustainability requirements.

The materials would be sourced locally where possible, all structural timber would be FSC certified. All non-mineral waste would be minimised and recycled where possible. The house has been designed to include passive cooling methods and maximise solar gains. An electric vehicle charging point has also been proposed and will be secured via condition, if the application is approved.

There is also a requirement for development to achieve a water efficiency of a maximum of 110 litres per occupant per day. Details on how these requirements will be achieved will be secured by way of a condition.

Sustainability evidence has been submitted indicating the development would achieve a 23.36% reduction in carbon emissions through the above methods. As such, the development would comply with Policy D2 of the LPSS 2015 - 2034 and would further utilise effective and appropriate methods of sustainable design and construction.

### Thames Basin Heath Special Protection Area (TBHSPA) and Appropriate Assessment (AA)

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 a Strategic Access Management and Monitoring (SAMM) contribution to avoid any adverse impact in line with the tariff within the annual updating of off-site contributions document. The Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution of £8,926.05 and a SAMM contribution of £1,188.96 to avoid any adverse impact in line with the tariff within the annual updating of off-site contributions document.

In line with standing advice from Natural England, 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.

### Legal agreement requirements

The three tests as set out in Regulation 122 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.

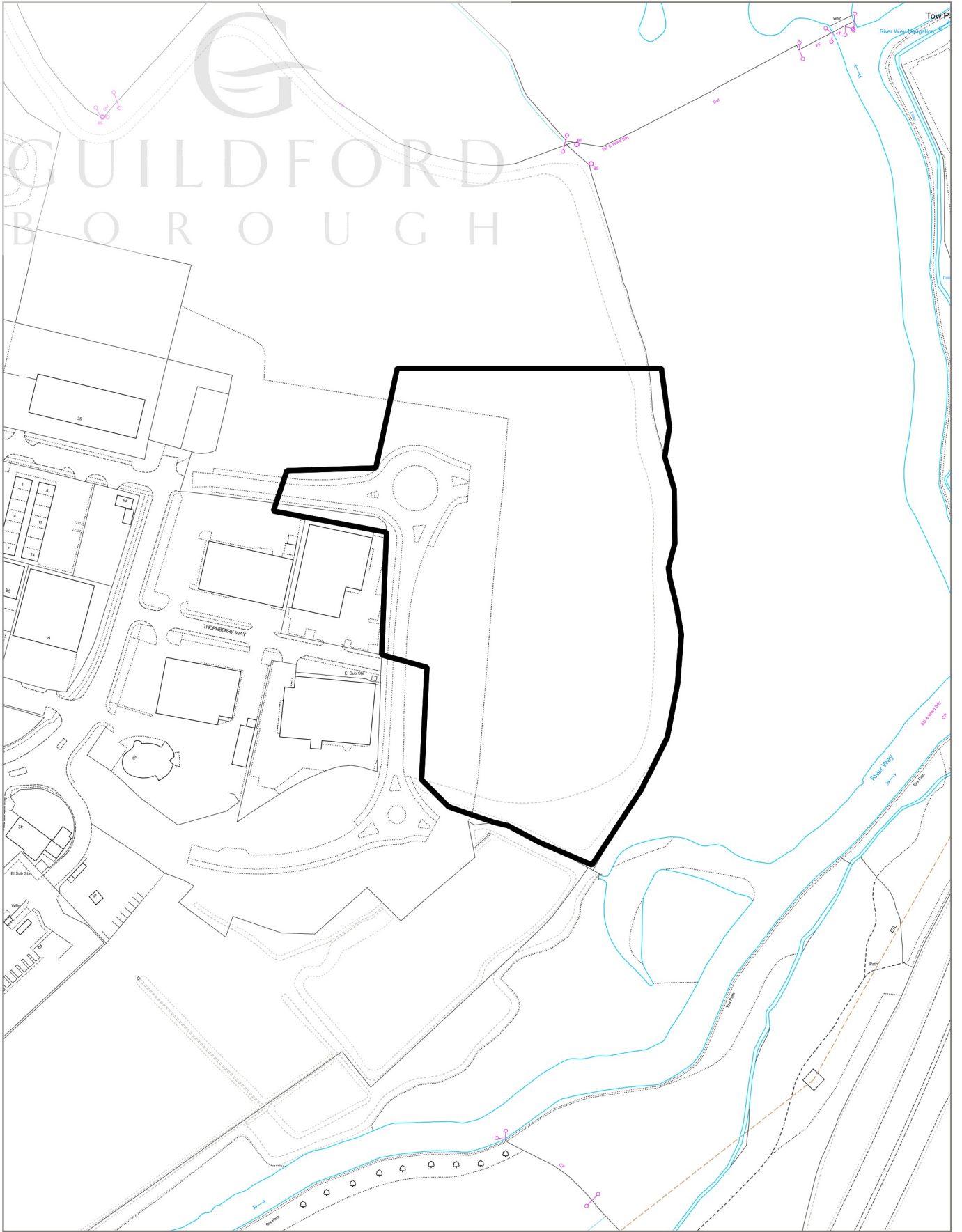
As the application would result in the net gain of one new residential unit, in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG and SAMM, in line with the Guildford 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 contributions are required to improve existing SANGS and ensure they are maintained in perpetuity; the SANGS is existing infrastructure which is to be improved to ensure that they have suitable capacity to mitigate the impact of the residential development. In conclusion, the Council is of the opinion that the legal agreement would meet the three tests set out above.

### Conclusion

The Council has conducted a full assessment of all the relevant material considerations against local and national planning policy and has concluded that full planning permission should be granted. The application would be within a sustainable location where the principle of housing is appropriate. Whilst it would be sited to the rear of an existing dwelling, considering the siting and location of other surrounding existing dwellings, it would not represent harmful backland development. The design and scale would be of an in-keeping nature and it would provide adequate amenity and domestic facilities, with an appropriate approach to sustainability, bio-diversity and flooding. The development would not result in an adverse impact to the surrounding highways safety. Mitigation could be secured for the impact on the SPA via S106. As such, this application is recommended for approval.

# 22/P/01050 - Weyside Urban Village (slyfield Regeneration Programme), Slyfield Green, Guildford



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Page 165 Not to Scale



**22/P/01050 – Weyside Urban Village (Slyfield Regeneration Programme),  
Slyfield Green, Guildford**



App No:	22/P/01050	8 Wk Deadline:	30/12/1899
Appn Type:	Full Application		
Case Officer:	Joanna Chambers		
Parish:	Stoke	Ward:	Stoke
Agent :	Mr Beavan	Applicant:	Mr Edwards
	Savills (UK) Ltd		Guildford Borough Council
	1 Grosvenor Square		Millmead House
	Southampton		Millmead
	SO15 2BZ		Guildford
			GU2 4BB

Location: Weyside Urban Village (Slyfield regeneration Programme), Slyfield Green, Guildford, GU1

Proposal: Reserved matters application pursuant to outline permission 20/P/02155 permitted on 30/03/2022, to consider appearance, means of access , landscaping, layout and scale in respect of the erection of a new GBC Depot, Multi-Storey Car Park, MOT Test Centre and sprinkler tank compound with associated external areas of hard and soft landscaping, parking and storage. (EIA Development)

**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, reports and specifications

SGCD-ACM-ZZZ-ZZ-RP-DR-000001 Strategy Rev P01	Surface Water Drainage
SGCD-ACM-ST-XX-RP-A-000201 Rev P5	Design and Access Statement
SGCD-ACM-XX-XXX-RP-EE-000001 P01	Energy Statement Rev
SGCD-ACM-XXX-XX-RP-SC-00200 Rev P02	Sustainability Statement
SGCD-ACM-XX-XX-DR-CE-000005 Strategy Rev P01	Refuse and Recycling
SGCD-ACM-XX-XX-DR-CE-000103 P01	Site Location Plan Rev
SGCD-ACM-XX-XX-DR-CE-010161 P01	Site Layout Sheet 1 Rev
SGCD-ACM-XX-XX-DR-CE-010162 P01	Site Layout Sheet 2 Rev
SGCD-ACM-XX-XX-DR-CE-010163 P01	Site Layout Sheet 3 Rev
SGCD-ACM-XX-XX-DR-CE-010164 P01	Site Layout Sheet 4 Rev

SGCD-ACM-XX-XX-DR-CE-010165 Rev P01	Hard Landscape Plan Sheet 1
SGCD-ACM-XX-XX-DR-CE-010166 Rev P01	Hard Landscape Plan Sheet 2
SGCD-ACM-XX-XX-DR-CE-010167 Rev P01	Hard Landscape Plan Sheet 3
SGCD-ACM-XX-XX-DR-CE-010168 Rev P01	Hard Landscape Plan Sheet 4
SGCD-ACM-XX-XX-DR-CE-055155 P01	Utilities Plan Sheet 1 Rev
SGCD-ACM-XX-XX-DR-CE-055156 P01	Utilities Plan Sheet 2 Rev
SGCD-ACM-XX-XX-DR-CE-055157 P01	Utilities Plan Sheet 3 Rev
SGCD-ACM-XX-XX-DR-CE-055158 P01	Utilities Plan Sheet 4 Rev
SGCD-ACM-XX-XX-DR-CE-060311 Location Plan Rev P01	Boundary Treatment Section
SGCD-ACM-XX-XX-DR-CE-060312 Proposed Sections Rev P01	Boundary Treatment
SGCD-ACM-XX-XX-DR-CE-110011 Rev P01	Parking and Cycling Strategy
SGCD-ACM-XX-XX-DR-CE-260051 Alignment Layouts Sheet 1 Rev P01	Swept Path / Highway
SGCD-ACM-XX-XX-DR-CE-260052 Alignment Layouts Sheet 2 Rev P01	Swept Path / Highway
SGCD-ACM-XX-XX-DR-CE-260053 Alignment Layouts Sheet 3 Rev P01	Swept Path / Highway
SGCD-ACM-XX-XX-DR-CE-260054 Alignment Layouts Sheet 4 Rev P01	Swept Path / Highway
SGCD-ACM-XX-XX-DR-CE-260055 Alignment Layouts Sheet 5 Rev P01	Swept Path / Highway
SGCD-ACM-XX-XX-DR-DR-050051 Drainage General Arrangement Rev P01	Proposed Surface Water
SGCD-ACM-XX-XX-DR-DR-050052 Drainage General Arrangement Rev P01	Proposed Foul Water
SGCD-ACM-XX-XX-DR-LA-000051 Specification Rev P05	Landscape Masterplan
SGCD-ACM-XX-XX-DR-UT-130051 P01	Lighting Plan Sheet 1 Rev
SGCD-ACM-XX-XX-DR-UT-130052 P01	Lighting Plan Sheet 2 Rev
SGCD-ACM-XX-XX-DR-UT-130053 Sheet 1 Rev P01	Lighting Proposed Contours
SGCD-ACM-XX-XX-DR-UT-130054 Sheet 2 Rev P01	Lighting Proposed Contours
SGCD-ACM-ST-00-DR-A-00001	Masterplan Rev P06
SGCD-ACM-CP-XX-DR-A-00001	Site Plan Rev P09
SGCD-ACM-CP-XX-DR-A-01000	Level 00 Plan Rev P09



SGCD-ACM-CP-XX-DR-A-01001	Level 01 and 02 Plan	Rev P09	
SGCD-ACM-CP-XX-DR-A-01003	Level 03 and 04 Plan	Rev P09	
SGCD-ACM-CP-XX-DR-A-01005	Level 05 and 06 Plan	Rev P09	
SGCD-ACM-CP-XX-DR-A-01007	Level 07 and Roof Plan		Rev P09
SGCD-ACM-CP-XX-DR-A-08001	Sprinkler Tank Compound		Rev P04
SGCD-ACM-CP-ZZ-DR-A-03001	Elevations	Rev P05	
SGCD-ACM-CP-ZZ-DR-A-04001	Sections	Rev P09	
SGCD-ACM-DP-00-DR-A-01000	Ground Floor Plan		Rev P19
SGCD-ACM-DP-01-DR-A-01001	First Floor Plan		Rev P19
SGCD-ACM-DP-02-DR-A-01003	Second Floor Plan		Rev P19
SGCD-ACM-DP-03-DR-A-01004	Roof Plan	Rev P19	
SGCD-ACM-DP-M1-DR-A-01002	First Floor Mezzanine		Rev P19
SGCD-ACM-DP-ZZ-DR-A-03001	GA Elevations		Rev P7
SGCD-ACM-DP-ZZ-DR-A-04001	GA Sections		Rev P11
SGCD-ACM-ST-XX-DR-A-08003	Bin Store Layout		Rev P01
SGCD-ACM-ST-ZZ-DR-A-04001	Site Section		Rev P01
Biodiversity Mitigation and Enhancement Plan			May-22
EIA Compliance Note 02			
Planning Statement		May-22	
20268-MA-RP-D-TA-001	Transport Assessment		Rev B
22287-MA-RP-D-TN01	Transport Technical Note		Rev P01

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

2. No part of the development shall be first occupied unless and until the proposed vehicular and pedestrian access to Moorfield Road has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and Guildford Local Plan (2019) Policy ID3.

3. 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; for the loading and unloading of vehicles; and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking, loading and unloading, and turning areas shall be retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and Guildford Local Plan (2019) Policy ID3.

4. The development hereby approved shall not be occupied unless and until at least 20% of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply), and a further 20% of the available spaces provided with a passive connection for EV charging, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and Guildford Local Plan (2019) Policy ID3.

5. The development shall not be first occupied unless and until a Sustainable Travel Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. Such Plan shall include:
- a) Locations of new bus stops within 400 metres walking distance of the site;
  - b) Improvement works on Moorfield Road to provide safe pedestrian facilities and accessible crossing points between the site and the proposed bus stop facilities;
  - c) Provision of secure, covered cycle parking in close proximity to the proposed depot building;
  - d) appropriate dropped kerbs and or paths for cyclists to access the site from the existing cycleway facilities in the vicinity of the site.
  - e) A phasing strategy for the delivery of the above measures

Once approved, the submitted Sustainable Travel Infrastructure Plan shall be fully implemented to the satisfaction of the local planning authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and adopted Guildford Local Plan: strategy and sites (2019) Policy ID3.

6. Prior to commencement of the development, a revised layout of the site shall be submitted and approved in writing by the Local Planning Authority, such revised layout to show:
- a) The largest vehicle to access the site can enter and exit the site without overrunning kerbs;
  - b) The site exit/ roundabout entry reduced to a single lane with amendments to the roundabout previously constructed to narrow the carriageway width accordingly.

Thereafter the revised layout shall be implemented in accordance with the submitted plan prior to first occupation of the development.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and adopted Guildford Local Plan: strategy and sites (2019) Policy ID3.

7. The detailed Biodiversity Mitigation and Enhancement Plan (dBMEP) hereby approved will be implemented in full. Any revision to the dBMEP must be submitted to the local planning authority for approval at the pre-commencement stage. The dBMEP is a live working document and will require reviews and updates following the production and submission of the pre-commencement and pre-occupation documents relevant to biodiversity (Conditions 32, 38, 43, 60 and 91 of planning permission ref:20/P/02155), including the detailed Demolition and Construction Environmental Management Plan (DCEMP).

Reason: To safeguard protected species in accordance with Policy NE4 of the Local Plan 2003 (Saved Policies), and to safeguard existing natural features in accordance with Policy G1(12) of the Local Plan 2003 (Saved Policies).

8. A pre-works survey shall be conducted prior to the felling of tree which were identified in the ecological surveys as supporting potential roost features, due to the highly mobile nature of bats.

Reason: To safeguard protected species in accordance with Policy NE4 of the Local Plan 2003 (Saved Policies)

9. Notwithstanding the details shown on the approved drawings and documents, details and samples of materials (including colour and finish) proposed to be used on all external surfaces of the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of above ground works. The development shall be carried out in accordance with the approved materials and thereafter so retained.

Reason: In order to assess the suitability of the proposed materials and to ensure the satisfactory appearance of the development in accordance with the adopted Guildford Local Plan: strategy and sites (2019) Policy D1 and Local Plan 2003 (Saved Policies) Policy G1.

10. Notwithstanding the details shown on the approved drawings and documents, prior to the commencement of above ground works, a landscape management plan shall be submitted to and approved in writing by the local planning authority detailing the trees to be removed from the woodland belt adjacent to the eastern boundary of the site and proposed replacement and additional tree planting. There shall be no net loss of trees and replacement/ new tree planting should be of an appropriate species and size. The tree planting shall be carried out in accordance with the approved details and completed prior to the occupation of the development with all planting to be completed within the next planting season after first occupation. Any trees planted (including any such replacements) which die within three years from the date of planting shall be replaced in the next planting season with the same species, and of comparable maturity. In the fifth year after completion of the landscape planting, a review of the success of the landscape planting shall be undertaken. A Landscape Review Report, setting out requirements for additional planting or revised management actions shall be submitted and approved in writing by the local planning authority. The requirements set out in the Landscape Review Report shall be carried out in accordance with the details as approved.

Reason: To ensure a satisfactory appearance and provide tree planting and biodiversity improvements, in accordance with the adopted Local Plan: strategy and sites (2019) Policy D1 and Policies G1, NE4 and E5 of the Local Plan 2003 (Saved Policies) and the requirements of the National Planning Policy Framework 2021.

11. Details of the brown and blue roofs shall be submitted and approved in writing by the local planning authority prior to the commencement of above ground works. This shall include details of how the roof will provide habitats and features for biodiversity. The approved scheme shall be implemented as approved prior to first occupation of the development and thereafter maintained in accordance with the approved scheme

Reason: To ensure the proposed brown and blue roofs are provided and maintained in a satisfactory manner and to ensure enhanced biodiversity in accordance with Policy NE4 of the Local Plan 2003 (Saved Policies).

12. Prior to the commencement of above ground works on the multi-storey car park, details of the treatment of the boundary with the adjoining Thames Water Sewage Treatment Works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be implemented as approved prior to first occupation.

Reason: In the interests of the occupiers of both developments and to ensure the satisfactory appearance of the development in accordance with adopted Local Plan: strategy and sites (2019) Policy D1 and Local Plan 2003 (Saved Policies) Policy G1

13. Prior to the first occupation of the development and commencement of use of the multi-storey car park, a car park management plan shall be submitted to and approved in writing by the local planning authority. This shall include details of the allocation of parking spaces, hours of operation and charging policy.

Reason: To ensure the satisfactory operation of the development and to satisfy the requirements for fleet vehicle, staff, visitor and public parking in accordance with the approved details

14. Prior to the first occupation of the development, a Lighting Strategy/Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy/Management Plan shall provide details of internal and external lighting and set out how lighting on the site has been designed to minimise any potential light spill and impacts on bat foraging and commuting and public amenity. The development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure a satisfactory appearance and to protect amenity and safeguard protected species in accordance with Policies G1 and NE4 of the Local Plan 2003 (Saved Policies).

15. Notwithstanding the details shown on the approved drawings and documents, prior to the commencement of above ground works, details of roof top plant and any other permanent structures which are proposed to be erected on the roof of the approved buildings shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To control the appearance of the buildings and safeguard the appearance of the area in accordance with Local Plan 2003 (Saved Policies) Policy G1.

Informatives:

1. The applicant is advised that all conditions of the parent consent (ref 20/P/02155) are relevant to this approval and may require separate written consent from the Local Planning Authority.
2. The applicants should be aware of the requirement for a site wide archaeological strategy when future applications are submitted for areas where there is potential for archaeological remains to be impacted.

3. The applicant is advised that revised Land Use and Building Heights Parameter Plans will be required to be submitted to and approved by the local planning authority prior to the commencement of development.
4. The applicant is advised that prior to the commencement of development, an Arboricultural Impact Assessment and Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved in writing by the local planning authority in accordance with Condition 23 of the parent consent (Ref: 20/P/02155).
5. The applicant is advised that prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved by the local planning authority in accordance with Condition 60 of the parent consent (Ref: 20/P/02155).
6. The applicant is advised that prior to the commencement of development, a sustainability statement for this phase of development shall be submitted to and approved in writing by the local planning authority in accordance with Condition 22 of the parent consent (Ref: 20/P/02155).
7. National Highways has advised that Conditions 4 and 5 of the parent consent (Ref: 20/P/02155) relating to improvements and construction traffic management affecting the A3 remain outstanding.

#### Reason for Referral

This application has been referred to the Planning Committee because it constitutes a major application and the applicant is Guildford Borough Council. The application is of major strategic importance as it relates to one of the largest strategic sites in the Local Plan and the Council's main regeneration project at Weyside Urban Village (Slyfield Regeneration Programme).

#### Executive Summary

#### Key Information

The application has been submitted on behalf of Guildford Borough Council ('the Applicant') acting in its capacity as landowner in support of the Slyfield Area Regeneration Project (SARP). A hybrid planning consent (Ref: 20/P/02156) was granted in March 2022 for a sustainable, mixed-use riverside community to be called Weyside Urban Village (WUV). The WUV masterplan incorporates new homes integrated alongside landscaped open spaces, associated community, and retail facilities, with associated infrastructure including highways and green spaces. The site has the capacity to deliver approximately 1,500 new homes alongside community and employment uses. It also makes provision for the relocation of the existing Council Woking Road Depot and Sewage Treatment Works (STW) to facilitate the regeneration and development of the site in accordance with the adopted Local Plan allocation (Policy A24).

The application is a Reserved Matters Application (RMA) which seeks consent for the erection of the new Council Depot. The principle of the proposed development for this first phase of development accords with the approved outline proposals for the WUV Masterplan.

The new depot site replaces and expands the existing GBC depot which is currently located just north of the bridge of Woking Road over the River Wey and the existing facilities at Nightingale Road. The new depot facility brings together a range of the Council's departments and services onto one site including; waste services, street scenes, parks, housing repairs and supporting admin teams. The new depot will act as an important piece of infrastructure for the delivery of basic services to the wider community and will facilitate the redevelopment of the existing Woking Road Depot site as part of the wider WUV development.

The facilities on the new Depot site will include:

- Depot building;
- Multi-storey car park;
- External storage compounds and areas of hard and soft landscaping.

The new depot will provide bespoke, state-of-the-art facilities for the departments and services that will be relocated there and allow for a major upgrade in the quality of the facilities for staff, and the delivery of council services to the local community. The new facilities will also provide benefits in terms of environmental performance and reduced maintenance cost when compared with the existing depot buildings. The multi-storey car park has been designed to be ancillary to the depot site through providing parking capacity for both the council and visitor vehicles, as well as storage space for equipment, salt and sand and abandoned vehicles and capacity for public parking to replace spaces in the locality which will be displaced by works associated with the WUV.

It is anticipated that the development programme will be phased over an approximately 12-year period between 2022-2034 and the relocation of the existing uses including the Guildford Borough Council Woking Road Depot will be required to facilitate the early phases of the redevelopment.

#### Summary of Considerations and Constraints

The site forms part of Site Allocation A24 (Slyfield Area Regeneration Project) in the adopted Local Plan: Strategy and Sites (April 2019) which allocates the site for mixed-use redevelopment for approximately 1,500 residential units along with employment and community uses. The development is compliant with the requirements of the allocation. The relocation of the existing facilities from Woking Road Depot to the new Depot will facilitate the delivery of the WUV including affordable housing, open space and community facilities.

The principle of the proposed development has been established under the Hybrid planning consent (Ref: 20/P/02155) for the redevelopment of part of the allocated site for the mixed-use development now referred to as Weyside Urban Village (WUV). The principle considerations therefore relate to the compliance of the application with the parameters established in the outline consent and details of appearance, means of access, landscaping, layout and scale.

The approval of other matters relating to the development will require the discharge of a range of conditions attached to the parent consent.

The proposed development is substantially in accordance with the approved Parameter Plans. However, it is noted that the height of the lift/stair cores on the Multi storey car park exceed the maximum height set in the approved Building Heights Parameter Plan. Officers have explored with the applicant the potential of reducing the height of the eastern lift/stair core closest to the eastern boundary of the site to comply with the approved Building Height Parameter Plan but this would not be possible as it would breach Building and Fire Safety regulations as well as making the MSCP less accessible. However, the Zone of Theoretical Visibility (ZTV) in the 2020 ES which accompanied the outline application allowed for a 5m limit of deviation to the maximum heights of the Proposed Development and it is therefore considered that the height of the lift and stair cores fall within the worst case parameters and it is unlikely that there will be any new or different effects that will impact landscape, townscape and visual impact. Furthermore, Condition 2 allows for the submission and approval of a revised Height Parameter Plan prior to the commencement of development.

The design has been developed to meet operational requirements and will enable the rationalisation of Council services on a single site. It represents an efficient use of the site and the design has responded positively to site constraints and conditions. Concerns have, however, been raised by the Guildford Society and the Burpham Neighbourhood Forum about the visual impact of the proposed development and the limited landscaping proposals. Whilst the site layout and scale of the proposed development are considered to be acceptable within the framework of the WUV development and outline planning consent, Officers are of the view that further consideration could be given to the materiality and colour of the Depot building and MSCP to minimise visual impacts and different cladding designs and colours should be assessed. A condition is therefore proposed to require details of materials and sample cladding panels to be submitted and approved by the local planning authority. Officers have also worked with the applicant to further develop the Landscape Masterplan Specification to enhance the existing landscape buffer and where possible the external environment within the site. A condition is proposed to ensure no net loss of trees within the woodland belt and replacement planting of appropriate species where tree removal is necessary due to ground works.

The Transport Assessment indicates that the proposed development may result in additional traffic on the junction of Moorfield Road and Woking Road. However, the potential impact of the development on the operation of this junction must be considered in the wider context of the WUV development and the benefits this will deliver. In particular, it is noted that a modal shift toward more sustainable modes of transport is expected to be realised through the implementation of both on- and off-site measures as part of the wider WUV development. The County Highway Authority does not consider the potential impact to be severe and having assessed the application on safety, capacity and policy grounds, has recommended a number of conditions be imposed in any permission granted in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.



GBC's Ecological service (SWT) has reviewed the proposals and is satisfied that it meets the requirements as previously detailed under the outline consent and no objections are therefore raised to the development on ecological grounds. However, it is recommended that conditions should be included requiring the submission of a detailed Biodiversity Mitigation and Enhancement Plan and a pre-works survey prior to the felling of any trees.

The Proposed Development would deliver a high level of sustainability benefits. It incorporates mitigation measures help to create a development which has the capacity to adapt to the projected effects of climate change including fabric first approach to the building envelope and biodiverse (green) roof areas and Sustainable Drainage Systems (SuDS) will be implemented where practicable and viable to provide source control management, improve water quality, reduce flood risk and provide amenity and biodiversity. Rainwater Harvesting will be incorporated into the SWDS to enable a sustainable method of supplying water for vehicle washing.

Indoor comfort and health and wellbeing will be promoted by providing generous levels of daylight, internal acoustics designed to ensure that the acoustic performance is fit for purpose, and provision of cyclist parking and facilities will encourage physical activity for the building users. Within the locality of the Site there is a wide network of footways, providing connections to a wide variety of amenities. Cycle facilities will be provided including 85 cycle spaces. In addition to cycle parking, 150 lockers will also be provided for staff. Changing facilities will be provided and will include WCs and shower cubicles large enough to change in, as well as changing benches. Signposting will be installed to direct cyclists to nearby cycling facilities, including the cycle facilities on Moorfield Road and NCR 223.

Electric vehicle charging points would be provided for 20% of all parking spaces with passive provision for a further 20%. Sufficient energy within the grid has been earmarked to allow the provision of 100% EV charging in the fullness of time. A BREEAM 2018 New Construction assessment is being undertaken for the building, targeting a 'Very Good' rating. To offset the loss of habitat as a result of the proposed development, a combination of blue and brown roof systems will be implemented on the Depot roof. A brown roof system has been proposed specifically to enhance the biodiversity benefits.

With the incorporation of Air Source Heat Pumps and Solar Photovoltaic Panels, the proposed energy strategy for the Site would result in calculated site-wide regulated carbon savings of 31.1 tCO<sub>2</sub>/year, against a baseline building using gas-fired boilers, representing an 86% reduction, a major improvement above the GBC Policy D2 20% requirement. This is in accordance with the commitments in the consented WUV Energy Statement.

The development would facilitate the delivery of the WUV and associated public benefits. It will also allow for the consolidation of Council services and the creation of improved facilities for staff and the local community. The development will achieve high standards of sustainability and energy performance. It is considered that concerns raised regarding the visual impact of the development can be addressed by the imposition of conditions relating to materials, landscaping and biodiversity enhancement. The County Highway Authority is satisfied with the proposals subject to conditions to ensure the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

For these reasons, and the reasons set out in the body of the report, the proposal is in accordance with the development plan. The material considerations do not indicate that a decision should be taken other than in accordance with the development plan (s. 38(6) Planning and Compulsory Purchase Act 2004).

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, reports and specifications:

SGCD-ACM-ZZZ-ZZ-RP-DR-000001	Surface Water Drainage Strategy	P01
SGCD-ACM-ST-XX-RP-A-000201	Design and Access Statement	P5
SGCD-ACM-XX-XXX-RP-EE-000001	Energy Statement	P01
SGCD-ACM-XXX-XX-RP-SC-00200	Sustainability Statement	P02
SGCD-ACM-XX-XX-DR-CE-000005	Refuse and Recycling Strategy	P01
SGCD-ACM-XX-XX-DR-CE-000103	Site Location Plan	P01
SGCD-ACM-XX-XX-DR-CE-010161	Site Layout Sheet 1	P01
SGCD-ACM-XX-XX-DR-CE-010162	Site Layout Sheet 2	P01
SGCD-ACM-XX-XX-DR-CE-010163	Site Layout Sheet 3	P01
SGCD-ACM-XX-XX-DR-CE-010164	Site Layout Sheet 4	P01
SGCD-ACM-XX-XX-DR-CE-010165	Hard Landscape Plan Sheet 1	P01
SGCD-ACM-XX-XX-DR-CE-010166	Hard Landscape Plan Sheet 2	P01
SGCD-ACM-XX-XX-DR-CE-010167	Hard Landscape Plan Sheet 3	P01
SGCD-ACM-XX-XX-DR-CE-010168	Hard Landscape Plan Sheet 4	P01
SGCD-ACM-XX-XX-DR-CE-055155	Utilities Plan Sheet 1	P01
SGCD-ACM-XX-XX-DR-CE-055156	Utilities Plan Sheet 2	P01
SGCD-ACM-XX-XX-DR-CE-055157	Utilities Plan Sheet 3	P01
SGCD-ACM-XX-XX-DR-CE-055158	Utilities Plan Sheet 4	P01
SGCD-ACM-XX-XX-DR-CE-060311	Boundary Treatment Section Location Plan	P01
SGCD-ACM-XX-XX-DR-CE-060312	Boundary Treatment Proposed Sections	P01
SGCD-ACM-XX-XX-DR-CE-110011	Parking and Cycling Strategy	P01
SGCD-ACM-XX-XX-DR-CE-260051	Swept Path / Highway Alignment Layouts Sheet 1	P01

SGCD-ACM-XX-XX-DR-CE-260052 P01	Swept Path / Highway Alignment Layouts Sheet 2	
SGCD-ACM-XX-XX-DR-CE-260053 P01	Swept Path / Highway Alignment Layouts Sheet 3	
SGCD-ACM-XX-XX-DR-CE-260054 P01	Swept Path / Highway Alignment Layouts Sheet 4	
SGCD-ACM-XX-XX-DR-CE-260055 P01	Swept Path / Highway Alignment Layouts Sheet 5	
SGCD-ACM-XX-XX-DR-DR-050051 Arrangement P01	Proposed Surface Water Drainage General	
SGCD-ACM-XX-XX-DR-DR-050052 Arrangement P01	Proposed Foul Water Drainage General	
SGCD-ACM-XX-XX-DR-LA-000051	Landscape Masterplan Specification	P05
SGCD-ACM-XX-XX-DR-UT-130051	Lighting Plan Sheet 1	P01
SGCD-ACM-XX-XX-DR-UT-130052	Lighting Plan Sheet 2	P01
SGCD-ACM-XX-XX-DR-UT-130053	Lighting Proposed Contours Sheet 1	P01
SGCD-ACM-XX-XX-DR-UT-130054	Lighting Proposed Contours Sheet 2	P01
SGCD-ACM-ST-00-DR-A-00001	Masterplan	P06
SGCD-ACM-CP-XX-DR-A-00001	Site Plan	P09
SGCD-ACM-CP-XX-DR-A-01000	Level 00 Plan	P09
SGCD-ACM-CP-XX-DR-A-01001	Level 01 and 02 Plan	P09
SGCD-ACM-CP-XX-DR-A-01003	Level 03 and 04 Plan	P09
SGCD-ACM-CP-XX-DR-A-01005	Level 05 and 06 Plan	P09
SGCD-ACM-CP-XX-DR-A-01007	Level 07 and Roof Plan	P09
SGCD-ACM-CP-XX-DR-A-08001	Sprinkler Tank Compound	P04
SGCD-ACM-CP-ZZ-DR-A-03001	Elevations	P05
SGCD-ACM-CP-ZZ-DR-A-04001	Sections	P09
SGCD-ACM-DP-00-DR-A-01000	Ground Floor Plan	P19
SGCD-ACM-DP-01-DR-A-01001	First Floor Plan	P19
SGCD-ACM-DP-02-DR-A-01003	Second Floor Plan	P19
SGCD-ACM-DP-03-DR-A-01004	Roof Plan	P19
SGCD-ACM-DP-M1-DR-A-01002	First Floor Mezzanine	P19

SGCD-ACM-DP-ZZ-DR-A-03001	GA Elevations	P7
SGCD-ACM-DP-ZZ-DR-A-04001	GA Sections	P11
SGCD-ACM-ST-XX-DR-A-08003	Bin Store Layout	P01
SGCD-ACM-ST-ZZ-DR-A-04001	Site Section	P01
Biodiversity Mitigation and Enhancement Plan May-22		
EIA Compliance Note 02		
Planning Statement	May-22	
20268-MA-RP-D-TA-001	Transport Assessment	B
22287-MA-RP-D-TN01	Transport Technical Note	P01

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

2. No part of the development shall be first occupied unless and until the proposed vehicular and pedestrian access to Moorfield Road has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and Guildford Local Plan (2019) Policy ID3.

3. 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; for the loading and unloading of vehicles; and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking, loading and unloading, and turning areas shall be retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and Guildford Local Plan (2019) Policy ID3.

. The development hereby approved shall not be occupied unless and until at least 20% of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply), and a further 20% of the available spaces provided with a passive connection for EV charging, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and Guildford Local Plan (2019) Policy ID3.

5. The development shall not be first occupied unless and until a Sustainable Travel Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. Such Plan shall include:

- a) Locations of new bus stops within 400 metres walking distance of the site;
- b) Improvement works on Moorfield Road to provide safe pedestrian facilities and accessible crossing points between the site and the proposed bus stop facilities;
- c) Provision of secure, covered cycle parking in close proximity to the proposed depot building;
- d) appropriate dropped kerbs and or paths for cyclists to access the site from the existing cycleway facilities in the vicinity of the site.
- e) A phasing strategy for the delivery of the above measures

Once approved, the submitted Sustainable Travel Infrastructure Plan shall be fully implemented to the satisfaction of the local planning authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and Guildford Local Plan (2019) Policy ID3.

6. Prior to commencement of the development, a revised layout of the site shall be submitted and approved in writing by the Local Planning Authority, such revised layout to show:

- a) The largest vehicle to access the site can enter and exit the site without overrunning kerbs;
- b) The site exit/ roundabout entry reduced to a single lane with amendments to the roundabout previously constructed to narrow the carriageway width accordingly.

Thereafter the revised layout shall be implemented in accordance with the submitted plan prior to first occupation of the development.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021 and Guildford Local Plan (2019) Policy ID3.

7. The detailed Biodiversity Mitigation and Enhancement Plan (dBMEP) hereby approved will be implemented in full. Any revision to the dBMEP must be submitted to the local planning authority for approval at the pre-commencement stage. The dBMEP is a live working document and will require reviews and updates following the production and submission of the pre-commencement and pre- occupation documents relevant to biodiversity (Conditions 32, 38, 43, 60 and 91 of planning permission ref:20/P/02155), including the detailed Demolition and Construction Environmental Management Plan (DCEMP).

Reason: To safeguard protected species in accordance with Policy NE4 of the Local Plan 2003 (Saved Policies), and to safeguard existing natural features in accordance with Policy G1(12) of the Local Plan 2003 (Saved Policies).

8. A pre-works survey shall be conducted prior to the felling of tree which were identified in the ecological surveys as supporting potential roost features, due to the highly mobile nature of bats.

Reason: To safeguard protected species in accordance with Policy NE4 of the Local Plan 2003 (Saved Policies)

9. Notwithstanding the details shown on the approved drawings and documents, details and samples of materials (including colour and finish) proposed to be used on all external surfaces of the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of above ground works.

The development shall be carried out in accordance with the approved materials and thereafter so retained.

Reason: In order to assess the suitability of the proposed materials and to ensure the satisfactory appearance of the development in accordance with Guildford Local Plan (2019) Policy D1 and Local Plan 2003 (Saved Policies) Policy G1.

10. Notwithstanding the details shown on the approved drawings and documents, prior to the commencement of above ground works, a landscape management plan shall be submitted to and approved in writing by the local planning authority detailing the trees to be removed from the woodland belt adjacent to the eastern boundary of the site and proposed replacement and additional tree planting. There shall be no net loss of trees and replacement/ new tree planting should be of an appropriate species and size. The tree planting shall be carried out in accordance with the approved details and completed prior to the occupation of the development with all planting to be completed within the next planting season after first occupation. Any trees planted (including any such replacements) which die within three years from the date of planting shall be replaced in the next planting season with the same species, and of comparable maturity. In the fifth year after completion of the landscape planting, a review of the success of the landscape planting shall be undertaken. A Landscape Review Report, setting out requirements for additional planting or revised management actions shall be submitted and approved in writing by the local planning authority. The requirements set out in the Landscape Review Report shall be carried out in accordance with the details as approved.

Reason: To ensure a satisfactory appearance and provide tree planting and biodiversity improvements, in accordance with Local Plan Policy D1 and Policies G1, NE4 and E5 of the Local Plan 2003 (Saved Policies) and the requirements of the National Planning Policy Framework 2021.

11. Details of the brown and blue roofs shall be submitted and approved in writing by the local planning authority prior to the commencement of above ground works. This shall include details of how the roof will provide habitats and features for biodiversity. The approved scheme shall be implemented as approved prior to first occupation of the development and thereafter maintained in accordance with the approved scheme

Reason: To ensure the proposed brown and blue roofs are provided and maintained in a satisfactory manner and to ensure enhanced biodiversity in accordance with Policy NE4 of the Local Plan 2003 (Saved Policies)

12. Prior to the commencement of above ground works on the multi-storey car park, details of the treatment of the boundary with the adjoining Thames Water Sewage Treatment Works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be implemented as approved prior to first occupation.

Reason: In the interests of the occupiers of both developments and to ensure the satisfactory appearance of the development in accordance with Local Plan Policy D1 and Local Plan 2003 (Saved Policies) Policy G1.

13. Prior to the first occupation of the development and commencement of use of the multi-storey car park, a car park management plan shall be submitted to and approved in writing by the local planning authority. This shall include details of the allocation of parking spaces, hours of operation and charging policy.

Reason: To ensure the satisfactory operation of the development and to satisfy the requirements for fleet vehicle, staff, visitor and public parking in accordance with the approved details

14. Prior to the first occupation of the development, a Lighting Strategy/Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy/Management Plan shall provide details of internal and external lighting and set out how lighting on the site has been designed to minimise any potential light spill and impacts on bat foraging and commuting and public amenity. The development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure a satisfactory appearance and to protect amenity and safeguard protected species in accordance with Policies G1 and NE4 of the Local Plan 2003 (Saved Policies).

15. Notwithstanding the details shown on the approved drawings and documents, prior to the commencement of above ground works, details of roof top plant and any other permanent structures which are proposed to be erected on the roof of the approved buildings shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To control the appearance of the buildings and safeguard the appearance of the area in accordance with Local Plan 2003 (Saved Policies) Policy G1.

Informatives:

1. The applicant is advised that all conditions of the parent consent (ref 20/P/02155) are relevant to this approval and may require separate written consent from the Local Planning Authority.
2. The applicant should be aware of the requirement for a site wide archaeological strategy when future applications are submitted for areas where there is potential for archaeological remains to be impacted.
3. The applicant is advised that revised Land Use and Building Heights Parameter Plans will be required to be submitted to and approved by the local planning authority prior to the commencement of development.
4. The applicant is advised that prior to the commencement of development, an Aboricultural Impact Assessment and Aboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved in writing by the local planning authority in accordance with Condition 23 of the parent consent (Ref: 20/P/02155).

5. The applicant is advised that prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved by the local planning authority in accordance with Condition 60 of the parent consent (Ref: 20/P/02155).

6. The applicant is advised that prior to the commencement of development, a sustainability statement for this phase of development shall be submitted to and approved in writing by the local planning authority in accordance with Condition 22 of the parent consent (Ref: 20/P/02155).

7. National Highways has advised that Conditions 4 and 5 of the parent consent (Ref: 20/P/02155) relating to improvements and construction traffic management affecting the A3 remain outstanding.

#### Officer's Report

#### Site Description

The Weyside Urban Village (WUV) site comprises circa 30ha and is located on the western side of the River Wey and its associated open spaces and lies approximately 2km north from Guildford Town Centre. The site is bounded to the west by existing residential areas around Waterside Road and Old Farm Road primarily developed in the 1960s and 1970s and Weyfield Primary Academy along with the Bellfield Allotments. The Slyfield Industrial Estate is located to the north and north-west of the site, along with open fields adjacent to Clay Lane. Woking Road adjoins the site at its southern end. The River Wey runs along the site's eastern boundary. The area between the site and the river is due to be formally converted into a SANG which will link to the existing SANG to the south.

The existing Guildford Borough Council (GBC) Woking Road Depot is currently located in the southern part of the site adjacent to the Thames Water Sewage Treatment Works (STW). Both facilities are to be relocated to the north east of the site facilitate the redevelopment of the area.

This application relates to the north eastern part of the site which is identified in the WUV Masterplan for the relocation of the existing GBC Depot. The site is located to the east of the Slyfield Industrial Estate. It was formerly used for waste landfill by the Council and has since been covered over and left as unmanaged scrub. The site adjoins the site of the new STW to the north which was granted planning permission in November 2022 (Ref 22/CON/00006) and is currently under construction.

The Slyfield Industrial Estate is accessed via Moorfield Road from the junction with Woking Road. Moorfield Road runs through the centre of the industrial estate. A newly constructed road provides access to the site from the estate. To the east of the site is an area of green space with the River Wey and the A3 beyond.

#### Proposal

Planning consent for WUV was granted on 30 March 2022 following completion of the accompanying Section 106 Agreement. This application seeks Reserved Matters Approval in respect of appearance, means of access, landscaping, layout and scale for the relocated GBC Depot pursuant to the extant outline consent (Ref: 20/P/02155).



The new Depot would facilitate the relocation of the existing GBC Depot and the GBC Parks and Leisure site from Nightingale Lane and bring together a range of the Council's departments and services onto one consolidated site including: waste services, street scenes, parks, housing repairs and supporting admin teams. The proposed depot building also includes ancillary office space and conferencing facilities for use by GBC staff.

The development comprises:

- Depot building- 7038 sqm (including additional ancillary 2409 sqm offices and 463 sqm conference/training facilities)
- Multi-Storey Car Park (including 1849 sqm storage)
- MOT Test Centre and sprinkler tank compound
- Associated external areas of hard and soft landscaping, parking and storage.

The facilities to be accommodated in the proposed Depot are summarised in the following table. These comprise uses to be relocated from the existing Woking Road Depot and Nightingale Road together with a multi-storey car park and ancillary office and conference/training facilities for use by GBC.

Table 1: GBC Depot: Existing Facilities to be relocated and new Facilities

	Department/Land Uses
Existing GBC Functions to be relocated from Woking Road Depot and Nightingale Road	<ul style="list-style-type: none"> <li>• Depot Building</li> <li>• Waste Collection (refuse and recycling)</li> <li>• Street cleansing</li> <li>• Other associated cleansing services</li> <li>• Parks and countryside operations</li> <li>• Public weighbridge</li> <li>• Vehicle maintenance</li> <li>• Public MOT station</li> <li>• Borough Housing Repairs Team</li> <li>• Engineering Services</li> <li>• Business Support</li> </ul>
Additional Facilities	<ul style="list-style-type: none"> <li>• 2409sqm Office Space</li> <li>• 463sqm Conference Space</li> <li>• Multi storey car park (MSCP)</li> </ul>

The site would provide capacity for an increase in the operational fleet compared to the existing Depot to allow for the rationalisation of services and to meet future growth requirements.

The multi-storey car park (MSCP) has been designed to be ancillary to the depot site and would provide parking for both council vehicles and staff and visitors, as well as storage space for equipment, salt and sand and abandoned vehicles. As a result of the proposed Controlled Parking Zone (CPZ) on Woodlands Road / Slyfield Green which will be implemented as part of the WUV development, cars that currently park on the residential streets will be unable to do so in the future. Provision has therefore been made within the development for public parking (79 spaces) to replace the existing on-street parking spaces which will be displaced.

The proposed parking provision is summarised in the following table.

Table 2: Proposed parking provision

Location	Staff	Public	Fleet (Vans)	Fleet (HGV)	MOT Centre	Total
MSCP	211	73	75	0	0	359
Surface Car Parking	14	6	0	54	4	78
Total	225	79	75	54	4	437

Engagement took place with GBC Councillors, Woking Road Depot Users and local residents and amenity groups prior to the submission of the Reserved Matters application and a detailed Statement of Community Involvement has been submitted alongside this application. The document details feedback in relation to the proposed development and sets out how the issues raised have been addressed. The Applicant liaised with the Head of Operational and Technical Services and Facilities Supervisor at Woking Road and members of the depot operational team engaged with the project team and provided suggestions for alterations to improve the functionality of the depot, including provision of a van repair workshop which had previously not been included. The Applicant held a public exhibition on 14 March 2022. An invitation was produced and distributed to approximately 2,500 residents and businesses and a total of 120 people were in attendance, including local Parish and Borough Councillors.

#### Relevant planning history

20/P/02155

Hybrid planning application for the redevelopment of part of the allocated site for the Slyfield Area Regeneration Project for a mixed-use development (known as Weyside Urban Village) comprising:

A. Outline planning approval for the demolition of existing buildings and infrastructure and outline planning permission for up to 1550 dwellings; local centre comprising up to 1800 sqm of retail (inc. convenience store), healthcare, community, nursery and flexible employment uses (Use Class E); up to 500 sqm of flexible community facilities (Use Classes E/F1/F2); up to 6,600 sqm of flexible employment space (Use Classes E/B2/B8); up to 30,000 sqm for new Council Depot

Site (Use Classes E/B8); 6 Gypsy and Traveller pitches (Use Class C3); and associated road infrastructure, landscaping (including Sustainable Drainage Systems) and amenity space.

B. Full planning permission for the development of primary and secondary site accesses, internal access roads and associated landscaping.

C. Full planning permission for engineering operations associated with remediation and infrastructure, including primary and secondary sub-stations; utilities and drainage (including Sustainable Drainage Systems).

The submitted RMA seeks consent for the new GBC Depot (shown in bold above)

Granted 30 March 2022

22/CON/00006

Construction and operation of a new sewage treatment works and associated above and below ground infrastructure including new final effluent and storm water outfall and new transfer tunnel.

Granted 10 November 2022

Consultations.

Statutory consultees

County Highway Authority: Requested further information relating to proposed uses and transport assessment and commented as follows:

1. The relative position of the proposed Depot use and the proposed bus stops on Moorfield Road does not promote trips by bus. An additional pair of bus stops in the vicinity of the junction of Moorfield Road and the new WUV Spine road should be provided to capture the uses in the north east of the industrial estate.
2. Measures to make walking and cycling routes to the site outside the redline boundary that would link to the bus stops and amenities within WUV welcoming and safe should be incorporated, including landscaping and public realm to make the walking routes feel less vehicle dominated and hostile to peds/ cyclists. The proposed cycling Strategy does not appear to tie in well to the new cycling facilities on WUV which will offer an attractive sustainable movement corridor.
3. The provision of a pedestrian/ cycle connection from the site to the proposed SANG would provide a cycle connection to the north and would also allow the public car park to serve recreational parking demand that may otherwise take place on WUV.
4. Consideration should be given to the impact of car park charges on drivers. If the car park is pay-to-park, it is likely staff of the industrial estate will favour parking on street elsewhere.
5. EV charging should be provided to a minimum of 20% of the proposed spaces, with a further 20% provided with passive infrastructure, as per SCC's latest guidance. 10. A Travel Plan will be required to be submitted; this can be dealt with by condition should this be preferable to submitting one as part of this application.

The applicant subsequently submitted a Highway Technical note addressing these points and having assessed the application on safety, capacity and policy grounds, the County Highway Authority has recommended a number of conditions be imposed in any permission granted in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021. These conditions relate to:

- 1) Submission and approval of details of proposed vehicular and pedestrian access to Moorfield Road;
- 2) Provision and retention of parking, loading and unloading, and turning areas for their designated purposes:
- 3) Provision of 20% parking spaces are provided with a fast charge socket and a further 20% of the available spaces provided with a passive connection for EV charging;
- 4) Approval of a Sustainable Travel Infrastructure Plan to include: locations of new bus stops within 400 metres walking distance of the site; improvement works on Moorfield Road to provide safe pedestrian facilities and accessible crossing points between the site and the proposed bus stop facilities and provision of secure, covered cycle parking in close proximity to the proposed depot building; appropriate dropped kerbs and or paths for cyclists to access the site from the existing cycleway facilities in the vicinity of the site and a phasing strategy for the delivery of these measures
- 5) Submission and approval of a revised layout of the site to show the largest vehicle to access the site can enter and exit the site without overrunning kerbs; the site exit/ roundabout entry reduced to a single lane with amendments to the roundabout previously constructed to narrow the carriageway width accordingly.

National Highways: No objection. The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. No objection to the outline application and the subsequent traffic impacts subject to conditions. The trip generation associated with the RMA shows that the proposed council depot will produce 103 AM peak and 5 PM peak trips. However, the existing council depot sites which will close when moved to the new site already accounts for 81 AM peak and 3 PM peak trips. Therefore, the additional trips on the network are 22 AM peak and 2 PM peak trips. The office and conference centre uses combined are forecast to produce 40 AM peak and 66 PM peak trips. The Multi-Storey Car Park is not forecast to produce any additional trips to the network – the stated reason is that the public spaces in this car park are intended to cater for vehicles currently parking on nearby roads, rather than attracting new visitors to the area. Based on the submitted information, satisfied that the proposals would not significantly affect the safety or operation of the SRN. Conditions 4 & 5 in the decision notice of the outline application remain outstanding.

Environment Agency: No comments

SCC Flood Risk Team: Satisfied that the proposed drainage scheme meets requirements. Should planning permission be granted, suitably worded conditions should be applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

Network Rail: No objection.

Natural England: No comments. The application is not likely to result in significant impacts on statutory designated nature conservation sites.

Historic England: No objection.

Thames Water: No comments as there are no changes to the proposed Foul/Surface water drainage strategy.

Internal consultees

Arboricultural Officer: Currently a complete lack of arboricultural documentation - Arboricultural Impact Assessment (AIA) Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). These should accord with the requirements of the British Standard BS5837:2012 'Trees in relation to design, demolition and construction' and will need to be provided prior to the commencement of development.

GBC Minerals and Waste Team: No objection subject to the Council being satisfied that the development includes adequate facilities for waste storage and recycling (these facilities should be maintained for the life of the development) in accordance with Policy 4 of the Surrey Waste Local Plan 2020.

SCC Archaeology: No objection. The current Reserved Matters application is within an area of former landfill and an overview of geoarchaeological information produced by Archaeology South East in support of the outline application identifies that the landfill deposits are between six and nine metres in depth and so the proposals in this area will not impact archaeological remains. However, the applicants should be reminded of the requirement for a site wide archaeological strategy when future applications are submitted for areas where there is potential for archaeological remains to be impacted.

Head of Environmental Health and Licensing: No comments received.

Head of Parks and Countryside: No comments received.

GBC Independent Specialist Ecology Advisor Ecological Services: The Reserved matters application is supported by a detailed Biodiversity Mitigation and Enhancement Plan (dBMEP), in accordance with condition 37 of outline consent 20/P/02155. This document expands on the original Outline Biodiversity Mitigation and Enhancement Plan which was previously approved. Further surveys of the GBC Depot were conducted in 2021 in order to address the removal of part of the plantation woodland along the eastern boundary of the site to facilitate the cut/ fill for site levelling.

The results indicated that whilst potential roost features were present, no bat roosts were detected. It was also noted that the two mature/ veteran trees within the plantation woodland are to be retained within the development. The tree removal was also not considered to impact upon other protected species which may utilise the woodland habitat. The proposed mitigation and enhancement plan addresses measures which are required during both construction and operation phases addressing habitats, invasive species and protected and notable species in accordance with the mitigation hierarchy. The dBMEP is a live working document and will require reviews and updates following the production and submission of the pre-commencement and pre-occupation documents relevant to biodiversity (conditions 32, 38, 43, 60 and 91), including the detailed Demolition and Construction Environmental Management Plan (DCEMP). The application also included an EIA Compliance Note, detailing any changes that has resulted from the detailed design of the GCB Depot. The development will result in the loss of a section of plantation woodland. Although there is a small loss, this will not affect the overall functionality of the woodland used by wildlife, including foraging bats. No new significant impacts from air quality, noise and vibration, and drainage on important ecological features were identified. No new or different likely significant impacts at either construction or operational phase were identified as a result of the further details. If consent is granted for this application conditions should be included requiring the submission of a detailed Biodiversity Mitigation and Enhancement Plan and a pre-works survey prior to the felling of trees.

#### Non-statutory consultees

Surrey Hills Area of Outstanding Natural Beauty Officer: No Objection or AONB concerns for the setting of the Surrey hills AONB as the development would be sufficiently distant from the AONB.

Parish Council: No comments received.

#### Amenity groups/Residents' associations

Guildford Society Planning Applications Team: Serious Concerns about the proposals:

#### Sustainability

Considering Guildford Borough Council have declared a Climate Emergency, proposals do not show that GBC are leading by example with a highly sustainable and carbon neutral development. Limited reference to renewable energy and buildings and the parking area could host quite a sizeable amount of PV panels to provide power for the development and possibly the wider WUV.

The proposals involve considerable numbers of vehicle movements and parking. As the site is adjacent to the proposed Sustainable Movement Corridor and the Transport Assessment lists benefits of modal shift, it is questionable that so much parking is justified. The report has demonstrated the potential for the site to integrate with and ultimately improve the sustainable transport networks within Guildford and the local area.

## Transport

The findings of the Transport Assessment which demonstrates that the anticipated trip generation from the proposed development does not result in a material impact on the operation of the local highway network are surprising, especially the possible impact on the junction at the Slyfield entrance where Moorfield Road meets the Woking Road. This junction currently seems overloaded at certain times of the day and this development, the new waste transfer station and sewage works plus expansion and intensification of the industrial estate will undoubtedly add more traffic.

## Impact of the buildings on their surroundings

The Depot building is 12 metres high and the MSCP 17 metres high. They are both large simple rectangular building forms which potentially will have significant visual impact on the surrounding area and when seen from a distance. It is likely because of their size, mass and elevational treatment that they will be visible from the Surrey Hills ANOB. Visual impact studies should be available to assess the impact of these two buildings. More attention should be given to the exterior design of the Depot building to reduce any potential visual impact. It maybe that different cladding design and colours should be considered. Light colour concrete panels proposed will highlight the height and mass of the Depot building.

The roofscape of both buildings may be visible from some higher locations and should be designed with this in mind. Currently both buildings have unattractive plant and other elements across their roofs. The MSCP is clad with some concrete panels at the ground level and a metal mesh above. The mesh will be virtually transparent and so the inside of the car park will be very visible. This will have a significant impact at night especially in winter when the lighting inside the car park will make the building highly visible from all surrounding areas including from the distance. It is understandable why low cost and utilitarian materials have been selected but neither metal mesh (unless it is stainless steel) or concrete are likely to weather well. We urge that less transparent materials be used.

## Environmental design and landscaping

Concerns about the visual impact of a relatively 'industrial' development which borders countryside and is close to the River Wey. Other than existing trees and landscape outside the site boundary, no attempt has been made to include a landscape buffer to soften the impact of the scheme. There is a lack of any meaningful landscaping across this site. Landscape especially trees are important environmentally, reduce heat build- up, improve the visual and working environment for all site users and soften the impact of large areas of hard surfacing. Greater consideration needs to be given to the external environment within the site and at the perimeter with the transition to countryside. This is a workplace and is the proposed scheme does not reflect current good practice in design for industrial type developments. The developer should be encouraged to come forward with a functional and affordable but less damaging scheme. The areas of the Depot building that are offices or similar functions are a traditional design with a mainly cellular plan and new workspace should be more aspirational in design to create better working environments, more efficient use of floor area and provide more flexibility.

## Burpham Neighbourhood Forum

Accept the principle of development has been established via the granting of planning permission but Objects to the above reserved matters application due to specific concerns over the new GBC Depot and the Multistorey Car Park elements of the proposal.

### Height and overall mass of the proposed Car Park

The proposed Car Park building will exceed the height of the surrounding tree line and the overall building will be approx. 17.3 metres (approx 56 ft high) according to the submitted elevation plans. This is not reflected in the planning statement, which refers to a lower height of 15.3 metres to upper deck level only. This is a substantial building close to the historic Wey Navigation. The accompanying landscaping masterplan is limited in its scope and would not adequately conceal a building of this size. The car park will be overbearing and impact the character of the area. Support the redevelopment of brownfield sites, but development in such locations should be proportionate to the site and surroundings and mitigated against where reasonably feasible to do so. Refer to trees which if included on site, could soften the visual impact of the car park and enhance biodiversity on site. Inclusion of more substantial tree planting should be conditioned.

### Transport Issues

The transport report submitted with the planning application has several inaccuracies. Paragraph 3.2.8 states the site is currently undeveloped open fields when it is actually a closed refuse tip and recognised as a brownfield site; Paragraph 3.3.5 is inaccurate: access to the site via Clay Lane is only for vehicles below 7.5 tonnes as per the existing weight restriction in place. Other vehicles can only access the site from Woking Road/intersection with the A3. The amenity table is optimistic in its timings for both walking and Cycling for the longer distances. Paragraph 3.9.4 is misleading because the existing bus services route No. 538 is extremely limited: It runs twice a week and is only usable from Stoughton to Sainsbury's, but not in the return direction. The only meaningful use for this service is for Sainsbury Shoppers. We question the claim that the site benefits from 'good bus access. Paragraph 3.10.4. The operational hours of the depot is already known. The refuse trucks leave at 07:00, not 08:00, which is inaccurate. Paragraph 3.11.1. Why is the 2011 census data being used when the 'actual' transport patterns of the old depot can be easily obtained from the Council's own records. As accuracy of data is extremely important for future use this needs revisiting by the applicant. Paragraph 3.11.3. This paragraph suggest that this is a significant opportunity to encourage site users away from car use. Unfortunately, as paragraph 3.10.4 (hours of operation) is inaccurate and paragraph 3.11.1 does not quote actual data, we question the ability to bring about a major change in transport usage. Paragraph 4.1.7. It is stated that public parking spaces are intended to make provision for existing capacity from nearby streets. However, in paragraph 4.2.2 an increase of 50 staff is expected who start work before the 08:00 bus service. In reality, private transport will be required. Paragraph 4.4.8. The report has assumed a 'maximum' for every calculation making no allowance for expansion or amalgamation of individual events in the future. Paragraph 4.8.6. A strong level of services would be every 10 minutes and even that would not provide sufficient capacity to meet the needs of 1,500 people in the WUV who without access to car parking will need public transport. At every 20 minutes Buses will be overcrowded and a wait of 40 minutes it is likely, this will drive people away from public transport. Paragraph 7.1.6.



Modelling often fails to compute the true reality of 'real world' operations when junction exits are occupied. The junctions are already operating above capacity. Paragraph 7.1.7. A good level of public transport, in our view, is one bus with seating available, arriving every 10 minutes.

The desire to 'encourage' people onto public transport by reducing opportunities for private car parking, is not matched with the reality that people are not prepared to wait extended periods of time for a bus that is likely to be standing room only. Bus operators, including some in Guildford, have struggled in recent years and services have been detrimentally impacted. We note the WUV application has already implied that over 1,500 people will want a bus at peak periods. In our view, one bus every 20 minutes will simply not provide the capacity for the likely demand. The conference centres chosen from TRICS Oldham, Hereford and Caerphilly are 10 years old and no longer exist, so it is impossible to know on the chosen dates if conferences were 'in session' or not on those days.

If the parks department is moving here, account needs to be taken of their tractors and trailers which seem to be missing from the mix. Appendix C and D seem to be missing from the Transport Assessment.

Noted that the Highway Authority in its own consultation response (dated 27th July 2022) has also raised a number of concerns including around a lack of bus stops and car parking charges driving vehicles to park on local roads, defeating the purpose of the multi-storey car park. Of particular importance is the requirement for an enforceable Travel Plan with regular review periods and the appointment of a travel plan co-ordinator.

#### Lighting

There is no information available to confirm that lighting will comply with Condition 84. Concerned that the top level of the Multi-storey car ark will permit car headlights to shine across the Nature Reserve into the residential properties on Bowers Lane. A light barrier must be installed to ensure light pollution from moving vehicles across the Wey Valley does not occur at 15m-17m above ground level. This light barrier should be above 2200 mm from the parking structure surface on the highest parking level on the side to the east and north of the building such that no light is emitted from moving or parked vehicles into the Nature reserve.

#### Flood Lights

The back lighting into the Nature reserve will be excessive and cause disturbance to wildlife. All of these flood lights will need mechanical shades to restrict their light pollution into the nature reserve. The lighting contour's fail to indicate light pollution outside the site to the North or East. Flood Lights: WF38, cf19, Cf10, CF9, Cf20, CF19, CF7 will all need shields on to prevent light pollution into the Nature Reserve. All lighting contours end at the edge of the site WF 47 and WF48 will be causing light pollution to the north of the site Leachate Levels.

Any reserved matters permission granted must be conditioned to ensure sufficient data is presented in relation ground water vulnerability before commencement of works. As reported in the documentation accompanying adjacent planning proposals for the New Sewage treatment plant (Ref: SCC/2021/0209), ground water vulnerability is rated as 'High'. Taken from the bore hole documentation submitted with that application, Leachate levels are known to be sitting above the river/flood plain by approximately 1 m.

Third party comments:

None received

Planning Policies

National Planning Policy Framework (NPPF):

Chapter 1. Building a strong, competitive economy

Chapter 2. Achieving sustainable development

Chapter 3. Plan-making

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well-designed places

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

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

South East Plan 2009 (as saved by CLG Direction):

Policy NRM6 Thames Basin Heath Special Protection Area Page 6

Guildford Borough Local Plan: strategy and sites (LPSS) 2019:

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough- our spatial strategy

Policy H1 Homes for all

Policy H2 Affordable homes

Policy P4 Flooding, flood risk and groundwater protection zones

Policy P5 Thames Basin Heaths Special Protection Area

Policy E1: Meeting employment needs

Policy E2: Locations of new employment floorspace

Policy E3: Maintaining employment capacity and improving employment floorspace

Policy D1 Place shaping

Policy D2 Climate change, sustainable design, construction and energy

Policy D3 Historic environment

Policy ID1 Infrastructure and delivery

ID3 Sustainable transport for new developments

ID4 Green and blue infrastructure

Site Allocation A24: Slyfield Area Regeneration project, Guildford

Guildford Borough (Submission) Local Plan: Development Management Policies (June 2022):

The National Planning Policy Framework provides the following advice at paragraph 48, 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council's Local Plan Development Management Policies (LPDMP) can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies / parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report. The weight for individual policies will be set out in the main body of the report where they are referred to.

P6/P7: Biodiversity in new developments

Policy P10: Land affected by contamination

Policy P11: Air quality and Air Quality Management Areas Policy

P12: Water quality, waterbodies and riparian corridors

Policy P13: Sustainable surface water management

Policy D4: Achieving high quality design and respecting local distinctiveness

Policy D5: Protection of amenity and provision of amenity space

Policy D5a: External servicing features and stores

Surrey Waste Local Plan (SWLP) 2019-2033

Policy 4 Sustainable Construction and Waste Management in New Development.

Policy WD2 Land to the north east of Slyfield Industrial Estate, Moorfield Road, Guildford

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

Following the adoption of the LPSS, until the Local Plan: Development Management Plan Policies DPD is produced and adopted some of the policies (parts of the policies) contained within the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) remain part of the development plan. Those relevant to this application are:

G1 (3), (4), (8), (11), (12) General Standards of Development

G5 (2), (3), (4), (5), (7), (8), (9) Design Code

NE4 Species Protection

E5 Dev. Affecting Trees, Hedges & Woodlands

CF1, CF2, CF3, CF4 Community Facilities

Supplementary planning documents:

Climate Change, Sustainable Design, Construction and Energy SPD 2020

Thames Basin Heaths Special Protection Area Avoidance Strategy 2021

Guildford Landscape Character Assessment 2007

Vehicle Parking Standards SPD 2006

Surrey Design Guide 2002

Strategic Development Framework SPD July 2020

Other guidance:

Surrey County Council Vehicular and Cycle Parking Guidance 2018

Guidance on the storage and collection of household waste for new developments 2017

National Trust Guidance on Developments Adjoining River Wey

Planning Considerations and Appraisal

Principle of Development

The Guildford Borough Local Plan identifies the site at Slyfeld (site Policy A24) (including the application site) as a location for strategic development, with capacity for approximately 1,500 dwellings, community facilities and approximately 6,500 sqm of light industrial (B1c) / trade counters (B8) uses over the plan period. Other allocations within the site make provision for waste uses including a new sewage treatment works. The policy establishes the land uses for the site, which are aimed at providing a new urban residential quarter.

Sustainable transport measures include the northernmost section of the SMC to deliver bus, pedestrian and cycle connections between the site, the town centre and the station.

The principle of the overall development has been established through the original hybrid planning permission consented in March 2022 (Ref: 20/P/02155). The Strategic Development Sites SPD is predicated on the basis that land at Slyfeld should be used efficiently.

The principle of development is supported by the consented masterplan for the redevelopment of the wider WUV site for a residential-led, mixed use development. The concept is 'landscape led' and comprises of buildings and uses responding to a series of landscaped open spaces, and a sequence of 'green fingers' that provide functional open spaces. The landscape-led masterplan is driven by the site's riverside location and is divided into a number of character areas. The northern parts of the masterplan incorporate the employment uses and the relocated Depot, which are strongly linked to the existing Slyfield Industrial Estate, which wraps around the north-west boundary of the site. The area proposed under this reserved matters application for the GBC Depot is located north of the employment area as part of the WUV development.

The proposal is therefore considered to be acceptable in principle subject to consideration of the following matters:

#### Compliance with Parameter Plans

- Development Mix
- Layout & Scale
- Appearance
- Landscaping
- Access, Traffic and Parking
- Minerals and Waste
- Ecology and Biodiversity
- Lighting
- Flooding and Drainage
- Sustainability and Energy
- EIA Conformity

#### Compliance with Parameter Plans

A set of parameter plans was approved under the outline application which establish the framework for this Reserved Matters application and for the phased development of the site with regards to the layout, scale, appearance, and landscaping of the proposed development.

A Design Code was also approved under the outline application, which sets out the key design requirements for the site with the aim of ensuring a consistent level of high-quality development is implemented throughout the scheme. The Design Code is fundamental to delivering the vision for WUV along with the key land uses.

Condition 2 of the hybrid planning consent for WUV (Ref:20/P/02155) states that development shall be carried out substantially in accordance with the vision, objectives and principles contained in the Design and Access Statement, as illustrated on the illustrative masterplan together with the mitigation requirements contained in the Environmental Statement and Environmental Statement addendum submitted in support of the outline planning application and in compliance with the development parameters plans, design code and regulatory plans. The Condition states that revised versions of the Land use Parameter Plan and Building Heights Parameter Plan shall be submitted to and approved by the local planning authority prior to commencement of any development other than initial site preparation and groundwork. Variation shall not deviate from the scope of the permission or lead to materially different significant environmental effects to those assessed in the Environment Statement without any fresh consent/assessment required to be secured.

#### Land Use Parameter Plan

The land use parameter identifies the mix of uses in accordance with the policy objective of creating a sustainable new community, as well as those required to support employment and relocation of existing uses within the site in more appropriate locations.

The Land Use Parameter Plan identifies the existing GBC Depot Site (drawing ref: 01715\_PP01) for redevelopment and a new site for the relocation of the Depot in the north east part of the site to the east of the Slyfield Industrial Estate. Whilst the proposed GBC Depot accommodates a smaller site than shown on the Land Use Parameter Plan, the proposals are in compliance with the approved Parameter Plan.

A revised version of the Land Use Parameter Plan should be submitted and approved in accordance with Condition 2 to reflect the changes to the boundary of the GBC Depot.

#### Green and Blue Infrastructure Parameter Plan

The Green and Blue Infrastructure Parameter Plan includes provision for landscaped spaces, designed to be used as multi-functional green spaces, incorporating opportunities for both formal and informal recreation, play and social interaction. It indicates where existing trees and hedges would be retained along the eastern and western boundaries, which will be reinforced with additional planting. To the north west of the site, near the Woodlands Road entrance, there is a significant area of existing trees and woodland. To the periphery of the site are isolated, good quality, trees that will help to soften the interface between existing and proposed development.

The parameter plan identifies a band of natural green space along the eastern edge of the site of the proposed GBC Depot (comprising an existing woodland copse). Detailed design for the Depot has determined that there would be a requirement for some limited loss of plantation woodland on the embankment to in the east of the RMA Site, as a result site levelling.

Whilst the loss of plantation woodland is more than that assessed in the 2020 ES or 2021 ES Addendum assessments, it is not considered significant in EIA terms, because the Proposed Development still retains the majority of the plantation woodland and the loss of a small proportion of this habitat does not affect the functionality of the woodland as a landscape feature, nor for used by wildlife such as foraging/commuting or roosting bats..

The approved Parameter Plan allows land uses to deviate by +/- 5m within the application boundary subject to on-site constraints and a condition is proposed to ensure replacement of any trees which will be required to be removed. As such, the RMA development proposals are considered to be substantially in accordance with the approved parameter plan as required by Condition 2.

#### Building Height Parameter Plan

The height parameters have been formulated to minimise impact on both surrounding development and wider landscape. The majority of built form within the WUV would be between two and three storeys, with lower forms of development on the eastern and western perimeters to limit their visual impact on existing development to the west and the wider sensitive landscapes to the east. Buildings of up to six storeys would be located in the central and parts of the site along the proposed Strategic Movement Corridor (SMC) to create visual markers, including the local centre to which will provide a focal point within the development.

In accordance with the Building Height Parameter Plan, the employment areas and relocated GBC Depot to the north (to which this Reserved Matters application relates) will be of a lower scale of development. The Parameter Plan indicates that the height of the new GBC Depot building shall not exceed 16 metres.

The Depot building (including rooftop plant) is within the maximum height parameter of 16 m. However, whilst the highest car parking deck of the multi storey car park at 15.3m is within the maximum height parameter, the highest part of the multi-storey carpark comprising the two lift/stair cores extend to 17.3 m and therefore exceeds the maximum height parameter by 1.3m. The proposed development does not therefore fully comply with the approved Building Height Parameter Plan. However, the main ridge of the building remains below the maximum of 16m set out within the parameters assessed in the 2020 ES and 2021 ES Addendum. Furthermore, as stated in the 2020 ES, the Zone of Theoretical Visibility (ZTV) allowed for a 5m limit of deviation to the maximum heights of the Proposed Development and it is therefore considered that the height of the lift and stair cores falls within worst case parameters assessed in the 2020 ES and it is unlikely that there will be any new or different effects that will impact landscape, townscape and visual impact.

Condition 2 allows for a revised version of the Building Height Parameter Plan to be submitted prior to the commencement of development. A revised version of the Land Use Parameter Plan should be submitted and approved by the local planning authority in accordance with Condition 2 to reflect the detailed design of the GBC Depot.

There would be a requirement to amend the height parameter plan under Condition 2 prior to the commencement of development.

### Access and Movement Parameter Plan

The proposals for WUV include four new vehicular access points into the site, which will provide three multi-modal access points for vehicular, cycle and pedestrian access at Woking Road, Bellfields Road and Slyfield Green as well as one access point that will allow for buses along with access to the employment and Gypsy and Traveller pitches only. In line with Policy A24 (SARP), the site will accommodate the northern section of the Sustainable Movement Corridor (SMC). Which in policy terms is a priority cycle corridor. This is shown on the Access and Movement Parameter Plan as a dedicated cycle lane on the eastern (canal) side of the local distributor road which travels on a north-south access through the site. This street will be the primary street through the site from the Moorfields Road access at its northern end to the Woking Road access at its southern end. Secondary streets are also shown with access to Bellfields Road and Slyfield Green to the west. The Access and Movement Parameter Plan also includes key cycle and pedestrian routes through the site, which will link the new community to existing communities to the west and the riverside to the east.

In accordance with the Access and Movement Parameter Plan the Depot will be accessed via a dedicated spur of the northern roundabout.

The proposals are therefore considered to be in accordance with the approved Access and Movement Parameter Plan.

### Demolition Parameter Plan

The Proposed WUV development will include the demolition of the existing GBC Depot on Woking Road. No demolition is required to accommodate the new GBC Depot. The existing Depot will be demolished upon completion of the replacement Depot. The proposed works are considered to be in accordance with the approved Demolition Parameter Plan.

### Appraisal of scheme against Parameter Plans

The proposals are considered to be substantially in compliance with the parameters set by the approved outline planning consent. The principle deviation is in terms of Building Heights which is considered further in this report.

Some minor revisions to the approved Land Use and Building Height Parameter Plans will be required to ensure compliance with the detailed design proposals and this would be permitted under Condition 2 of the outline consent. It will be necessary for revised Land Use and Building Height Parameter Plans to be submitted and approved prior to the commencement of development with the exception of site preparation and ground works.

### Design Layout & Scale

Policy A24 (SARP) of the Local Plan (April 2019) sets out the requirements that the development must accommodate. Policy D1 (Place Shaping) states that strategic allocation sites must create their own identity to ensure cohesive and vibrant neighbourhoods. Policy G11 (The Corridor of the River Wey and the Guildford and Godalming Navigations) of the Local Plan (2003) states that development must protect or improve the special character of the River Wey. The application states the site-specific design strategy has evolved through the review of relevant local policy, guidance and design principles, including the aspirations to regenerate and make best use of this brownfield site for the development of a new mixed-use neighbourhood adjacent to the River Wey and existing residential neighbourhoods.



It argues that the design responds to an assessment of the local context and surrounding development, as well as key site constraints and opportunities identified through detailed technical assessments.

It proposes a 'landscape led' scheme that is heavily influenced by its adjacency to the River Wey to the east and wider natural landscape and seeks to connect new communities with existing neighbourhoods to the west.

The Design and Access Statement (DAS) that accompanies the application sets out the design evolution process and the factors that have shaped the proposals, including the surrounding built and landscape environment that have significantly influenced the design response.

The proposed site occupies an area of scrub land on the eastern edge of the Slyfield Industrial Estate. The Slyfield Industrial Estate is an established area made up of large industrial and commercial buildings and which is complementary to the function of the new depot facility.

Together with the proposed relocation of the SCC waste transfer station to the south and the proposed relocation of the Thames Water development to the north, a ribbon of key infrastructure projects will be created with links to the existing industrial estate. Together these facilities will provide key services to the community and offer a wealth of employment opportunities.

The constrained nature of the site has required a design which is both compact and efficient. This would be in accordance with the principle of sustainable development and the need to make the most efficient use of land. The compact footprint of the two buildings maximises space for the external uses on the site. The layout of the site has been developed to allow for large vehicles to enter, exit and navigate in forward gear.

The proposed depot building is orientated north-south and provides the key frontage to the depot site. The roof line of the depot building is 12.399m and as previously stated, all roof structures including plant, escape stairs and lift cores are within the maximum height of 16m established by the Building Heights Parameter Plan.

The proposed multi-storey car parking structure sits in an east-west orientation and is located to the north of the site. To the north-west corner of the site adjacent to the car park vehicle ramp, are the sprinkler tanks and pump room which will service the buildings on the site. Whilst the height of the MSCP to the highest parking deck is 15.3 metres, the stair/lift cores are 17.3 metres and therefore exceed the maximum height set in the Building Heights Parameter Plan.

Officers have explored with the applicant the potential of reducing the height of the eastern lift/stair core closest to the eastern boundary of the site to comply with the approved Building Height Parameter Plan. The applicant's fire specialist has reviewed the fire regulations in respect to the potential removal of the top of the eastern lift/stair core but have confirmed that this is not technically feasible and would breach Building Regulations and Fire Safety Regulations as well as making the structure less accessible. The MSCP would become a single stair condition in a structure over 11 metres in height and therefore, removing the stair well from the upper floor level would affect both the occupancy travel distances and the hose laying distance for firefighting. Distances for both would be in excess of 100 metres which is more than double the maximum distances permitted in the prescriptive guidance (Approved Document B, Fire safety, Volume 2: Buildings other than dwellings 2019 edition (with 2020 amendments) – for use in England) used as the basis of design and therefore, the proposed design would be non-compliant as it would not be in accordance with Part B of the Building Regulations 2010 and the Regulatory Reform (Fire Safety) Order 2005.

On balance, it is considered that the overall height of the proposed MSCP is acceptable given that the ridge of the building would not exceed the maximum height parameter set in the approved Parameter Plan and falls within worst case parameters assessed in the 2020 ES. As shown on the submitted Landscape Masterplan, the woodland copse running along the eastern boundary is to be substantially retained. Where it is necessary for trees to be removed these will be replaced to ensure no net loss.

To the north of the depot building is an external storage and bin store. Refuse vehicle parking is located to the rear of the site in addition to the access for Heavy Goods vehicles.

The site layout and scale of the proposed development are considered to be acceptable. The design has been developed to meet operational requirements and will enable the rationalisation of Council services on a single site. It represents an efficient use of the site and the design has responded positively to site constraints and conditions.

#### Appearance

The Depot will form an extension to the Slyfield Industrial Estate and the design of the buildings reflects the industrial character of the area and adjoining buildings. The use of the buildings requires a robust set of materials which require minimal maintenance. The use of the buildings also dictates their size and simple rectangular form and massing. The Depot will be screened from the north by the existing woodland belt and the structures within the new STW and from the River Wey and adjacent land by the existing woodland belt to the east. A coherent palette of materials is proposed across the site. Two primary materials are proposed for the depot building which reinforce the massing of the building and reflect the internal uses. The taller central block is clad in a vertical zinc cladding panel, while the two lower wings are clad in a vertical concrete panel. This reflects the internal use of the building as the central block houses the main offices, staff and conference facilities while the two lower wings house the workshops, bulk stores and plantrooms and are more industrial in nature. A glazed curtain wall/window system provides natural daylight into the building with floor-to-ceiling windows at each floor and full-height curtain walling to entrances.

It is proposed that the car park is clad in two primary materials - concrete panels on the lower areas and stair cores (the same material as used on the depot building) and a lightweight metal mesh to the upper floors. The use of a heavy material to the lower floors helps ground the building and create a base for the lightweight mesh to float above. Whilst the design reflects the character of the Slyfield Industrial Estate and the proposed uses, the size, mass and elevational treatment of the proposed buildings has raised concerns about their potential visual impact, particularly on views from the River Wey and adjoining open spaces to the east.

Concerns have been raised by the Guildford Society and the Burpham Neighbourhood Forum about the design and appearance of the development, in particular the design of the roofscape of both buildings which may be visible from some higher locations the use of metal mesh on the MSCP which could make the inside of the car park very visible. Particularly at night.

The size of the buildings has been determined by operational requirements and Officers consider the size and massing of the buildings to be acceptable within the framework of the WUV development and outline planning consent.

However, Officers are of the view that further consideration could be given to the materiality and colour of the Depot building and MSCP to minimise visual impacts and different cladding designs and colours should be assessed. A condition is therefore proposed to require details of materials and sample cladding panels to be submitted and approved by the local planning authority.

#### Landscaping

A Landscape Masterplan Specification has been submitted as part of this Reserved Matters Application. Further details will be required to be submitted in accordance with Condition 73 of the outline consent.

The existing woodland belt along the eastern boundary of the site forms part of a more extensive woodland belt and provides an important screen to the River Wey and adjoining open spaces and eastern existing trees. Whilst the large majority of the existing mature trees and vegetation along the eastern boundary of the site are to be retained, the Arboricultural Officer has raised concerns about the lack of arboricultural information which has been submitted in support of the application.

The development will require the removal of three trees within the site. The Trees which are proposed to be removed are all Category C (as classified in the approved Site Wide Arboricultural Statement submitted with the Hybrid Application) and comprise a Common Hawthorn (removed under the Thames STW consent); Hawthorn/Elder/Dogwood and Sycamore. In accordance with Condition 23 of the outline consent, an Arboricultural Impact Assessment and an Arboricultural Method Statement will be required to be submitted alongside a Tree Protection Plan prior to commencement of development.

Concerns have been raised by the Guildford Society about the visual impact of a relatively 'industrial' development which borders countryside and is close to the River Wey and the need to enhance the existing landscape buffer to soften the impact of the scheme. The Burpham Neighbourhood Forum have also raised concerns about the limited scope of the landscape masterplan.

Officers have worked with the applicant to further develop the Landscape Masterplan Specification to enhance the existing landscape buffer and where possible the external environment within the site. A revised specification has been submitted which shows how the edge of the car park will effectively meld into the trees rather than present as a hard engineered edge and the woodland belt will be supplemented with additional trees where designated viable by the project ecologist. The eastern edge of the scheme will be bounded by a band of species rich grassland/meadow and amenity grassland. Beyond this proposed border to the east the site gives way to the retained and extant plantation woodland. The eastern boundary has been fixed to minimise the amount of tree removal. From the site clearance drawings the applicant currently anticipates the need to remove two smaller trees on the western edge of the tree line with the vast majority of the trees remaining as these are located on the existing embankment which will not be affected apart from the new drainage outfall. However, the exact number of trees that will be affected cannot be confirmed until excavation works commence although the applicant has confirmed that the intended philosophy is to leave the tree line as unaffected as practicable with trees added where possible. This will be confirmed on site by a qualified arboriculturist who will determine where any suitable locations are to allow a tree to establish itself.

The embankment falls outside of the boundary fence and there are no reprofiling works required to facilitate the development.

A condition is proposed to ensure no net loss of trees within the woodland belt and replacement planting of appropriate species where tree removal is necessary due to ground works.

There is limited opportunity for on-site tree planting and landscaping because of operational requirements of the depot and the need to keep space clear for vehicle movements. The submitted Landscape Masterplan Specification makes provision for grassland planting and some limited native tree and shrub planting around the entrance to the site including the amenity grassland and the use of species rich meadow mixture/wildflowers to enhance biodiversity value. The existing vegetated highway swale to the west of the depot building is to be retained and a new area of swale grassland created adjacent to the northern boundary of the site.

Areas of both brown and blue roof are included within the design and will be located under the photovoltaic panels. The brown roof system incorporates enhanced biodiversity benefits to help offset habitat lost resulting from the new development. Details of the brown and blue roofs will be subject to condition.

The Landscape Masterplan Specification also shows and/or describes in the "General Notes" section the following additional ecological features to be provided in the GBC depot design:

- 3 No bat boxes are required for each of the two large mature retained trees including 1no 1FD Schwegler Bat Box (or similar location and type of bat box to be determined through detailed design with input from suitably qualified ecologist).
- A further 3 No bat boxes (Schwegler 1FF, 1FS and 2F, or similar) on nearby trees (to be determined through detailed design alongside confirmation of surface water drainage and lighting requirements, with input from a suitably qualified ecologist).

The detailed design and establishment/ management of the landscape details will be provided by the Design and Build contractor (yet to be determined), with input from specialist providers of biodiverse roofs and suitably qualified ecologist.

Subject to the proposed conditions and the submission of details in accordance with Condition 73 of the outline consent, Officers consider the landscaping proposals to be acceptable.

Access, transport and parking

Background

The site is located in close proximity to the A320 Woking Road which connects to Guildford town centre to the south and Jacobs Well and Woking to the north. The A3 is accessed south of the site from the Woking Road, and east of the site from Clay Lane.

A number of Public Rights of Way (PRoW) and cycle routes are located within close proximity to the site. Footpath 66 connects Slyfield Industrial Estate to the north and continues south through WUV and to the Riverside Park Nature Reserve. There are excellent walking and cycling facilities along the River Wey towpath with Footpath 49 connecting to Guildford town centre. National Cycle Route 223 operates through the Riverside Park Nature Reserve and provides an almost entirely green link to Guildford town centre via London Road station. The Nos.34/35 bus operates a 20-minute service 7 days a week and has bus stops on Woking Road. It provides connections to Guildford town centre and Woking. Additionally, the No.33 bus provides an AM and PM service Monday-Saturday between Guildford town centre and Woking, and the No.538 provides a daily service on Tuesdays and Fridays between Stoughton, Bellfields and Burpham Sainsbury's. These services can be accessed from the Woking Road bus stops.

#### Proposed access

The development proposals include a new vehicular access into the site from the roundabout to the west of the site, as well as a new pedestrian access on the western site boundary. The proposals also accommodate cycle parking in accordance with adopted standards, with provision being both secure and sheltered.

A new roundabout provides vehicle and pedestrian access connects the new Depot into the Slyfield Industrial Estate's internal access routes. As detailed in the DAS the design has sought to create a simple and legible access strategy which clearly divides vehicles into small public/visitor vehicles and large Council vehicles. All vehicles access the site from the new roundabout. The majority of small vehicles will not enter the site itself but instead use the ramp to access the first floor of the new car park. Vehicles entering the main site area are limited to large HGV, larger vans and a limited number of visitor vehicles. HGV vehicles enter the site and move straight through access control points to the rear service yard either to park in the refuse parking bays, access the vehicle workshop or for delivery drop-offs. Large vans enter the site and turn left to go through a control point to access the ground floor of the car park. A limited number of visitor vehicles would enter the site and turn right to park in the public parking bays to the front of the depot building.

The new depot has also been designed to provide a clear access and circulation strategy for pedestrian users. The internal footway network connects to the newly constructed public footpaths of the Internal Estate Road. Controlled access points manage pedestrian access across the site's secure lines. Once inside the site pedestrian access routes are clearly defined. All public access routes lead to the main visitor entrance with pedestrians arriving either from the Internal Estate Road, car park or visitor parking to the front of the depot building. Additional controlled access points limit access to the staff only rear service yard.

The Technical Note submitted by the Applicant in November 2022 includes various swept path drawings showing vehicles negotiating the development site. Many of these appear to be tight, and no information has been provided on the vehicle speeds used in this analysis.

Notwithstanding this, the Highway Authority advise that deficiencies in this assessment would be unlikely to affect the highway and therefore do not raise objections on this point. However, the tracking of an articulated lorry show that such a vehicle would drive well beyond the kerb in one location which may compromise the safety of pedestrians within the site, or compromise the ability of the vehicle to enter and exit the site in forward gear. It has not been demonstrated whether a vehicle of this size would be able to negotiate the roundabout from the right-hand lane. The Highway Authority does not consider the exit arrangements from the site to the roundabout to be suitable. Two exit lanes are proposed – one each for two different streams of traffic with insufficient space to switch lanes prior to the roundabout. As a result, both lanes in effect would

need to allow vehicles to turn left, right or proceed straight on. Two entry lanes to the roundabout that both allow all movements is likely to compromise the safety of the junction. The submitted vehicle tracking drawings demonstrate that a medium size car tracks close to the kerbs on the exit of the front car park area, and tracks into the other lane as it merges with the exit road. This could lead to collisions within the site if two vehicles are exiting at the same time and that there are no physical measures in place to stop any large vehicles – including the refuse vehicles – from attempting to exit the site in this location. The Highway Authority has recommended that a priority T-junction is formed within the site so that the two traffic streams can filter into a single-entry lane at the roundabout. The width of the roundabout entry would need to be adjusted to accommodate this, which would involve either a realignment of the footway or increase in the dimensions of the splitter island – or a combination of the two.

### Parking

A robust approach to car parking provision has been adopted in consultation with the County Highway Authority. This is based on an assessment of staff and fleet parking provision on the existing sites and an allowance for future consolidation of activities on the site. The two existing facilities combined have a shift size of 191, whilst the proposed facility is anticipated to have a total shift size of 241 (i.e., a proposed shift increase of 50 staff members or 26%). In order to derive the anticipated staff car parking for the proposed depot facility, the 26% increase has been applied to the cars accessing/egressing the existing GBC Depot and Nightingale Road facilities. Following this, a parking accumulation exercise was undertaken. The parking accumulation exercise shows that there is a requirement for 116 car parking spaces for the staff of the proposed GBC Depot, excluding the proposed ancillary office and conference centre use. A total of 225 staff parking spaces are proposed. This reflects the robust approach to parking and trip rates the County Highway Authority required the applicant to undertake in which the conference and office uses were assessed as standalone uses, whereas in reality they are entirely ancillary. In the light of this, the applicant has elected to 'future-proof' the MSCP and over-provide on car parking spaces so that they can react flexibly to changing occupancy levels within the Depot and in the event that the conference facilities and offices are made available to additional GBC Teams as part of the Council's wider Estates Strategy.

As a result of the proposed Controlled Parking Zone (CPZ) on Woodlands Road / Slyfield Green which will be implemented as part of the WUV development, cars that currently park on the residential streets will be unable to do so in the future. Provision has therefore been made within the development for public parking (79 spaces including 75 in the multi-storey car park) to replace the existing on-street parking spaces which will be displaced.

### Transport Impacts

National, regional and local guidance require that development proposals which have transport implications are supported by Transport Assessments and Travel Plans.

Policy ID3 (Sustainable transport for new development) of the Local Plan states that new development will be required to contribute to the delivery of an integrated, accessible and safe transport system, maximising the use of sustainable transport. It also states that walking and cycling should be prioritised over vehicular traffic and a permeable layout should facilitate and encourage short distance trips. It is considered that the proposed development is in accordance with the requirements of Policy ID3.

A Transport Assessment (TA) has been submitted as part of the planning application. The proposed development includes a number of elements that were not previously included in the Outline Application for the WUV scheme.

The additional facilities include: the relocation of the Nightingale Road Parks and Leisure Services depot; additional office and conference facility space; increased operations of the depot. The Transport Assessment/ Technical Note submitted in support of the application also considers the impact of a future planning application for a new Waste Transfer Station and Community Recycling Centre.

The additional facilities will result in an increase in vehicular movements to and from the site, as set out in the submitted documents. The modelling work submitted by the Applicant as part of the application demonstrates that the additional facilities will increase saturation, queuing, and delay at the junction of Moorfield Road and Woking Road. The modelling has demonstrated that whilst the junction will operate within theoretical capacity, there may be a degree of saturation above 85% and additional queuing and delay may result on all arms of the junction – particularly southbound on Woking Road and right out of Moorfield Road. The County Highway Authority does not consider that the additional delay would constitute a “severe” impact in its own right and has not raised objections to the proposed development. It has also been noted that the whilst the offices and conference facilities are ancillary uses they have been assessed as separate trip generators for the purposes of the Transport Assessment and this has resulted in a higher trip generation. Furthermore, a modal shift toward more sustainable modes of transport is expected to be realised through the implementation of both on- and off-site measures as part of the wider WUV development. These are considered in further detail below.

#### Sustainable Travel

A Sustainable Movement Corridor will be provided within the WUV site as part of the wider strategic cycling network for Guildford and the proposed enhancements to the bus, pedestrian and cycle networks in the vicinity of the site, as well as on-site provisions, will reduce the need to travel by private car.

The site will be served by a three-metres shared cycle/footway that has already been built on the extended piece of road from Moorfield Road. This will provide a good link from the site for pedestrians and cyclists to the existing facilities on Moorfield Road and then onto the facilities to be constructed within the WUV development. The County Highway Authority has commented the proposed cycle parking area is poorly located in terms of visibility, accessibility, and proximity to the main building, which is likely to make it less attractive to use and increase risk of vandalism and at least some of the cycle parking should be relocated nearer to the Depot building. In addition, no details have been provided of how cyclists will transition from the cycleway facilities into the site, and the County Highway Authority has requested that these matters should be addressed by Condition.

Given the sensitivity of additional traffic on the junction of Moorfield Road and Woking Road, the Highway Authority consider it is essential that the new facilities accessed from the Industrial Estate are well served by the bus service in order to encourage non-car travel. The County Council previously requested that the applicant identify locations for bus stops that would integrate with the proposed bus route required under the WUV planning permission. SCC also requested a review of pedestrian infrastructure between the proposed bus stops and the site to demonstrate whether there are any deficiencies in the route that would discourage sustainable travel to and from the site.

This has not been provided and the Highway Authority recommend that a Grampian condition is required to carry out this work and rectify any deficiencies prior to occupation of the site as the required improvements are outside the red line boundary of the Application.

#### Summary of Transport Issues

The Transport Assessment indicates that the proposed development may result in additional traffic on the junction of Moorfield Road and Woking Road. However, the potential impact of the development on the operation of this junction must be considered in the wider context of the WUV development and the benefits this will deliver. In particular, it is noted that a modal shift toward more sustainable modes of transport is expected to be realised through the implementation of both on- and off-site measures as part of the wider WUV development. The County Highway Authority does not consider the potential impact to be severe and having assessed the application on safety, capacity and policy grounds, has recommended a number of conditions be imposed in any permission granted in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

#### Minerals and Waste

The Minerals and Waste Team has raised no objection to the proposed development subject to the Council being satisfied that the development includes adequate facilities for waste storage and recycling (these facilities should be maintained for the life of the development) in accordance with Policy 4 of the Surrey Waste Local Plan 2020.

The location and size of the bin store was developed by the applicant's specialist waste team which made recommendations as to the quantum of bins required and then validated this through discussions with the GBC Depot Operations Manager who confirmed the bin provision was sufficient to meet their needs based on the size of the building, split of uses within the building and total proposed occupancy.

Based on a 65% mixed dry recycling, 5% food waste and 30% residual waste split and a twice-weekly collection the store has been sized to provide:

- 11 x 1,100L Euro Bins for Mixed Dry Recyclate;
- 5 x 1,100L Euro Bins for Residual General Waste;
- 4 x 240L Wheeled Bins for Food Waste.

The proposed provision is in accordance with the Council's Climate Change, Sustainable, Construction and Energy SPD and is considered to requirements for storage of waste storage and recycling.



## Ecology and Biodiversity

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity; recognise the wider benefits from natural capital; and minimise impacts on and provide net gains for biodiversity. Criterion (2) of Policy ID4 (Green and Blue Infrastructure) of the Local Plan (April 2019) sets out that new development should aim to deliver gains in biodiversity where appropriate. This will likely be a statutory duty with the likely future passage of the Environment Bill 2021.

The River Wey is identified as a Biodiversity Opportunity Area (BOA), where improved habitat management and efforts to restore and re-create priority habitats will be more effective in enhancing connectivity to benefit biodiversity. Weyside Urban Village is located within the Thames Basin Heaths National Character Area (NCA) which stretches westwards from Weybridge in Surrey to the countryside around Newbury in Berkshire. Semi-natural habitat in this NCA includes mosaics of wet and dry heathland, woodland and acid grassland. These habitats (and bird populations of nightjar, Dartford warbler and woodlark supported by them) are of international biodiversity importance; they are protected within the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC) and the Thames Basin Heaths Special Protection Area (SPA). These habitats are also nationally designated as Sites of Special Scientific Interest (SSSI). The closest of these designated areas (Whitmoor Common SSSI) lies c.1.4 km northwest of the Site. Much of Whitmoor Common SSSI is also part of the Thames Basin Heaths SPA. Thursley, Ash, Pirbright & Chobham SAC is located 4.8 km northwest of the Site, along with a further number of constituent SSSIs.

The Reserved Matters application is supported by a detailed Biodiversity Mitigation and Enhancement Plan (dBMEP). This document sets out how the design, demolition/site clearance, construction and operation of the GBC Depot accords with the Outline Biodiversity Mitigation and Enhancement Plan approved under the outline consent. Following the principles of the mitigation hierarchy, it confirms the measures required to avoid, mitigate and compensate for effects on biodiversity from demolition, construction and operation of the proposed GBC Depot. It also describes how biodiversity enhancements will be delivered in this phase. Proposed biodiversity protection and enhancement measures may be summarised as follows:

- Management of both effects from vehicle emissions due to HGV and construction movement and dust management
- Management of effects from noise and lighting
- Management of surface water run-off and pollution prevention
- Protection measures for retained woodland and trees inside the eastern boundary
- Landscape provision, including green roof installation, and grassland and native shrub planting
- Invasive species monitoring and management
- Identification and maintenance of suitable offset from retained badger setts with input from licensed badger specialist

- Avoidance of light spill onto features used by bats (potential roosts) and the retained woodland strip inside the eastern boundary of the site.
- Installation of bat boxes on retained mature trees so additional resource available for roosting bats at earliest opportunity
- Installation of bird boxes, preferably integral to the built form of the buildings and/or on retained trees
- Timing of vegetation clearance to avoid impacts on breeding birds by avoiding period 1st March-31st August, or if this time cannot be avoided, pre-site clearance surveys undertaken by suitably experienced ecologist
- Vegetation clearance to be undertaken in phased manner to allow dispersal of common reptiles and other species (e.g., terrestrial phase common amphibians, terrestrial invertebrates and small mammals such as hedgehog) from areas of suitable habitat in GBC Depot site to retained peripheral areas which link to wider habitat network.

Bat roosting features will be integrated into new buildings and installed close to retained / proposed shrubs, trees and hedgerows, to enable easy access to sheltered foraging and commuting habitat. All bat boxes will be installed at least 4m above the ground, unless otherwise agreed with ecologist, on the south, west or east facing facade of the building or tree, where they will be exposed to sun for part of the day. The position of lighting would take into account the positioning of the bat boxes and avoid positioning bat boxes where they would be affected by light spill. Final bat box type/design would be selected prior to installation (as availability of specific designs cannot be guaranteed). These would be installed in accordance with the manufacturer's specifications, with final design and locations to be agreed between a suitably qualified ecologist and Contractor, with installation supervised/checked by the suitably qualified ecologist

The development would result in the removal of a small part of the plantation woodland along the eastern boundary of the site to facilitate the cut/ fill required for site levelling. Further surveys of the GBC Depot were conducted in 2021 to address the impact. The results indicated that whilst potential roost features were present, no bat roosts were detected. It was also noted that the two mature/ veteran trees within the plantation woodland are to be retained within the development. The tree removal was also not considered to impact upon other protected species which may utilise the woodland habitat.

The EIA Compliance Note concludes that the removal of a small part of the plantation woodland will not affect the overall functionality of the woodland used by wildlife, including foraging bats. No new significant impacts from air quality, noise and vibration, and drainage on important ecological features were identified. No new or different likely significant impacts at either construction or operational phase were identified as a result of the further details.

The proposed combination of blue and brown roof systems to be implemented on the Depot roof will offset the loss of habitat as a result of the proposed development. A brown roof system has been proposed specifically to enhance the biodiversity benefits.

Due to the specific operational requirements of the Depot, the site will need to be fully lit during operational hours and light contours completed for the Proposed Development show light spill into the vegetation on the eastern boundary.

However, the light spill contours only fall partway into the retained plantation woodland, and the adjacent Slyfield Meadow and Riverside Park SINC remains unaffected by light-spill. Therefore, whilst the light spill is more than that assessed during the 2020 ES and 2021 ES Addendum due to the loss of some plantation woodland along the eastern boundary, it is not considered significant in EIA terms, because the proposed development still avoids light spill on some of the plantation woodland and the functionality of the woodland as a landscape feature used by wildlife such as foraging/commuting or roosting bats can be maintained.

It is noted that the dBMEP is a live working document and will require reviews and updates following the production and submission of the pre-commencement and pre-occupation documents relevant to biodiversity (conditions 32, 38, 43, 60 and 91), including the detailed Demolition and Construction Environmental Management Plan (DCEMP). The specific requirements required for the establishment and ongoing management of landscape provision, including the green (biodiverse) roof is anticipated to be provided in the Landscape and Ecological Management Plan (LEMP) (required by Condition prior to site commencement). It is anticipated that the LEMP will also provide the requirements for management of retained vegetation to maintain and enhance biodiversity value. Management of created and retained habitats will take into account the recommendations of the Arboricultural Consultant and a suitably qualified ecologist, in addition to the Landscape Architect and any specialist contractors (e.g., biodiverse roof specialists). The scheme detailed design, detailed landscape plans and LEMP will also be required to be finalised to inform the Biodiversity Net Gain Plan and updated Defra Metric Calculations for the GBC Depot, with reference to the habitats lost and provided as shown in those designs and plans. The Biodiversity Net Gain Plan is also a pre-commencement condition required for each phase of the development.

It is anticipated that ongoing monitoring and management of invasive species will be required during the operation phase and that this will be undertaken by Knotweed Services, under instruction of GBC at suitable intervals determined by Knotweed Services. The installed bat and bird boxes will be checked by a suitably experienced ecologist on years 1, 3 and 5 post completion of construction. Should any boxes be damaged, they will be repaired or replaced at this time. If any boxes remain unused following the initial two checks, consideration will be given to their siting and whether they should be repositioned to encourage use by bats or birds. During this check, a review of lighting provision will also be undertaken to confirm that the lighting provision within the depot continues to adhere to the agreed design.

GBC's Ecological service has reviewed the proposals and are satisfied that it meets the requirements as previously detailed under the outline consent and no objections are therefore raised to the development on ecological grounds. However, it is recommended that conditions should be included relating to the Biodiversity Mitigation and Enhancement Plan and a pre-works survey prior to the felling of any trees.

#### Lighting

A suite of lighting plans and diagrams have been submitted alongside this application. Details of lighting will need to be submitted and approved under Condition 84 of the outline consent.

Due to the specific operational requirements of the Depot the Proposed Development will need to be fully lit during operational hours and light contours completed for the Proposed Development show light spill into the vegetation on the eastern boundary. However, the light spill contours only fall partway into the retained plantation woodland, and the adjacent Slyfield Meadow and Riverside Park SINC remains unaffected by light-spill. Therefore, as described above in relation to losses of the plantation woodland, whilst the light spill is more than that assessed during the 2020 ES and 2021 ES Addendum, it is not considered significant in EIA terms, because the Proposed Development still avoids light spill on some of the plantation woodland and the functionality of the woodland as a landscape feature used by wildlife such as foraging/commuting or roosting bats can be maintained

Concerns have also been raised by the local amenity groups about the impact of floodlights and that the top level of the Multi-storey car park will permit car headlights to shine across the Nature Reserve into the residential properties on Bowers Lane.

The lighting strategy is acceptable in principle but further details will be required to be submitted and approved taking into account of concerns regarding light spill into the woodland and the need to minimise impacts of lighting from the upper floors of the MSCP. An appropriate condition is recommended.

#### Flooding and Drainage

Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again, (except in circumstances such as more recent information which have panned out not to apply here as more recent modelling has not shown flood sensitive uses being affected). WUV is allocated as a strategic development site under GBC's adopted Strategy and Sites Local Plan (April 2019), and so the sequential test does not need to be applied again.

Policy P4 (Flooding, flood risk and groundwater protection zones) of the Local Plan (April 2019) sets out that "all development proposals are required to demonstrate that land drainage will be adequate and that they will not result in an increase in surface water run-off. Proposals should have regard to appropriate mitigation measures identified in the Guildford Surface Water Management Plan or Ash Surface Water Study. Priority will be given to incorporating SuDS (Sustainable Drainage Systems) to manage surface water drainage, unless it can be demonstrated that they are not appropriate.

A Surface Water Drainage Strategy (SWDS) has been submitted alongside this application. The SWDS concludes that the proposed drainage networks and associated features are able to accommodate storm events up to the 100-year return period plus a 40% allowance for climate change. Through the implementation of SuDS across the proposed development, the SWDS has identified that the entire development can discharge at equivalent greenfield runoff rates for 1, 30 and 100 years plus 40% allowance for climate change. The proposed drainage strategy is in-line with the Surrey County Council's SuDS Guide. Rainwater Harvesting will be incorporated into the SWDS to enable a sustainable method of supplying water for vehicle washing. All surface water will be managed on site to ensure no increase in flood risk to the site and third-party land and arrangements will be required to be put in place for the management and maintenance of SuDS over their full lifetime

Use of the SuDS Manual Simple Index Approach demonstrates that the design approach is appropriate and that the surface water runoff will be adequately treated prior to discharging offsite. The proposed drainage networks aim to keep runoff from roof areas separate from other areas with High associated hazard levels such as external pavements and vehicle parking. These areas will be treated via a Class 1 full retention separator.

The SCC Flood Risk Team is satisfied that the proposed drainage scheme meets requirements. Suitably worded conditions should be applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

### Sustainability and Energy

Energy and Sustainability Statements have been submitted in support of this Reserved Matters Application but details will be approved through the discharge of Conditions 3 and 22 of the parent consent.

With the incorporation of Air Source Heat Pumps and Solar Photovoltaic Panels, the proposed energy strategy for the Site would result in calculated site-wide regulated carbon savings of 31.1 tCO<sub>2</sub>/year, against a baseline building using gas-fired boilers, representing an 86% reduction, a major improvement above the GBC Policy D2 20% requirement. This is in accordance with the commitments in the consented WUV Energy Statement.

The Proposed Development will contribute to sustainable development as follows:

- The installation of low water use fittings, water meters, leak detection and flow control devices to minimise water usage is proposed. The design of the Proposed Development will aim to minimise internal potable water consumption within the building by 25% saving over the baseline building water consumption (as calculated by BRE's water calculator tool) in line with the BREEAM NC 2018 credit Wat 01.
- The Proposed Development will provide internal, dedicated and appropriately labelled and segregated waste management facilities, to enable and encourage future occupants to recycle waste.
- The Proposed Development is implementing mitigation measures help to create a development which has the capacity to adapt to the projected effects of climate change including fabric first approach to the building envelope and biodiverse (green) roof areas; Sustainable Drainage Systems (SuDS) will be implemented where practicable and viable to provide source control management, improve water quality, reduce flood risk and provide amenity and biodiversity.
- Rainwater Harvesting will be incorporated into the SWDS to enable a sustainable method of supplying water for vehicle washing.
- Indoor comfort and health and wellbeing will be promoted by providing generous levels of daylight, internal acoustics designed to ensure that the acoustic performance is fit for purpose, and provision of cyclist parking and facilities will encourage physical activity for the building users.

- Within the locality of the Site there is a wide network of footways, providing connections to a wide variety of amenities. Cycle facilities will be provided including 85 cycle spaces. In addition to cycle parking, 150 lockers will also be provided for staff. Changing facilities will be provided and will include WCs and shower cubicles large enough to change in, as well as changing benches. Signposting will be installed to direct cyclists to nearby cycling facilities, including the cycle facilities on Moorfield Road and NCR 223.
- Indoor comfort and health and wellbeing will be promoted by providing generous levels of daylight, internal acoustics designed to ensure that the acoustic performance is fit for purpose, and provision of cyclist parking and facilities will encourage physical activity for the building users.
- Electric vehicle charging points will be provided for 20% of call parking spaces with passive provision for a further 20%. Sufficient energy within the grid has been earmarked to allow the provision of 100% EV charging in the fullness of time.
- A BREEAM 2018 New Construction assessment is being undertaken for the building, targeting a 'Very Good' rating.
- To offset the loss of habitat as a result of the proposed development, a combination of blue and brown roof systems will be implemented on the Depot roof. A brown roof system has been proposed specifically to enhance the biodiversity benefits.
- The Depot building is being assessed under v3.0 of the BREEAM New Construction (NC) 2018 as a BREEAM Industrial (Fully fitted) project. A score of 'Very Good' is being targeted (60.42%).

A range of measures are also proposed to promote sustainable transport modes. A condition is recommended to require the submission and approval of a Sustainable Travel Infrastructure Plan to include: locations of new bus stops within 400 metres walking distance of the site; improvement works on Moorfield Road to provide safe pedestrian facilities and accessible crossing points between the site and the proposed bus stop facilities and provision of secure, covered cycle parking in close proximity to the proposed depot building; appropriate dropped kerbs and or paths for cyclists to access the site from the existing cycleway facilities in the vicinity of the site and a phasing strategy for the delivery of these measures.

#### EIA Conformity

An Environmental Statement (ES) was submitted with the original planning application (ref 20/P/02155) and an Environmental Statement Addendum (Stantec, 2021) was submitted in response to amendments made to the 2020 Proposed Development, following responses given by the GBC Design Review Panel and other Statutory Consultees. A formal request for an EIA Screening Opinion under Regulation 6(3) of the Environmental Impact Assessment (EIA) Regulations 2017 (as amended) was submitted by Stantec in May 2022 in respect of this RMA.

An EIA Compliance Note has been prepared to document whether there are any new or different likely significant effects resulting from the Proposed Development for the RMA compared to those reported in the 2020 ES and 2021 ES addendum. The EIA Compliance note acknowledges that assumptions made for the purpose of the EIA have been superseded by the Proposed Development designs and includes an assessment of these changes:

- The 2020 ES and 2021 ES Addendum assumed that the GBC Depot land use identified on the parameter plans would be a like for like replacement of the existing GBC Depot that is currently located to the southwest of the Site. The Proposed Development now includes ancillary office space and conferencing facilities which were not assessed within the 2020 ES and 2021 ES Addendum. This has resulted in a change in operational traffic flows. An updated Transport Assessment has been prepared and no new or different likely significant construction, operation and cumulative transport effects have been identified as a result of the changes to those reported in the 2020 ES and 2021 ES Addendum.

- The Proposed Development will result in loss of plantation woodland to the east of the Site as a result of cut/fill for site levelling. The green and blue infrastructure parameter plan provided in Appendix A.2 of the 2020 ES shows an area of 'natural green space' on the eastern boundary of the RMA Site. For the purpose of the 2020 ES and 2021 ES Addendum it was assumed that this area would be retained in full. Whilst the loss of plantation woodland is more than previously assessed, this not considered significant in EIA terms, because the Proposed Development still retains the majority of the plantation woodland and the loss of a small proportion of this habitat does not affect the functionality of the woodland as a landscape feature, nor for used by wildlife such as foraging/commuting or roosting bats. The loss of plantation woodland to the east of the Site that was previously assumed to be retained has the potential to increase visual intrusion of the Proposed Developments built form. It is not anticipated that this will change the level of likely significant effects identified previously for viewpoint locations given that this area of the RMA Site is screened by topography and other vegetation in the surrounding area. However, this has the potential to affect future visual receptors within the adjacent Sustainable Alternative Natural Greenspace (SANG), which has resolution to grant and is not yet constructed and was considered within the cumulative assessment of the 2020 ES (Volume 2). condition 23 of the 2022 permission requires an arboricultural method statement and tree protection plan must be completed prior to development taking place. This will secure the retention of trees where practicable along the eastern tree belt against the detailed construction method for the Proposed Development. In addition, the SANG includes additional planting along its western boundary which would help to mitigate this effect. Furthermore, a condition is recommended to be attached to any approval of this RMA requiring the replacement of any trees which are removed as a result of ground works to ensure no net loss of trees within this woodland belt.

- The proposed multi-storey car park now includes lift and stair cores that exceed the maximum building height parameters by 1.3 metres, bringing the tallest element of the building to 17.3 metres. The main ridge of the building remains below the maximum of 16 meters set out within the parameters assessed in the 2020 ES and 2021 ES Addendum. As stated in paragraph 12.4.7 of the 2020 ES, the Zone of Theoretical Visibility (ZTV) allowed for a 5m limit of deviation to the maximum heights of the Proposed Development up to a maximum building height of 30m as noted on the ZTV presented in Appendix G.3 of the 2020 ES. Given this, it is considered that the height of the lift and stair cores (17.3m) falls within worst case parameters assessed in the 2020 ES. Therefore, it is unlikely that there will be any new or different effects that will impact landscape, townscape and visual impact.

It is therefore concluded that the Proposed Development is not likely to have new or different significant environmental effects to those documented in the 2020 ES and 2021 ES Addendum in relation to traffic and access, air quality, biodiversity, noise and vibration, the water environment, ground conditions, socioeconomics, climate change, health and wellbeing, historic environment and landscape, townscape and visual impact.

## Conclusions

This application seeks Reserved Matters approval for the first phase of the WUV Development, which would comprise a new GBC Depot with Multi-Storey Car Park, MOT Test Centre and sprinkler tank compound alongside associated external areas of hard and soft landscaping, parking and storage.

The Depot would form an extension to the Slyfield Industrial Estate which is an established industrial area comprising large industrial and commercial buildings. The proposed use is therefore appropriate to its setting and location. The new depot site replaces and expands the existing GBC depot which is currently located just north of the bridge of Woking Road over the River Wey. The new depot facility would bring together a range of the Council's departments and services onto one site including; waste services, street scenes, parks, housing repairs and supporting admin teams. Together with the proposed relocation of the SCC waste transfer station to the south and the proposed relocation of the Thames Water development to the north, the new depot would act as a vital piece of infrastructure for the delivery of basic services to the wider community.

The new depot would provide bespoke, state-of-the-art facilities for the departments and services that would be relocated there. It would provide a major upgrade in the quality of the facilities for staff, and the delivery of council services to the local community. The new facilities would also provide benefits in terms of environmental performance and reduced maintenance cost when compared with the existing depot buildings.

The development would facilitate the delivery of the WUV and associated public benefits. It would also allow for the consolidation of Council services and the creation of improved facilities for staff and the local community. The development would achieve high standards of sustainability and energy performance. It is considered that concerns raised regarding the visual impact of the development can be minimised by the imposition of conditions relating to materials, landscaping and biodiversity enhancement and that any residual impacts would be outweighed by the significant benefits of the scheme. The County Highway Authority is satisfied with the proposals subject to conditions to ensure the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

For these reasons, and the reasons set out in the body of the report, the proposal is in accordance with the development plan. The material considerations do not indicate that a decision should be taken other than in accordance with the development plan (s. 38(6) Planning and Compulsory Purchase Act 2004).

## Positive and Proactive Working

In determining this application, the local Planning Authority has worked with the Applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the Applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.







## Planning Committee

1 March 2023

### Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

Sophie Butcher ([sophie.butcher@guildford.gov.uk](mailto:sophie.butcher@guildford.gov.uk))

#### 1. 15 Shepherd's Hill, Guildford, GU2 9RY

**22/P/00708** – The development proposed is the erection of a boundary fence.

Delegated Decision – To Refuse

Decision – ALLOWED

#### Summary of Inspector's Conclusions:

- The main issue is the effect of the development on the character and appearance of its surroundings.
- The appeal property is a semi-detached dwelling set within a large residential estate. The pair is sited at the base of a triangle formed by the two branches of the highway that runs alongside them on either side. The timber fence is supported by concrete post and has been erected mainly along the flank highway frontage of the appeal property, but also along short stretches around the corners of the plot. A pedestrian access door has been inserted in the fence, coinciding with the main door of the house which is sited in the side elevation.
- I fully understand the need for a form of enclosure since otherwise, given the shape of the plot and its orientation, the dwelling and its garden would enjoy little or no privacy or security. I understand that the boundary was hedged in the past.

- The Council is concerned that the length of fence erected in what it considers to be a prominent position is such as to render it unduly dominant and incongruous, failing to respect the character of the surrounding area. The Council acknowledges that some timber fencing exists '*in sight of the appeal property*', albeit none is as sizeable as that subject of appeal.
- I explored more of the surrounding area and found a wide variety of means of enclosure throughout the estate, including significant stretches of timber fencing of different types. I could not therefore reasonably conclude that the fence erected was uncharacteristic of the area.
- I noted too that the fence was comprised of good quality materials, and that trees have been newly planted within the garden border inside the fence at the western end. Foliage can already be seen above the hedge and in time, as they grow, the trees will assist in softening the impact caused by the newness of the fence. I consider that a similar level of tree planting within the garden of an appropriate species would assist in a like manner towards the eastern part of the site. This mitigation could be achieved by condition.
- On balance I conclude that, with appropriate mitigation, the retention of the fence would not harm the local street scene to the extent that permission should be withheld. Accordingly, no conflict arises with those provisions of policy D1 of the Guildford Borough Local Plan 2015 - 2034 saved policy G5 of the Guildford Borough Local Plan 2003 directed to ensuring that development reflects and reinforces the identity and character of an area.
- Since the development has taken place, the Council does not consider that any conditions are necessary, should permission be granted. However, for the reasons set out above, and in the interests of visual amenity, I shall impose conditions directed to the provision of additional planting designed to assist in acceptably mitigating the effects of the fence.
- All other matters referred to in the representations have been taken into consideration, including the references to the National Planning Policy Framework, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

**2. Land East of Ripley Lane, West Horsley, Leatherhead, KT24 6JT**  
**20/P/01359** – The development proposed is the change of use of land from agriculture to a use for the walking, day care and training of dogs.

Officer Recommendation: To Approve  
Planning Committee 6 October 2021 – Refused  
Decision - ALLOWED

**Summary of Inspector's Conclusions:**

- The main issues are whether the development is inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the impact of the development on the character and appearance of the surrounding area; and
- the impact of the development on the living conditions of the occupiers of neighbouring dwellings with regards to noise.
- The appeal site, an open field which has been divided into two separate areas with access from Ripley Lane, is located in a rural area within the Green Belt. The development is for a change of use of the land from agricultural to the walking, day care and training of dogs. As part of this change of use fences have been erected to subdivide the site and the submitted plans show several allocated car parking spaces for those using the facilities. No other development has been included as part of this appeal.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. Paragraph 150 of the Framework also indicates that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In paragraph 150 (e) this includes material changes of use of land, which, as a change of use, the appeal development would fall under.
- Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2014 (the LP) 2019 similarly states that certain other forms of development are also considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Therefore, this policy is consistent with the Framework.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.

- The appeal site is open and rural in appearance with no buildings and does not appear significantly different to its previous agricultural use. The fencing erected to subdivide the site is similar to what could be expected from an agricultural use, to contain livestock. Any equipment on the appeal site associated with the use, such as containers for drinking water, would also not be wholly out of keeping with the existing use.
- It is noted that the change of use may have resulted in an intensification in the use of the site, with more comings and goings by vehicles and more people visiting the site during the hours of operation. However, the vehicle parking on the appeal site is limited and the appellant and Council have stated that a maximum of 22 vehicles would be on the site over the course of the day. Due to its location, it is unlikely that the site is accessed in any other way. Therefore, the amount of people/dogs and vehicles on the site at any given time is minimal and could be considered similar to the existing agricultural use, which would have been typically occupied by much larger agricultural machinery.
- The appeal site is visible from Ripley Lane and a byway to the east of the site. However, views from these vantage points are partially blocked by existing trees along the boundaries. Nevertheless, as the change in the appearance of the appeal site is limited, the change of use does not have a visual impact on the openness of the Green Belt. Similarly, as there is no additional built form on the appeal site, above what would be expected from its current use, the change of use would also not have a spatial impact on the openness of the Green Belt.
- The Council do not contend that the change of use would conflict with the purposes of including land within the Green Belt. From the list stipulated within Paragraph 138 of the Framework, outlining the purposes of the Green Belt, I agree with this finding.
- Therefore, the change of use would not be inappropriate development in the Green Belt as it would fall under the exception listed in paragraph 150 (e) of the Framework. It would also accord with Policy P2 of the LP which seeks to protect the Green Belt.
- The West Horsley Neighbourhood Plan 2016-2033 (the NP) 2018 identifies 'Character Area 6 – Long Reach – West Side' as the farm-land to the west of Long Reach that lies wholly within the Green Belt and largely comprises open farm-land. The appeal site would fall within this character area, and I consider that the open and rural nature of the original use of the appeal site would have been in keeping with and contributed positively to this character area.

- As outlined previously, the nominal physical changes to the appeal site ensure that it retains its open and rural appearance, which would not be significantly impeded by the presence of additional fencing. Particularly as the fencing is similar in scale and appearance to that used in a typical agricultural setting. Any dog-related paraphernalia or vehicle parking on the appeal site, associated with the use, is temporary in nature and minimal in scale. As such, this would not significantly alter the character and appearance of the appeal site or the surrounding area from its previous agricultural use.
- The appeal site is bounded by trees to the south and east and, although localised views are possible from the adjacent road and byway, any wider views of the site are largely blocked by these natural boundaries. The NP states that Character Area 6 incorporates sweeping views to the north towards the North Downs Area of Outstanding Natural Beauty (AONB). I am not persuaded that the minimal changes to the appearance of the appeal site and its self-contained nature would detrimentally affect the views of or the setting of this AONB. The change of use also has a limited impact on the views east from Ripley Lane, as identified within Policy WH3 (iii) of the NP, which is largely blocked by trees and hedging adjacent to Ripley Lane.
- It is noted that a laurel hedge has been planted at the front of the appeal site as part of the development which, as a non-native species, appears out of keeping in this rural environment. However, due to its location, the hedge has limited visibility from the public realm and therefore it would not have a significant impact on the character and appearance of the area. Furthermore, this could be planted on the appeal site regardless of the change of use. Any references made to a storage container or hardcore, and its impact upon the rural nature of the appeal site, do not form part of the development which is the subject of this appeal. Therefore, I have not taken these factors into consideration.
- Consequently, the change of use does not harm the character and appearance of the area and does not conflict with Policy D1(4) of the LP or Policy WH3(i) of the NP. These policies seek to ensure that all new development is designed to reflect the distinct local character of the area and preserves the essential open field and woodland character. The change of use would also accord with the general design objectives of the Framework.
- The appeal site is surrounded by open fields to the north, trees and a byway to the east, a small, wooded area to the south and Ripley Lane to the west. The nearest residential properties are located on Ripley Lane

and Silkmore Lane to the south of the appeal site. The Council have stated that the nearest dwelling, Hambledon Cottage, is approximately 285 metres from the appeal site. There are also dwellings located on Silkmore Lane and Long Reach, however these are further in distance from the appeal site. I noted on my site visit that due to the rural surrounds, the area is relatively quiet with low levels of ambient noise. However, some intermittent noise is generated from cars passing by on Ripley Lane, which is relatively busy with fast moving traffic. It is also noted there is a train line to the south of the appeal site which would also generate some noise from passing trains.

- A noise impact assessment was undertaken by the appellant, surveying noise levels in four locations around the appeal site. As the site is currently being used for dog walking and day care, the surveys were able to capture the noise from the site in its current use, for which planning permission is sought. The assessment, in accordance with BS 4142, found that the resultant rating level would be below the adopted background sound level. It also states that the sound of barking was found to be barely, and only occasionally, audible in the vicinity of the nearest residential properties.
- The current use would clearly generate noise, from barking dogs and vehicle movements, on more regular occasions than this existing use as agricultural land. However, the closest neighbouring properties are located some distance from the appeal site and already experience some noise activity from passing cars and trains. Furthermore, the well-established woodland to the south of the site, although not substantial in size, would assist in acting as a natural sound barrier between the appeal site and nearby dwellings. It is noted that the Parish Council have received noise complaints in relation to the development and that the noise generated from this use may, on occasion, be audible to the occupiers of nearby dwellings. However, from the evidence provided within the noise impact assessment and my observations during my site visit, I do not consider that this noise would be overly loud or constant from the nearby properties identified.
- The use of the site as a dog walking/day care facility would operate between 08:00 and 19:00. This could be secured by condition to ensure the appeal site is not used outside of these hours where the noise may be more perceptible to the occupiers of neighbouring dwellings. It has been highlighted that other facilities in the surrounding area have shorter opening hours. However, given the limited impact upon the



occupiers of neighbouring dwellings, I do not consider that these operating hours are excessive.

- Information and photographs have been provided by the Parish Council in relation to a large number of dogs and people present at the appeal site on 27 February 2022. However, to prevent this from occurring, a condition could be implemented to restrict the number of dogs on the appeal site at any one time during operational hours. This would minimise the impact upon the occupiers of nearby dwellings from the increased noise levels which result from large groups using the appeal site.
- Although it is unlikely that the behaviour of dogs and the noise they make could be fully controlled when using the site, a noise management plan has been submitted by the appellant highlighting the actions that could be taken to manage noise on the appeal site. This includes ensuring that dogs are supervised at all times and ensuring external visitors are greeted on arrival. Whilst these measures would not prevent the noise generated from barking dogs, they would ensure that the appellant is mindful of the noise which the site is generating and help them to reduce it where possible. Therefore, a condition has been included to ensure compliance with this noise management plan.
- In conclusion, I find that the change of use does not harm the living conditions of the occupiers of nearby dwellings and does not conflict with Policy G1(3) of the Guildford Borough Local Plan 2003. This policy states that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of noise.
- It has been found that the change of use is not inappropriate development in the Green Belt, falling under the exception in paragraph 150 (e) of the Framework. It also preserves the visual and spatial openness of the Green Belt. Furthermore, the change of use does not harm the character and appearance of the surrounding area or the living conditions of the occupiers of nearby properties in relation to noise.
- For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

**3. Lantern House and Carriage House, Walnut Tree Close, Guildford, GU1 4TX 21/P/00956** – The development proposed is redevelopment for a mixed-use scheme comprising a part 5 and 6 storey building including purpose-built student accommodation bedrooms (use class sui generis) and 683.75m<sup>2</sup> of commercial office space (use class E) at the ground floor to be provided as

incubator space. Alongside the provision of, a landscaped courtyard area, and provision of 4 no. disabled parking spaces and cycle parking for both the student and commercial use following demolition of the existing buildings (as amended by plans and information received on 05/08/2021, 25/10/2021 and 08/11/22).

Delegated Decision – To Refuse

Decision – ALLOWED

**Summary of Inspector’s Conclusions:**

- The main issues are whether the proposed development would result in the loss of employment floorspace on a designated strategic employment site in the Borough; and
- The effect of the proposed development on the area’s character and appearance, including the neighbouring Compton House site.
- The appeal site comprises of 2no. two storey commercial office buildings located within a designated strategic employment site within the Guildford Local Plan 2019 (Local Plan).
- Policy E3 of the Local Plan seeks to protect the strategic employment sites within the Borough. Parts 10 and 11 of the Policy requires applications that involve the redevelopment or change of use to a non-employment use to submit evidence of active and comprehensive marketing of the site for its current use for a continuous period of at least two years for a strategic employment site. Evidence of active and comprehensive marketing of the site, as defined in Appendix 4 of the Local Plan, should also include alternative B class employment use and other employment generating uses, before change of use to residential or other use with no on-going employment use will be permitted.
- Whilst the proposed development shown on the amended plans would provide an element of commercial office space (use class E) at the ground floor level to provide as incubator space, it is common ground between the appellant and the Council that the proposed development would result in the loss of employment space from the designated strategic employment site and that evidence of active and comprehensive marketing of the site for a continuous period of at least two years is required in accordance with the requirements of Policy E3 and Appendix 4 of the Local Plan.
- The appellant in their submitted evidence considered that they have demonstrated that the site had been marketed for a continuous period of 20 months since April 2021 in accordance with the Policy requirements. The appellant in their evidence and at the hearing

indicated that, during the marketing, they had received no genuine interest or offers for either the leasehold or freehold interest in the property for its continued use as offices or alternative suitable B class and other employment uses. They indicated that the main enquiries have been from residential developers, predominantly for the residential redevelopment of the site.

- The appellant questioned the suitability of the site for continued office and employment use. Given the surrounding residential uses, the current one-way traffic system in operation and its location, they considered it was unattractive to such uses and had insufficient critical mass as a key office location. The appellant also questioned the suitability of the appeal site on the basis that it formed part of designated Industrial (B1c, B2 and B8) strategic employment site as opposed to a strategic employment site designated for office and Research and Development use within the Local Plan.
- The Council, however, consider that insufficient marketing has been undertaken and that it has only been marketed for a period of nine months in accordance with the requirements of Policy E3 and Appendix 4 of the Local Plan. The Council also argued that the site provided a suitable location and opportunity for the continued commercial office use in this location.
- However, fundamentally these complications and the dispute between the parties over the difference in the scope and the time period for the marketing and the suitability of the site for continued commercial office use in this location are not crucial to my determination of the appeal. Both parties agreed that there is a partial breach of the Policy E3, relating to the policy requirement for active and comprehensive marketing of the site for a continuous period of at least two years and I have no reason to disagree with this assessment based on the evidence before me.
- Consequently, I conclude that the proposal would result in the loss of employment floorspace on a designated strategic employment site that has not been fully justified in this case. I find conflict with Policy E3 of the Local Plan as set out above, which includes the requirement for a comprehensive and active marketing exercise for a continuous period of at least two years for its current use and alternative suitable B class and other employment uses before the change of use to residential will be permitted for a strategic employment site.
- The appeal site comprises of 2no. vacant two storey commercial office buildings with associated surface car parking areas at the rear located on the north-western side of Walnut Tree Close. The immediate area is

mixed use in character with a mixture of office accommodation, residential apartments and Purpose-Built Student Accommodation (PBSA) of varying heights and designs and does not have a clearly defined architectural character.

- The appeal site is bordered by Compton House a two storey commercial premises to the south-west and Riverview, 2/3 storey office buildings to the north-east. An elevated railway line is located to the north-west of the site. A number of the large scale 4/5/6 storey residential apartments and PBSA are located on the opposite side of the road and 4 to 8 storey PBSA located further to the south-west and south of the site. These buildings, that have been constructed in recent years, show an emerging character of taller residential and PBSA buildings being built in the surrounding area.
- The significance of the surrounding buildings are derived from their substantial scale and modern design covered in large expanses of brick, metal cladding and render, which contrasts with the lower, brick built commercial office buildings on the appeal site and adjacent sites at Compton House and Riverview. This provides a varied context and palette of materials in the immediate surroundings.
- The proposal shown on the amended plans would involve the demolition of the existing buildings and the construction of 3no. part 5 and part 6 storey buildings built around an internal landscaped courtyard with an element of commercial office space at the ground floor level and PBSA above. The large-scale buildings would be set back from the road and constructed with a staggered built frontage with double height arched colonnades at ground floor within the buildings fronting onto Walnut Tree Close. The external finish of the buildings would be predominantly constructed from red/brown brick with high levels of vertical glazing with horizontal brick banding, top floor brick detailing and a series of valleyed pitched tiled gabled roofs.
- Whilst the proposed buildings would be taller than the adjacent buildings at Compton House and Riverview, the overall height and bulk of the building has been reduced during the pre-application and planning application process. The scale and massing of the proposed five and six storey buildings would be seen in the context of the current varied architectural styles around the proposed buildings and in the surrounding area, including the modern large scale residential apartments and PBSA on the opposite side of the road and further to the south-west and south of the site. Given this context, to my mind, the development would not be unsympathetic to the streetscene, nor would

it appear out of place when taking into account the overall character of the area.

- Turning to the layout of the development. The layout of the development has been subject of a master planning process to look at the site and its relationship to the adjacent sites at Compton House and Riverview. Compton House is subject to a current planning application, that is yet to be determined, for a PBSA building of a similar scale to the appeal proposal. The appellant and landowners of the adjacent site, at Compton House presented in their evidence and at the hearing, that they worked constructively together through the master planning process to allow for the comprehensive redevelopment of the appeal site and the adjacent sites.
- The layout and design of the development shown on the amended plans, accords with the submitted master plan. Block A would be set back from the side western boundary of the adjacent Compton House and would be designed with oriel windows on the western elevation to mitigate overlooking. Blocks B and C would be separated, to reduce the massing of the buildings and built with a staggered built frontage to match the existing street pattern in the area.
- Against this backdrop, the scale, layout and design of the proposed development would not look out of place or excessive in relation to the existing and emerging built form of the adjacent properties. The design and layout of the proposed development, set back and staggered, together with the use of materials, fenestrations, landscaping and boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would not have a significant impact on the character and appearance of the surrounding area.
- Consequently, I conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area, including the neighbouring Compton House site. It would not conflict with Policy D1 of the Local Plan and Policy G5 of the saved Guildford Local Plan 2003. These policies, amongst other things, seek to ensure that development proposals are of a high-quality design that respond to the distinctive local character, have regard to the local context and respect the scale, height, form, built layout, established street patterns and relationships with other buildings in the surrounding area. In addition, the proposal would accord with the National Planning Policy Framework (the Framework) that developments should seek to

secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

- For the reasons given above, I consider that collectively the scheme's benefits and other material considerations in this particular case, when set against the particular policy context, clearly outweigh the harm as result of the partial breach of Policy E3 of the Local Plan. There are no other policies within the development plan and Framework when read as a whole that indicate that the appeal proposal should be refused. Consequently, overall, in my view, the factors above provide the material considerations to grant planning permission other than in accordance with the development plan in this particular case.
- For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### **4. Merrow Lawn Tennis Club, Epsom Road, Guildford, GU4 7AA**

**21/P/00630** – The development proposed is described as the conversion of one outdoor grass tennis court to one outdoor porous asphalt tennis courts with the installation of LED floodlighting and associated works.

Officer Recommendation – To Refuse

Planning Committee 12 Jan 2022 – Refused

Decision – ALLOWED

##### **Summary of Inspector's Conclusions:**

- The main issues are the character and appearances of the surrounding area, including the Area of Great Landscape Value (AGLV) in which it is located; and
- the living conditions of the occupiers of neighbouring dwellings with regard to noise and light spill.
- The appeal site is an area of land to the south of the existing tennis courts and club house at Merrow Lawn Tennis Club and adjacent to a large building used as a gym. The appeal site is located within an AGLV, specifically classified by the Council in the officer's report as the rural-urban fringe character area and is between housing development to the east and more open and rural land to the west. The land is open and undeveloped; however it is relatively self-contained between the existing tennis club, the gym and a large hedge separating it from the garden of a neighbouring property. Therefore, the appeal site currently has a neutral effect on the landscape character of the AGLV.
- The proposed tennis court, at ground level only, would not significantly alter the overall appearance of the appeal site and the proposed fencing surrounding it would be a modest structure with a limited bulk. This

would have limited visibility from the public realm due to its height and the enclosed nature of the site. Therefore, the presence of a tennis court and the fencing surrounding it would not harm the open character of the site or alter the perceived visual separation between the existing tennis courts and the area to the south of the tennis club in the AGLV.

- The proposed floodlights would be greater in height than the existing hedge on the boundary of the appeal site. Therefore, they would be visible from surrounding properties and some other vantage points. However, set against the backdrop of the gym building, they would not appear as overly large or dominant additions to the site and would be in keeping with the existing floodlights currently used on the adjacent tennis courts. Their slender structure and limited bulk would ensure that the open nature of the site is retained.
- As such the proposed tennis court, fencing and floodlights would not conflict with the rural landscape character of the local environment or the distinctive open character of the AGLV.
- Due to the location of the appeal site on the edge of an urban area, adjacent to a number of residential properties and other lit tennis courts, I am not persuaded that the area currently benefits from dark skies which contribute positively to the character and appearance of the area. Particularly due to the close proximity of a large park and ride facility, which would be well lit during the evening. Therefore, the presence of a small amount of additional floodlighting on the proposed tennis court would not fail to conserve any existing dark skies.
- Reference has been made by third parties to a boundary review of the Surrey Hills Area of Outstanding Natural Beauty (AONB), with recommendations that this designation should include the golf course adjacent to the appeal site. However, as the boundary review has not been finalised, I do not afford it any weight in my consideration of this appeal.
- In conclusion, I find that the proposed development would not harm the character and appearance of the surrounding area or the AGLV in which it is located. It would therefore comply with Policies P1 and D1 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the 2019 LP) and Policies R6 and G1(8) of the Guildford Borough Local Plan (the 2003 LP). These policies collectively seek to ensure that development proposals would not harm the distinctive character of the AGLV and minimise the glare and spillage of light from external lighting, with planning permission granted for the increased use of recreational facilities where the visual impact is acceptable. The proposed

development would also accord with the general design objectives of the National Planning Policy Framework.

- The proposed tennis court would be located adjacent to the rear garden of 3 Abbot's Way, separated by an existing hedge on the boundary. The proposed floodlights would be visible above this hedge. The lighting design document, submitted as part of the application, outlines the design of the proposed floodlights. This indicates that the proposed lighting scheme is acceptable against the guidance set by the Institution of Lighting Professionals (ILP) when assessing nuisance.
- The lighting design document also shows that light spill would occur in the garden of No.3. However, I consider that the level of luminance would be minimal on the edge of an urban area in which the neighbouring property is located. Particularly when viewed against other sources of light in the area, such as the lighting from neighbouring properties and the floodlights on the existing tennis courts. It is also noted that the lighting design document includes details of a deflector to reduce the level of light spill experienced by neighbouring properties. This has been secured by a condition requiring compliance with the lighting design document.
- Furthermore, due to the position of the proposed tennis court, this light spill would only effect parts of the rear garden of No.3 and would not extend to the dwelling itself during the hours of darkness. Therefore, it would have little impact on the occupiers of this property when inside their dwelling during the evening. A condition has been included to ensure that the floodlights are turned off at a suitable time to ensure any light spill would not impact the occupiers of No.3 during the night, when additional lighting may be more perceptible and disturbing. Due to their distances from the appeal site, no other residential properties in the surrounding area would be unacceptably effected by light spill from the proposed floodlights.
- Reference is made by the Council in relation to ongoing issues at the tennis club, highlighted a complaint concerning the compliance of conditions and mitigation measures associated with the flood lighting scheme approved in 2011 for the adjacent tennis courts. No evidence has been provided to demonstrate this. Nevertheless, concerns in relation to the conduct of the tennis club and the impact of other developments are a matter for the Council outside of this appeal.
- The proposed tennis court would clearly result in some additional noise from people using the court and the tennis ball hitting the racket and the surface of the court during play. However, the increased intensity



from a single tennis court would be limited and the proposed artificial grass surface would help to reduce the levels of noise experienced when compared to an asphalt court. Any noise generated would not be significantly greater than the noise generated from the existing tennis courts, people using the club house or people using the other sport facilities within this area, including the noise of vehicles travelling to and from the site. Furthermore, there is no compelling evidence that the reflection of noise from the wall of the gym building would significantly exacerbate the issue.

- The use of the tennis court would be restricted to daytime hours, in line with the existing opening hours of the tennis club, and the hours where the floodlights are permitted to be illuminated. Therefore, any noise generated from the proposed development would not be during restricted hours when any noise may be less permissible.
- Consequently, the proposed development would not harm the living conditions of the occupiers of neighbouring dwellings and would accord with Policy G1(3) of the 2003 LP. This policy seeks to ensure that the amenities enjoyed by occupants of buildings are protected from neighbourly development, including noise. The proposed would also accord with the National Planning Policy Framework insofar as it seeks to protect the living conditions of the occupiers of neighbouring dwellings.
- The proposed development would not harm the character and appearance of the surrounding area, including the AGLV, or the living conditions of the occupiers of neighbouring dwellings in relation to light spill and noise. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

**5. The Studio, Vines Farm, Mill Lane, Pirbright, Woking, GU24 0BS 20/P/02063** – The use for which a certificate of lawful use or development is sought is “independent residential use of the building with ancillary photographic studio”.

Delegated Decision – To Refuse

Decision – ALLOWED

**Summary of Inspector’s Conclusions:**

- The main issue is whether the Council’s refusal to grant an LDC was well founded.
- I saw that the building contains a fully equipped kitchen, a cloakroom and WC, a living area, workspace and a bedroom with an open plan

bathroom. It contains all the facilities required for day-to-day private domestic existence, along with space for the photographic studio.

- The appellant explains that she moved into The Studio and used it as her sole and primary residence from 16 July 2014 to 29 July 2019. She has hosted a number of social events at the premises. It is maintained that the photographic studio is ancillary to the primary residential use. Since July 2019, the appellant has lived elsewhere but continued to use The Studio for occasional overnight stays.
- Statutory Declarations<sup>1</sup> have been provided by the appellant and Mr T Freeman, as joint owners of the wider Vines Farm property. These state that Ms A Freeman occupied the studio during the dates specific above and was not dependent on the facilities within the main farmhouse. It is further stated that the premises was used for professional photographic purposes but this accounted for less than five percent of the appellant's company income during that period, because the professional work was almost exclusively location based. Further Statutory Declarations have been provided by R Freeman, G Jackson, N Williams, P Robotham, F Robotham and M Loveridge which corroborate the statements provided by Mr and Ms Freeman.
- Company invoices detailing descriptions of commissions have been submitted, which show that some photoshoots took place in The Studio while many others were at various other locations. Further evidence includes copies of utility bills, submitted to show the property has a separate business energy account; letters from BT regarding a new phone line; Vodaphone invoices; TV licence direct debit payments; and objection letters dated April and May 2016 from neighbours and Pirbright Parish Council in response to application 16/P/00628, referring to the independent use of The Studio.
- The Statutory Declarations have all been properly signed and witnessed and carry significant weight as sworn evidence. The sworn evidence states The Studio was used and occupied as a dwellinghouse for a continuous period in excess of four years. There is further corroborative evidence consisting of utility bills and other documents which support the appellant's version of events.
- The Council draws my attention to the responses to its Planning Contravention Notice, dated 12 December 2016. This suggests the appeal building was used as part and parcel of Vines Farm as a whole, as opposed to being a separate planning unit in its own right. It is explained that the appellant was seeking to show the appeal building was not occupied independently from Vines Farm because the wider

property remained in joint ownership. I understand a Council officer visited the premises and saw the internal layout. At that time, the Council concluded that a separate planning unit had not been created. However, the evidence before me strongly suggests otherwise. The occupant of The Studio was not reliant on the main dwelling at Vines Farm and she lived independently. The premises was physically and functionally separate having its own address, utilities and self-contained accommodation. The appellant and Mr Freeman were not living as a single household. The evidence submitted is precise and non-ambiguous and I am satisfied that The Studio was occupied as an independent unit from July 2014. At that time a material change of use occurred.

- The Council maintains that the use is a mixed use, which is two primary uses existing within the same planning unit. In contrast, the appellant argues that the photographic studio is incidental to the primary residential use. Section 55(2)(d) of the 1990 Act provides that the use of land or buildings within the curtilage of the dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is not development. Whether or not a use is incidental for the purposes of s55(2)(d) must be considered with regard to the primary residential use and the type and size of the dwellinghouse and its curtilage, as well as the scale and nature of the claimed incidental activity.
- The carrying out of some hobby and/or working from home may be incidental, but it is always vital that there is a normal functional relationship between the incidental and the residential use. The key is reasonableness. Even if a use may be incidental to the enjoyment of a dwelling, it might not be so if it is carried out on such a scale or in such a way as to cause some material change to the character of the overall use of the planning unit. That may be the case if, for example, a business run from home generates significant comings and goings by customers.
- Post production editing occurred at the desk in The Studio but this was carried out by the appellant and can be considered equivalent to home working. In addition, the invoices demonstrate the majority of the appellant's photographic work occurred on location. I note that around eight invoices out of a total of 131 involved clients visiting The Studio. The appellant also hosted a small number of events connected with her work. Nonetheless, there is no suggestion of significant numbers of people attending the premises for business purposes, such that it would have resulted in a change in character to the planning unit.

- I am aware that the space within the unit that could be used for photographic purposes is relatively large and I saw that the form and layout operates to take advantage of daylight. However, there is also evidence that the space has a dual purpose. There are shutters over the large windows to provide privacy, fixtures are mobile and the premises is largely open plan. It is clear that the photographic space also functions as part of the dwelling when not in use, for example, for entertaining and other recreational purposes such as music and dance. Overall, it is apparent that the appellant ran her business from her home, which is reasonable. There is a normal functional relationship between the studio and the residential use, and the photographic studio remained incidental in scale and character.
- I note that the appellant no longer occupies the premises as her main residence. However, the lawfulness of the use would have been established by the time she moved elsewhere. It is not necessary to show continuous use up until the date of the application. There is no suggestion that the lawful use had been lost through, for example, abandonment or a further change of use. I also note the suggestions of concealment. However, it is apparent that the Council conducted a site visit and inspected the interior of the property.
- I find that the appellant has shown, on the balance of probabilities, that a material change of use to a single dwellinghouse occurred four or more years prior to the date of the application, and that use continued after the date of change without significant interruption such that it is now too late to take enforcement action. The residential use of the building with an ancillary photographic studio is lawful, therefore.
- For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of independent residential use of the building with ancillary photographic studio was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

#### **6. Hollowfield Cottage, Littleton Lane, Guildford, GU3 1HN**

**21/P/02532** – The application sought planning permission for the erection of a replacement single storey two-bedroom dwelling and garage, following demolition of the existing dwelling and outbuildings, without complying with a condition attached to planning permission Ref, 20/P/00963, dated 23 December 2020.

The condition in dispute is No.6 which states that: “Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting those Orders with or without modification), no development within Part 1, Classes A, B, C, D and F shall be carried out on the dwellinghouse hereby permitted or within their curtilage.”

The reason given for the condition is: “Having regard to the size of the dwelling approved, the local planning authority wishes to retain control over any future development (including extensions, alterations outbuildings and hard surfaces) in the interests of the openness of the Green Belt and the special character of the Conservation Area.”

Delegated Decision – To Refuse

Decision – ALLOWED

**Summary of Inspector’s Conclusions:**

- The appeal is against non-determination but the Council has now set out the reason why permission would have been refused had the Council been able to decide the application. From this the main issue is whether there are clear planning reasons for the retention of condition No.6 particularly the effect of the replacement dwelling with no ‘permitted development’ restrictions on the openness of the Green Belt.
- The appeal site is a long thin area of land that lies on the edge of the hamlet of Littleton and also within the Littleton Conservation Area. The site also lies in an elevated position in the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV) as well as the Green Belt. At the time of my visit a new dwelling was under construction and was substantially complete. It is apparent from the planning history that this is a replacement dwelling and the previous bungalow was demolished early in 2022. It is also apparent that the size of a replacement dwelling has been a contentious subject with appeals dismissed in 2019 and 2016. The appellants’ submitted plan shows the outline of a 4m deep extension added to the north facing elevation of the new property which is said would be possible under Class A of the GPDO1.
- For clarity, in general terms, condition No. 6 restricts Classes A, B, D, E and F (of schedule 2 Part 1 the GPDO). These relate to (in the same order): the enlargement of the dwelling house; additions to the roof; porches; incidental out-buildings and creation of hard surfaces.

- The National Planning Policy Framework (the Framework) indicates in paragraph 149 that the construction of new buildings in the Green Belt is inappropriate development unless a proposal falls within one of the stated exceptions. The relevant one for this case is (d) concerning replacement buildings where, to be acceptable, the new building must be in the same use and not materially larger than the one it replaces.
- It is clear from the officer report that assesses application Ref. 20/P/00963 that the size of the replacement dwelling was a main issue and the report breaks down the floor areas of the existing and proposed dwellings. Although the new dwelling would be substantially greater in floor area footprint, the cumulative area of the then existing outbuildings was also taken into account to ensure that there was no increase in floor area. From this the officer concluded that the new building would not be materially greater than the dwelling to be replaced.
- From this I am satisfied there is clear justification to retain the reference to Class E in condition 6 as the cumulative size and scale of outbuildings have already been taken account of. However, there is little evidence that the size of the original dwelling had been assessed taking into consideration extensions previously carried out under Classes A or B as described above. Moreover, the provision for porches under Class D is very limited and unlikely to have a material effect on the overall size of the replacement dwelling. Likewise, Class F provision of new hard surfaces is also likely to have a negligible effect on the Green Belt.
- Guidance in paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case I am satisfied that the retention of condition 6 in respect of Class E serves a clear planning purpose and is justified to ensure that the new dwelling allowed continues to be not materially larger than the buildings it replaced in accordance with the policy of the Framework and Policy P2 of the Local Plan. However there is not clear justification for the retention of the other Classes in Condition 6 even taking account of the sensitivity of the site in the Conservation Area, AONB and AGLV. I find that these other restrictions have therefore not been shown to be reasonable and necessary.
- I will therefore allow the appeal in part and, in effect, delete Classes A, B, D and F from condition 6 but retain Class E.
- For the reasons given above I conclude that part of the appeal should be allowed.

**7. West Hill House, 17 Abbotswood, Guildford, GU1 1UX**

**22/P/00451** – The development proposed is the erection of a detached garage.

Delegated Decision – To Refuse

Decision – ALLOWED

**Summary of Inspector's Conclusions:**

- The main issues are the effect of the development on the character and appearance of the host property and the surrounding area, and whether it would preserve or enhance the Abbotswood Conservation Area.
- The appeal property is a large, detached two-storey house set back from the road. It is located within the Abbotswood Conservation Area (ACA) which relates to a residential garden suburb built in the early 20th century. The detached properties are generally set within relatively spacious and landscaped plots, and West Hill House is one of the original Burlingham houses of an Arts and Craft style. The boundary to the ACA runs along the edge of the appeal site. Beyond which the land slopes down and there is a distinct change in character to the neighbouring properties in Westwood Ho.
- The appeal property is angled within its plot with the frontage facing towards the gated entrance in the southern corner adjacent to No.18. The remainder and relatively long length of the front boundary is formed of high hedging. As a result views of the property including the front garden area are restricted.
- The proposed oak timber clad garage is designed with a hipped roof with tiles to match the existing property and would be positioned adjacent to the front boundary. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) advises that a garage should be sited to the side or rear of the property, behind the building line. Whilst the proposed garage would be in a forward position only a small proportion would project in front of the property due to its orientation. I also agree with the appellant that the area proposed for the garage is relatively open and would minimise tree removal. As such, I find the relationship between the garage and the host property would be acceptable.
- Hedging to the front boundaries is an integral feature of the area and with a height of approximately 3m the existing hedge to West Hill House would predominantly screen the garage. The roof would in part be visible, however the garage has a limited ridgeline at the maximum height and the elevation to the road would be formed of a catslide roof.

- Garaging to properties in Abbotswood vary in terms of design and siting which to some extent is reflective of the individuality of the properties and the layout of the estate. The appellant has drawn my attention to those located in forward positions. Whilst these are not prevalent, from my observations, in general they do not detract from the spacious and sylvan character of the area.
- Landscaping is a key element of the estate contributing to its character and the setting of the ACA. Without the existing hedging and other vegetation within the appeal site the garage could be a prominent and intrusive feature. Whilst to accommodate the garage only one tree is to be removed, there would be the loss of other soft landscaping and the southwestern part of the site is denoted on the Abbotswood Conservation Area map as an important group of trees. The retention and integration of vegetation around the garage is therefore essential. As suggested by the appellant further landscaping could be secured by condition, and with conditions to ensure the protection of the existing trees and the retention of the mature hedgerow the appearance and character of the area would be maintained.
- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area. The Abbotswood Conservation Area Character Appraisal and Management Plan (CAMP) summarises the character as a mature residential estate comprising large, detached dwellings set back from the road within mature gardens. For the reasons already set out and with the mitigation measures to protect the landscaping I find that the garage would suitably integrate into the site and as a result the character of the ACA would be preserved.
- The development would therefore accord with Policy D1 of the Guildford Local Plan: Strategy and Sites 2015-2034, and saved Policies G5, H4 and H8 of the Guildford Local Plan 2003 which amongst other things, seek high quality design and respect for the character and appearance of existing dwellings and surrounding area. The proposal would also accord with the general principles of the SPD, and the protection of heritage assets required by the National Planning Policy Framework.
- The Council has suggested a number of planning conditions which I have considered against the relevant guidance. I have imposed the standard time condition and a plans condition for certainty. I also agree in the interest of the character and appearance of the area a materials condition is necessary, however as the details are indicated on the plans



and the roof tiles are to match the existing house samples are not necessary. No new soft or hard boundary treatment is proposed, but a condition is required to maintain the retention of the existing hedge to the front boundary. Whilst an Arboricultural Impact Assessment Report has been prepared, the protection of the hedge and the provision of replacement tree planting are also required. I have therefore imposed a condition requiring full landscaping details to be submitted to and approved by the Council. This is to ensure a complete and co-ordinated approach and as it will secure protection during construction it has to be a pre-commencement condition.

- For the reasons set out and having regard to all other matters raised I allow the appeal.

### **8. Cranbourne, Elstead Road, Shackleford, Surrey, GU8 6AY**

**22/P/00617** – The development proposed is described as a single storey rear extension, single storey side extension and enlarged entrance porch.

Delegated Decision – To Refuse

Decision – ALLOWED

#### **Summary of Inspector's Conclusions:**

- The appellant has stated the proposed patio extension would fall within permitted development. Notwithstanding this, no objections have been raised in relation to the proposed patio extension, and the Council have not referred to this element within its reasons for refusal. I am therefore satisfied this part of the proposal is not contentious.
- The main issues are, therefore whether the proposed single storey rear extension, side extension linking the main dwelling to the outbuilding, and porch to the main entrance of the dwelling (the proposed extensions) would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; the effect it has upon the openness of the Green Belt; and if the development is inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstance necessary to justify the development.
- The appeal site contains a detached two-storey dwelling with first floor balcony to the rear and a large, detached outbuilding to one side. The site is a substantial plot which is enclosed to the rear by solid fencing. The frontage of the site is more open facing a small paddock and several large, detached dwellings. This group of dwellings is surrounded by a mix

of woodland and fields and located within the Green Belt between the A3 and the village of Shackleford.

- Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. On review of the evidence before me I am satisfied that the proposed extensions should be considered under paragraph 149 c). This allows for the extension or alterations of a building provided that does not result in disproportionate additions over and above the size the original building.
- Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (LP) refers directly to the tests in the Framework. However, it also amplifies some of the definitions when considering those tests. The Framework defines the original building as either a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was originally built. LP Policy P2, varies from the latter part of the definition by stating that if no building existed on 1 July 1948, then the original building is the first building built after that date.
- The host dwelling was ultimately approved in 2015 and formed part of a scheme which included 3 replacement dwellings. From the information before me all 3 replacement dwellings appear to have been located differently to the original 3 dwellings and previously existing outbuildings, and it is not evident which dwelling replaced which. I note the Council refer to the host dwelling as a replacement of Southborough Lodge Farm, however the existing property adjacent to the appeal site also bares that name.
- Therefore, on the information before me, the host dwelling and outbuilding were constructed after 1 July 1948 and their location would appear to have not been previously occupied by one of the earlier buildings. Consequently, for the purposes of this appeal the originally constructed form of the host dwelling would constitute the original building as defined by the Framework and LP Policy P2.
- It is appreciated the host dwelling was permitted as a replacement dwelling, so its full impact on the Green Belt was assessed at the time of its approval and found to be acceptable. As such the original form of the host dwelling would form the baseline of reference when considering whether the proposed extensions would be disproportionate or not. The main parties agree that since construction the host dwelling has not been extended.
- The proposed extensions would be single storey, and visually subservient to the host dwelling. The proposed rear extension and porch would both

be partially located within the existing footprint, below either the existing rear facing first floor balcony or the forward facing first floor overhang. The proposed side extension would be positioned between the host dwelling and outbuilding and would not extend beyond the front or rear elevation of either building.

- The proposed extensions would therefore retain the compact footprint of the host dwelling and outbuilding within the appeal site and their single storey height would not significantly add to the overall bulk of that existing. The proposed extensions would result in disproportionate additions over and above the size of the original building.
- In conclusion, the proposal would not be inappropriate development in the Green Belt. It would comply with paragraph 149 c) of The Framework and LP Policy P2.
- As the proposal would not be inappropriate development, it is not necessary to further consider the effect of the proposal on the openness of the Green Belt or whether very special circumstances are necessary.
- The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the subservient nature of the proposal in relation to the existing dwelling and outbuilding, the special qualities of the AONB would not be adversely affected.
- It is noted that the original permission for the host dwelling included a condition which removed certain permitted development rights. Since this appeal was submitted, the Council have approved the removal of that condition. This does not alter my findings.
- For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, allowed.

**9. Skyfall, 15 Bennett Way, West Clandon, Guildford, GU4 7TN**

**21/P/01780** – The development proposed is the erection of an oak frame carport.

Delegated Decision – To Refuse

Decision – ALLOWED

**Summary of Inspector's Conclusions:**

- The main issue is whether the proposed car port constitutes ‘inappropriate development’ in the Green Belt.
- The appeal site is a detached house and its garden which lies at the end of a short cul-de-sac of similar properties within the village of West Clandon which also forms part of the Green Belt. It is apparent that the house was originally built with an integral garage but, following a specific grant of permission, this was converted into habitable space because of the appellant’s need to work from home as a result of changes brought about by Covid regulations. It is proposed to erect an oak framed open car port at the front of the property. This would have timber clad elevations and a plain tiled roof. The Council accepts that the scale, design and materials of the proposal are appropriate for the area and the siting would not affect an adjacent protected mature tree. The sole issue is the effect on the Green Belt.
- The National Planning Policy Framework indicates in paragraph 149 that the erection of a new building in the Green Belt should be regarded as ‘inappropriate development’ unless it falls within one of the exceptions listed. The one relevant to this case is (c) involving an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.
- Moreover in the case of *Storer and Lowe*<sup>1</sup> the High Court held that paragraph 149 (c) “... is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension.”
- The relevant Policy P2 of the Guildford Borough Local Plan relies on the definition of inappropriate development set out in the Framework and also defines ‘original building’ in the same way as the Glossary to the Framework.
- It appears to me that the original building of Skyfall is as it exists now. The appellant refers to a different car port being considered to the side of the property as ‘permitted development’ but this had not been erected at the time of my visit. Taking account of the overall scale, size and proportions of the dwellinghouse and the size, siting and close proximity of the proposed car port I am satisfied that it would not result in a disproportionate addition over and above the size of the original dwelling. As such the proposal would meet the terms of Paragraph 149(c) and Policy P2 and is not ‘inappropriate development’.

- The general accord with national and development plan policy is not outweighed by any other considerations and therefore the appeal should be allowed.
- The Council recommends standard conditions concerning the implementation of the permission; materials to match the existing dwelling house; and accord with the submitted plans. These are reasonable and necessary in the interests of maintaining the appearance of the area and I will impose them with a minor change to the condition on materials given that timber elevations are proposed on the car port.
- For the reasons given above I conclude that the appeal should be allowed.

**10. 7 Woodruff Avenue, Guildford, Surrey, GU1 1XS**

**22/P/00238** – The development proposed is described as "First floor extension over garage. Demolition of conservatory at the rear and erection of single storey extension in its place."

Delegated Decision – To Refuse

Decision – ALLOWED

**Summary of Inspector's Conclusions:**

- The main issue is the effect of the proposed development on the character and appearance of the area.
- The appeal property is a detached house in a street scene comprising principally detached houses of varying scale and appearance, including the extent and scale of forward projections. The spacing between properties in the street scene varies significantly. Within the near vicinity of the appeal site most houses have first floors as wide as their ground floors, although there are some such as the appeal property that are wider at ground floor.
- The proposed first-floor extension would project to the front and side of the house. The forward projection would extend as far forward as the existing garage. This would be deeper than the existing two-storey projection and so would be more prominent within the street scene. However, given the varied character of the street scene, the scale and design of the proposed extension would not result in an unacceptable appearance to the proposed dwelling.
- The extension would significantly reduce the space between Nos 5 and 7 at first floor level. However, the gap would not be completely closed, and would be similar to spacing between houses elsewhere within the near vicinity. It would not therefore result in harm to the appearance of the wider street scene.

- The existing conservatory to the rear of the house would be replaced by an extension of similar footprint and height. It would not be prominent in views from surrounding properties and would not be harmful to the appearance of the property.
- Overall, therefore, the proposed development would not be harmful to the character and appearance of the area. It would therefore accord with saved Policies G1, G5 and H8 of the Guildford Borough Local Plan 2003, Policy D1 of the Guildford Borough Local Plan 2019 and Policy B-FD 1 of the Burpham Neighbourhood Plan. Taken together these policies require that extensions have no adverse effect on the scale and character of the dwelling, reflect the distinct local character of the area, and be suitably designed within the context for which they are set.
- I have imposed conditions relating to the commencement of development and confirming the approved plans, for the sake of certainty.
- I have also imposed a condition requiring that the development be finished in external materials to match the existing house. While these are indicated on the approved plans, not all external materials are stated to match. This condition is therefore reasonable and necessary to ensure that the finished appearance of the extensions would not be harmful in the street scene and wider area.
- For the reasons set out above, the appeal succeeds.

### **11.The Founders Studio, Millbrook, Guildford, GU1 3UT**

**21/P/02054** – The development proposed is variation of condition 2 (Plans) of planning application 20/P/00224 approved 17/04/2020.

Delegated Decision – To Refuse

Decision – ALLOWED

#### **Summary of Inspector's Conclusions:**

- The main issue is the effect of the proposed change to the external appearance of the permitted alterations to the Founders Studio, in particular an air conditioning system, on the character and setting of the Town Centre Conservation Area and other designated heritage assets.
- The appeal site comprises a relatively modern two storey building, which is used as a community centre by a church, and fronts Millbrook from where the land rises steeply to Quarry Street at the rear. To the southern side of the building lies a pedestrian twitten, Rosemary Alley with flights of steps to the higher street. The site and surrounding area lie in the Guildford Town Centre Conservation Area and in close proximity to a number of Listed Buildings including St Mary's Church and its church yard

to the north, and the Town Mill and Yvonne Arnauld Theatre to the west. The adjoining properties No's 6, 8 and 8A Quarry Street are all Listed Grade II\*.

- The appeal concerns a proposal to modify the plans agreed as part of a permission to refurbish the building to now include an air conditioning system which has been installed on and alongside the rear facing roof of the building.
- I note that the Council issued an enforcement notice against the air conditioning apparatus in February 2022 and an appeal against the notice was dismissed in September 2022 under ref. APP/Y3615/C/22/3295054. While the notice was varied in minor terms, the notice was upheld but the period for compliance was increased to 6 months.
- In this assessment I have paid special attention to the desirability of preserving or enhancing the setting of the listed buildings mentioned above and the setting of the Conservation Areas and placed great weight on the heritage assets' conservation.
- The main effect is on the character and appearance of the heritage assets as appreciated from around Rosemary Alley. I noted at my site visit that a small part of the air conditioning unit is seen from part of St Mary's churchyard but even at this time of year when the intervening vegetation is at its least dense views of the apparatus from this area are not significant or material.
- On the other side of the appeal building the environs of Rosemary Alley make a positive contribution to the character of the conservation area through the narrowness of the space and the presence of enclosing walls mainly constructed in old red brickwork. Where part of the side elevation of the appeal building abuts the Alley the side wall is rendered, painted white and topped with a coping stone and some low railings. However, this enclosure is of a height where the air conditioning apparatus is readily apparent over a short distance to users of Rosemary Alley. Its extensive tubular form wrapped in a shiny grey material as well as the scale of the apparatus makes it an alien and imposing form which detracts the simple form of the roof of the building. Even though the apparatus is not seen from the thoroughfare of Millbrook, the addition harms the character and significance of the conservation area and the wider setting of the other heritages assets including the setting of the adjoining buildings at No's 6, 8 and 8A Quarry Street.
- The application proposals includes a proposal to mitigate the equipment with the fixing of louvre screening along the railing to a height of 0.9m

above the wall. This is shown to be “PVC, Alum or similar”, however, I am not satisfied from the details submitted that this is likely to be an acceptable form of screening that is visually attractive to Rosemary Alley and this solution is likely to mitigate one alien feature by adding another. This would result in ‘less than substantial harm’ as described in paragraph 202 of the National Planning Policy Framework.

- I have considered the appeal scheme as including the alternative means of addressing the visual impact of the air conditioning system as subsequently discussed with the Council. This alternative involves building the existing white rendered wall upwards by 0.8m and topping it with coping stones as well as the introduction of a horizontal timber lattice. I note that the appellant has submitted a new planning application to the Council to include this work in mitigation (22/P/01740), however this is a separate matter to this appeal which has to be considered on its individual merits.
- The heightened wall would effectively screen virtually any view of the apparatus from a walker on Rosemary Alley and the timber lattice would help preserve the setting of the rear of the properties fronting Quarry Street and maintain the view at an oblique angle downwards out of rear facing windows. On the basis of these plans, I find that the visual effect of the air conditioning unit can be mitigated to the extent that the work would not cause harm to the designated heritage assets described above.
- I will therefore allow the appeal on the basis that the plans submitted with the original application are amended to include the two drawings now submitted in mitigation. As the timber screen trellis is not fully detailed on the drawing there is also a need to impose a condition so that these further details are submitted to and agreed by the Council before the lattice is put in place. Further, a condition needs to ensure that the mitigation work is implemented in a period of three months and retained thereafter.
- Finally, the parties’ attention is drawn to Section 180 of the Act<sup>1</sup> which deals with the terms of an enforcement notice where there is an inconsistency with a subsequent planning permission.
- For the reasons given above I conclude that the appeal should be allowed.



**12. St Martha's Prior, Halfpenny Lane, Chilworth, Guildford, GU4 8PZ 21/P/00887** – The development for which a certificate of lawful use or development is sought is described as “two sheds are lawful having been substantially completed more than four years before the date of this application”.

Delegated Decision – To Refuse

Decision – APPROVED

**Summary of Inspector's Conclusions:**

- The main issue is whether the Council's decision not to grant an LDC was well founded.
- Section 55(1) to the 1990 Act says that the word '*development*' means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. The concept of a material change of use is not defined in statute or statutory instrument. The basic approach is that, for a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously as a matter of fact and degree. In cases where there is a dispute as to whether a material change of use has occurred, it is first necessary to establish the correct planning unit and the present and previous primary use. The planning unit is usually the unit of occupation, unless a smaller area can be identified which is physically separate and distinct and occupied for different and unrelated purposes.
- The planning unit in this case equates to the house, St Martha's Priory, and its associated grounds. The sheds have been erected within the grounds and are used for domestic storage. There is no evidence that their use is unconnected with the residential occupation of the premises, which would indicate a separate planning unit had been created, nor that a different primary use has been introduced into the same planning unit resulting in a mixed use. The Council argues that the sheds are sited outside of the curtilage, but curtilage must not be confused with the planning unit or with a use of land. The two will sometimes cover the same area but that will not always be the case.
- On the other hand, the appellant maintains that the sheds should be considered to be operational development. Section 55(1A) says that for the purposes of the Act '*building operations*' includes (a) demolition of buildings (b) rebuilding (c) structural alterations of or additions to buildings and (d) other operations normally undertaken by a person carrying on business as a builder. The erection of an entirely new building

is not specifically mentioned; however, it falls within the definition as work normally undertaken by a person carrying on business as a builder.

- I saw the sheds are solid and sound structures of a rectangular form with pitches roofs. They are constructed from timber, with felt roofs, and appear to be sited on compacted earth. One shed has a tap attached to it, which is connected to a water supply. Given the manner and nature of the work involved in the erection of the structures, and their physical construction and size, their siting required an element of pre-planning and necessitated erection in accordance with a specific end use in mind. I consider that the sheds amounted to operational development because the works involved the carrying out of building operations, which resulted in entirely new buildings.
- For completeness, I have also considered whether the sheds should be considered to be buildings. Section 336(1) of the 1990 Act includes in the definition of the word '*building*' any structure or erection, and any part of a building, as so defined. This description has been interpreted by the Courts to include structures which would not ordinarily be described as buildings. In *Cardiff Rating Authority*<sup>1</sup>, which was endorsed by the Court of Appeal in *Skerritts*, three primary factors were identified as decisive of what was a '*building*' and these are as follows: (a) that it was of a size to be constructed on site, as opposed to being brought on to the site, (b) permanence, (c) physical attachment. No one factor is decisive.
- Although the sheds are sizeable, it is possible that they were brought on to site fully constructed. Nonetheless, there is no evidence that the sheds have moved since they were first sited, and they seem to be permanently located. Although there is no physical attachment to the ground, other than the water supply, the structures are immobile by their own weight. On the particular circumstances of this case, they can reasonably be described as structures that fall within the definition of the word '*building*' in s336(1).
- I have found that the sheds are operational development for the purposes of Section 55(1) of the 1990 Act. Therefore, the relevant time period to gain immunity is four years beginning with the date on which the operations were substantially completed. There is no dispute that the sheds have been substantially completed for more than four years. They are, thus, lawful according to Section 191(2) since no enforcement action may be taken in respect of them due to the passage of time.
- For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of two sheds was not well-founded and that the

appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

**13. 14 Tangier Road, Guildford, GU1 2DE**

**22/P/00496** – The development proposed is a first floor/part two storey side extension, part single/part two storey rear extension, two additional rooflights and change to fenestration.

Delegated Decision – To Refuse

Decision – ALLOWED

**Summary of Inspector's Conclusions:**

- The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings.
- Tangier Road is part of a residential area comprising properties with a variety of architectural styles. They have a range of features and roof forms. No.14 Tangier Road is a detached two-storey property with a catslide roof to the western elevation. The appeal proposal would replace the catslide with a two-storey side extension, together with two-storey and single storey extensions to the rear. Planning permission has previously been granted for most of the rear extensions (Council reference 20/P/01852) albeit under this proposal the two-storey element would extend further across and link into the proposed side extension.
- Whilst the proposed side extension extends off the existing ridgeline and adds bulk at roof level, the increase to the width of the property is limited. Through the alterations the appearance of the dwelling would be significantly changed, and the existing dormer windows would not be central. However, there is no defining form in the area, and the windows and door to the existing front elevation do not have a consistent vertical alignment. In my view, the extension would fully integrate with the host property, and overall, the resultant form would be well portioned with a balanced hipped roof. As such, I do not find that the side extension would be visually prominent, and the scale of the property would be reflective of others in the road.
- I acknowledge that the design of the side extension does not reflect the subservient approach advocated in the Council's Residential Extensions and Alterations: Guildford Borough Council Supplementary Planning Document 2018 (SPD). However, the SPD sets out general rules and does not preclude other options. A gap of 1.5m is to be retained to the boundary and the development would not result in a terracing effect which is a key aspect the SPD seeks to avoid in relation to side extensions. Overall, in my opinion, the proposal would accord with the

design principles of the SPD to ensure that the alterations are appropriate to the character and appearance of the existing property and street scene.

- In conclusion, I find that the side extension would be an appropriate alteration to the host property and would not have an adverse impact on the character and appearance of the area. As such I find that it would accord with the requirements of policy D1 of the Guildford Borough Local Plan 2015 – 2034 and the general provisions of the SPD, which together promote high quality design and for development to be compatible with the surrounding area.
- I have imposed conditions requiring commencement of development within three years, and to be in accordance with the approved plans for certainty. A condition requiring the use of matching materials is necessary in the interests of a good quality appearance to the development. I also agree with the Council that a condition restricting the glazing and opening of the proposed first floor side windows is required to protect the privacy of neighbouring residents.
- For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

**14. Land adjacent to Cowshott Crescent, Brookwood, Woking, GU24 0PD 21/P/00992** – The development proposed is erection of a terrace of 5 dwellings.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector’s Conclusions:**

- The main issue is the effect on the Thames Basin Heaths Special Protection Area (TBHSPA).
- Together Policy P5 of the Guildford Borough Local Plan 2015-2034 (2019) (Local Plan) and Policy NRM6 of the South East Plan (SE Plan) state that permission will only be granted for development proposals where it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the TBHSPA, whether alone or in combination with other development. If there would be a likely significant effect, measures to avoid and mitigate these effects must be put in place.
- Both policies set an ‘exclusion zone’ 400m from the TBHSPA. Policy P5 of the Local Plan states that permission will not be granted for development that results in a net increase in residential units in this area. Policy NRM6 of the SE Plan adds that in exceptional circumstances, this may vary with the provision of evidence that demonstrates the extent of the area

within which it is considered that mitigation measures will be capable of protecting the integrity of the SPA.

- The TBHSPA supports important breeding populations of a number of birds, particularly nightjar, woodlark and Dartford warbler, ground nesting birds that are particularly vulnerable to predation and disturbance. The Appellant's Habitat Regulations Assessment states that the proposed development would result in disturbance to birds at the TBHSPA due to reasons including recreational pressure and disturbance and urbanisation. Although the effect from 5 dwellings would be small, when combined with other plans and projects there would be likely to be a significant effect on the protected site.
- The Conservation of Habitats and Species Regulations 2017 therefore require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects. I am therefore required to undertake an AA. This follows the approach of the Inspector in respect of the appeal at Rose Cottage<sup>1</sup>.
- Natural England objected to the proposal because of its location in the exclusion zone where mitigation measures are unlikely to protect the integrity of the SPA, so residential development should not be permitted.
- The proposed development is for a net increase of 5 residential units. The houses would be a 150m linear distance from the TBHSPA, within the exclusion zone. This would result in an increased number of people living within the exclusion zone. Their immediate proximity to the TBHSPA, which is the closest area of semi-natural greenspace, means that occupiers of the proposed development are highly likely to use the TBHSPA for recreation. This would pose a significant risk of harm to the habitat, added to which there would be an increased risk of fires and fly tipping from any growth in population so nearby.
- The nearest TBHSPA location is across Billesden Road and there can be no certainty that cats would not cross this road to reach Cowshot Common/Sheet's Heath. Restrictions on pet ownership, whether by means of planning conditions or through a lease, and would need to be in place in perpetuity, would be unreasonable and unenforceable. Furthermore, contributions towards the provision of SANG and SAMM<sup>2</sup> in accordance with the TBHSPA Avoidance Strategy SPD<sup>3</sup>, are unlikely to stop the proposed occupants who would live on the doorstep visiting the TBHSPA. They would therefore fail to be effective in preventing harm to the protected area.

- Whilst the appellant is a housing partner who intends to deliver homes for intermediate rent, no mechanism to secure such an arrangement was provided with the appeal. The accessibility of the location is not a justification for building housing in an area that has been designated unsuitable because of its proximity to the TBHSPA when alternative sites outside the exclusion zone are likely to be available. Nor does it amount to an imperative reason for overriding public interest sufficient to overcome the harm to the site.
- As such, and for the reasons explained above there would be adverse effects on the integrity of the features of a habitats site. This would conflict with Policy P5 of the Local Plan and Policy NRM6 of the SE Plan and the requirements of the Habitats Regulations.
- The proposal would provide 5 new homes in a reasonably accessible residential area. In the absence of a mechanism to secure them as affordable this would amount to a social benefit of only moderate weight. However, this benefit would not outweigh the significant harm to the integrity of the TBHSPA, which is protected for the international importance of its flora and fauna.
- The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, this appeal should be dismissed.

### **15. 273 Vale Road, Ash Vale, GU12 5LA**

**22/P/00235** – The development proposed is for a single storey side extension and enlargement for first floor side dormer following demolition of garage and carport.

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the occupants of 275 Vale Road, with specific reference to outlook.
- The appeal site comprises a link-detached, gable fronted chalet bungalow with a single flat roof dormer to either side. 275 Vale Road next door is of a similar design, albeit handed, beyond which is a pair of detached hipped roof bungalows. A large pair of semi-detached two and a half storey houses are situated to the south of the appeal site.
- The proposal would give rise to the demolition of the existing garage and carport belonging to no 273, leaving those serving the neighbouring

dwelling in situ. A 0.65m gap would be provided between the appeal dwelling as proposed to be extended and the boundary shared with no 275. In itself the three dimensional visualisations demonstrate that the appeal property could be extended in a manner that the proposal would appear subordinate in form to the host dwelling and consequently would not give rise to material harm to the character and appearance of the street scene. In this respect I find no conflict between the proposal and Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS) or Policy G5 of the Guildford Borough Local Plan 2003 (LP) which together require all new developments to achieve high quality design that responds to distinctive local character whilst having regard to a number of design requirements, including the context of design, scale, proportion and form as well as the space around buildings.

- Both nos 273 and 275 currently have first floor dormer windows serving habitable rooms facing each other and therefore there is already a degree of mutual overlooking and restricted outlook. The proposal would improve the former situation as an obscured window is proposed on the appeal dwelling, however I note from the plans that the first floor element of the proposal, would bring built form 1.4m closer to no275 and its respective window accordingly.
- No assessment has been provided upon the reduction of outlook from said window and whilst I note that the proposal has been designed so that the roof line is below that of the existing structure; and with the front set back from the existing, the remaining space between the two properties would be further eroded. Therefore I cannot agree that there would be no greater impact than the existing situation and I consider 3.6m between the proposed first floor extension and the dormer it would face to be inadequate, particularly bearing in mind the increase in width proposed over and above the existing situation.
- I sympathise with the appellant's frustration at the level of service that they have received from the Council although ultimately that does not affect the substance of my assessment of the appeal. It may well be that drawings were misinterpreted, however it has fallen upon me to view them afresh, having regard to the two main issues as highlighted within the decision notice. I have found in favour of the appellants in respect of the impact of the proposal upon the character and appearance of the area; however this does not outweigh the harm that would result upon the material erosion of outlook from no275. I therefore find that the proposal conflicts with LP Policies G1 (3) and H8 which together require the amenities enjoyed by occupants of buildings are protected from un-

neighbourly development as well, as the National Planning Policy Framework which requires developments to create a high standard of amenity for existing and future users (paragraph 130.f).

- Having to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

**16. Katrine, Forest Road, East Horsley, KT24 5ER**

**22/P/00050** – The development proposed is two storey front and rear extension.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issues are the effect of the proposed extensions on the character and appearance of the existing dwelling and surrounding area;
- The effect of the proposed fence and gates on the character and appearance of the surrounding area; and
- The effect of the proposal on the living conditions of the occupiers of the neighbouring property, Green Trees, with particular reference to light, outlook and privacy.
- The appeal property is a two storey detached dwelling which is located in a large plot. The surrounding area comprises mainly detached houses of individual design and appearance, most of which are spaciouly sited within well landscaped plots. The appeal property and 'Green Trees' to the north, are located centrally within their plots with large front gardens and a generous set back from Forest Road.
- The Council's Supplementary Planning Document: Residential Extensions 2018 (SPD) whilst not statutory, provides useful guidance on the design of householder extensions. It advises that generally an extension or alteration should be subordinate to and in character with the existing dwelling and should not over-dominate or be discordant with the main property. It also advises that the height of an extension should normally be lower than the height of the original building and set back from front elevations.
- The proposed rear extension is of considerable size and scale. It would extend beyond the existing two storey rear wall of the dwelling by between about 4.9 and 6.8 metres and would have a width of around 6.8m. The eaves and ridge height of the extension would be the same as the existing dwelling.
- In my view, the proposed extension would dominate the rear of the existing dwelling and would not appear subordinate to it. The proposed



extension would fail to respect the original scale and mass of the dwelling due to its excessive width, depth and equivalent height. I therefore find that the proposed extension would be harmful to the character and appearance of the host dwelling and would conflict with the design guidance set out in the SPD.

- The proposed rear extension would not be readily visible from any public vantage points although filtered views of it would be obtainable from neighbouring dwellings. An extension of the size, scale and height proposed would stand out as a dominant feature within its immediate surroundings and as such would be harmful to the character and appearance of the surrounding garden environment.
- The proposed first floor front extension would be above an existing single storey garage. It would have a depth of about 4.63 metres and a width of just over 4 metres. Whilst the eaves height of the extension would be the same as the host dwelling, the ridge height would be lower. Whilst relatively large I am satisfied that the proposed front extension would be subordinate in appearance to the main dwelling and would not appear overly dominant. Furthermore, its design and appearance would reflect that of the existing dwelling.
- Whilst the first floor extension would extend a considerably distance forward of the main two storey dwelling, I do not consider that it would be unduly prominent in the street scene due to the distance that the dwelling is set back from Forest Road. Overall, I find the front extension would not be harmful to the character and appearance of either the host dwelling or the surrounding area and would comply with the aims and objectives of the SPD.
- However, notwithstanding my finding on the first floor front extension, I conclude for the reasons given above, that the proposal would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area. Thus, it would be contrary to Policy G5 of the Guildford Local Plan 2003 (LP), Policy EH-H7 of the East Horsley Neighbourhood Plan 2017-2033 (NP), the SPD and paragraph 130 of the National Planning Policy Framework (2021) (the Framework) which collectively seek to deliver good design which respects its context and protects the character and appearance of the surrounding area.
- Fence and gates of about 1.55m in height are also proposed to the front of the site. The fence would be in a similar position to the existing picket fence however the proposed gates would be set back deeper into the site.

- As with the existing picket fence, the proposed fence would be set back from the road frontage. A large tree to the front of the fence would be retained and would in part screen and soften the appearance of the fence which is proposed to be of solid construction. Due to the set back of the fence and the gates, in my view the development would not be unduly prominent in the street scene and longer distance views of it would also be partly screened by vegetation to the front of the neighbouring properties which is adjacent to Forest Road.
- Whilst I acknowledge that many of the dwelling along Forest Road have landscaped frontages, I also noted on my site visit that several dwellings along this stretch of Forest Road have well established fences of around 1.8 metres in height along their front boundaries which are more prominently located than the appeal proposal. The proposed fence and gates would have a height of 1.55 metres and would not be incongruous or out of character with other means of enclosure in the area. Furthermore, due to their siting back from the road frontage and intervening features, I am satisfied that the proposed fence and gates would not be materially harmful to the landscaped character and appearance of Forest Road. I therefore find that this aspect of the proposal would comply with Policy G5 of the LP, Policy EH-H7 of the NP and the Framework insofar as these policies seek to ensure that development integrates into the existing townscape and landscape.
- The SPD also seeks to protect the privacy and amenity of neighbouring occupiers. It states that where buildings are located adjacent to one another, the Council will apply the 45 degree guide to assess the loss of light to a dwelling and to determine if an application will cause any adverse effects on the existing and on neighbouring properties.
- According to the information before me, the proposed extensions would not appear to interfere with the 45 degree guide drawn from the centre of windows on the front and rear elevation of Green Trees and the proposal would comply with the SPD in this respect.
- Furthermore, the amount of light received by windows on the rear elevation of Green Trees would already be affected by the high vegetation that runs along the boundary between the two properties. I am therefore not convinced that the proposed extension would significantly worsen levels of light received. Whilst I note that the closest first floor window on the front of Green Trees is recessed compared to the ground floor window, its brick surround would also have some affect on the light received by this window. Given the separation distance between the two dwellings the proposed extension would not, in my

view, materially affect the amount of light received by windows on the front of Green Trees. I also acknowledge that there are ground floor windows on the flank elevation of Green Trees, however I understand that these are secondary windows and, in any event, I do not consider that they would be significantly affected by the appeal proposal.

- Whilst the proposed extensions would extend beyond the front and rear elevation of Green Trees, there is a mature planting along the boundary between the dwellings which would help to screen and soften the visual impact of the development. The proposed extensions would also be set in from the side boundary of the site and in my view would not have an unacceptable impact on the outlook from the windows or garden of Green Trees.
- There is a first floor bedroom window proposed on the flank elevation of the proposed rear extension. This window would allow close views into the garden and rear conservatory of Green Trees. Although there is screening along the side boundary, this would not sufficiently prevent overlooking from the first floor window which I consider would be harmful to the living conditions of the occupiers of Green Trees.
- I note that the appellant has stated a willingness to accept a condition requiring this window to be obscure glazed. However, I do not consider that this would be appropriate as the window serves a bedroom where obscure glazing would result in the room having no outlook and consequently a poor living environment for any future occupiers of it.
- In conclusion on this issue, whilst I have found that the proposed extensions would not have a harmful effect on the living conditions of the occupiers of Green Trees with reference to light and outlook, the proposal would result in material harm to the privacy of the adjoining occupiers in terms of privacy. It would therefore conflict with Policy G1(3) of the LP, the SPD and paragraph 130(f) of the Framework which together seek to protect the amenity and privacy of adjoining neighbours.
- For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**17. Land Lying to the south of Littleworth Road, Tongham, also known as Land at Appin Lodge, Long Hill, The Sands, Farnham, GU10 1NQ**

**EN/19/00247** – The notice, numbered EN/19/00247, was issued on 18 January 2022.

- The breach of planning control as alleged in the notice is, without planning permission operational development consisting the erection of a building.

The requirements of the notice are to:

- i) Demolish the building hatched in black on the plan attached to this Notice.
- ii) Remove all material resulting from compliance with step i).

The period for compliance with the requirements is two months.

The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Delegated Decision – To Refuse

Decision –PART REFUSED/PART ALLOWED

**Summary of Inspector’s Conclusions:**

- The main issues are whether the building amounts to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (NPPF) and relevant development plan policy;
- the effect on the openness of the Green Belt; and,
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.
- A retrospective application for the erection of a detached outbuilding following demolition of an existing building, was dismissed at appeal on 4 October 2021. That outbuilding is the subject of the enforcement notice.
- Such a recent appeal decision is clearly a material consideration and regard should be had to it.
- The land to which the enforcement notice relates lies within the Metropolitan Green Belt. The NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (LP) and the NPPF state that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a list of exceptions. The exception in dispute in this case is *‘the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces’*.
- The appellant argues that the Council has erroneously declined to acknowledge the existence of a lean to store that was attached to the former outbuilding before its replacement with the existing garden room. Nevertheless, that was considered in the previous appeal decision where the Inspector’s attention was similarly drawn to a structural survey from 1986, which refers to a *‘very rough timber and corrugated*

*iron store to the rear of the building'*. However, the Inspector highlighted that the document does not give dimensions for the structure, and it is not supported by photographic evidence, and that it was also unclear when this store was removed, thereby limiting the weight which could be afforded to that consideration.

- It appears that the only differing evidence before me is a signed statement by the appellant who acknowledges that he has no verifiable information as to the size of the lean-to shed but states that it ran to the width of the outbuilding (5.2m), it had a wooden door on the eastern site (thereby giving an indication of its height) and a corrugated roof and depth of around 3m. He states that the shed/store was demolished in 2019 at the same time as the brick outbuilding.
- The appellant's signed statement is purported to be an affidavit but does not include a sworn oath. The covering letter appears to refer to the submission as a statutory declaration but, as it is not witnessed by a solicitor, commissioner for oaths or notary public, it cannot be<sup>3</sup>. I note the positions held and currently held by the appellant, who is clearly a person of repute. Nevertheless, an unsworn signed statement, to which no sanctions apply, carries limited weight.
- The photograph<sup>4</sup> in the appellant's design and access statement shows the pre-existing building at an angle, such that the side elevation can be seen. There is no indication in that photograph of a structure to the rear of the building. If it was 3m deep and ran to the full width, as stated, I would expect to be able to see some part of it. What is evident from the comparative photograph of the existing building from roughly the same location, is the marked differences in the width and height of the buildings.
- The evidence remains that the building is materially larger than the one it has replaced. It follows that I find no reason to disagree with the previous Inspector's finding that the building constitutes inappropriate development in the Green Belt for the purposes of the NPPF and LP Policy P2. That conclusion is not altered because the building complies with the additional definition of LP Policy P2 in that a new building will only constitute a "replacement" if it is sited on or in a position that substantially overlaps that of the original building.
- The NPPF explains that the fundamental aim of Green Belt policy is to '*prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'<sup>5</sup>.
- As the building is materially larger than the one it replaced, it follows that there is a greater spatial impact on the Green Belt. The aforementioned

photographs of the principal elevation of the existing building compared to the pre-existing building also show that the visual aspect is also significantly increased.

- Consequently, there is both a spatial and visual loss of openness to the Green Belt. My conclusion on this issue is consistent with that reached by the previous Inspector.
- I have found that the building amounts to inappropriate development within the Green Belt and reduces its openness. The NPPF states that substantial weight will be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
- It is evident that for the previous appeal the appellant raised the issue of a fallback position whereby a garden building with a larger footprint could be erected under permitted development rights. However, the Inspector attached only very limited weight to that argument due to a lack of supporting evidence.
- Since the previous appeal decision, the Council has granted a certificate of lawfulness of proposed development<sup>6</sup> (LDC) for a detached outbuilding in the north east corner of the property.
- The appellant submits that is a valid fallback position and being larger would result in a much more harmful impact on the Green Belt, neighbouring properties and the AONB, than the existing outbuilding.
- The appellant has also suggested that to ensure against harm to the Green Belt from two outbuildings (arising from a successful ground (a) appeal), Class E permitted development rights<sup>7</sup> could be removed by way of condition. Doing so would meet the tests of reasonableness and necessity in this case otherwise any fallback argument would be negated.
- Although the height is similar, the footprint of the LDC building would be significantly greater than the appeal building. There would therefore be a corresponding increased effect on the Green Belt and its openness. Given the degree of screening provided by the main dwelling and surrounding woodland, the overall effect on the AONB would not be significantly different. For the same reasons and because of the separation distances, the LDC building would not materially affect the living conditions of the occupants of the nearest residential properties. For most of the appeal property, the existing building would have a greater degree of visibility but for the reasons explained below, the LDC building would be harmful to the setting of the main dwelling. Therefore, in overall terms, the LDC building would be a less desirable outcome than the appeal building.

- Various court cases have considered the concept of fallback development as a material consideration. In the case of *Mansell*<sup>8</sup>, the Court of Appeal confirmed that there should be a 'real prospect' of a fallback development being implemented and that the decision-maker should exercise their planning judgment as to whether that would be the case depending on the particular circumstances. The basic principle is that a real prospect does not have to be probable or likely: a possibility will suffice.
- In *Gambone*<sup>9</sup> a two-stage approach was set out. Firstly, is there greater than a theoretical possibility that the development might take place (the 'real prospect' test)? If so, what weight should be ascribed to the fallback position.
- Presently, the area to the north east of the dwelling is occupied by an outdoor swimming pool surrounded by a hard landscaped poolside area, finished to a very high standard. At the time of my site visit, the area at the head of the pool accommodated sun loungers and an umbrella, reflecting its poolside function. The space is largely enclosed by lattice fencing, beyond which the land falls away to the nearby property boundary. In combination with the woodland area, the existing layout provides an attractive setting to both the dwelling and swimming pool.
- Although the LDC block plan shows the building in relation to the main dwelling, its position and relationship with the existing swimming pool and poolside space is not. Based on my own observations, it is highly likely that the building would run very close to the top of the swimming pool, if not cut across the top corner of it. Even if the pool itself would not be physically affected, the size and siting of the building would visually dominate the pool, and what would remain of the poolside area, as well as compromise circulation around it. Moreover, given the proximity, the building would also harm the setting of the main dwelling and adversely affect the outlook from it. Those amount to very significant drawbacks to the implementation of the LDC scheme.
- I recognise that given the existing and pre-existing provision, it is clear that the appellant requires an outbuilding at his property. I therefore accept that if the appeal building has to be demolished, then it is logical and possible that the appellant would seek to replace the lost floor space elsewhere on the site.
- However, the LDC building would do much more than replace lost floor space; it would effectively double the existing provision.
- Given that the appellant is seeking to retain the existing building, it is reasonable to deduce that he is content with the existing floorspace

provision. Indeed, the appellant explains that the LDC building would be used for similar purposes to the appeal building. Those issues raise questions as to why the LDC building is comparatively so large and whether doubling the existing provision is so important to the appellant that he would wish to significantly compromise the existing pool and poolside area, and the setting of the main dwelling.

- There is no rule of law that, in every case, the real prospect will depend, for example, on the developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. Nevertheless, in the particular circumstances of this case, it is clearly relevant to the question as to whether there is a real prospect of it being built, or whether it is, as suggested by the Council, a strategic attempt to secure planning permission for the appeal building.
- In my judgement, based on the particular circumstances of this case, the LDC development is merely a theoretical prospect and there is no real prospect of it being implemented. Consequently, the LDC development attracts very limited weight as a fallback position.
- The appellant has further stated that he would be prepared to remove the existing 4m x 3m glass conservatory that is attached to the south eastern elevation of the host dwelling. That would assist in terms of off-setting the harm to openness, although no mechanism has been advanced for achieving the same and I am unaware of what other permitted development rights may remain available to the appellant.
- Even if neighbours expressed support for the previously appealed planning application, Seale and Sands Parish Council have confirmed its objection to the development. Although, I have no evidence that the site is affected by the Thames Basin Heath Special Protection Area, as stated by the Parish Council, it does lie within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).
- Effects on the same do not form part of the reasons for issuing the enforcement notice and I note that the previous Inspector found that the outbuilding preserves the landscape and scenic beauty of the AONB and AGLV. Based on my own observations, I find no reason to reach a contrary position on those findings. Moreover, given its location relative to the nearest neighbouring dwelling, the outbuilding has no discernible impact on the living conditions of occupants of the same. The lack of such harms are neutral matters in the Green Belt balance.
- Drawing the above together, the other considerations – taken individually or together – do not outweigh the harm caused to the Green



Belt by reason of inappropriateness, which must carry substantial weight. The very special circumstances necessary to justify allowing the deemed planning application do not exist. The development is therefore contrary to LP Policy P2 and the NPPF.

- For the reasons set out above, I conclude that the building is contrary to the development plan taken as a whole, and the NPPF. The material considerations do not indicate a decision other than in accordance with the development plan.
- The ground (a) appeal should not succeed, and I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
- The ground (g) appeal is that the two months given to comply with the notice is too short to arrange for the disassembling of a building which is connected to all main utility services and is a fully equipped gym/garden room with a separate shower room. The appellant submits that to obtain the services of a builder within such a short time period would be impossible given the huge demand/back log on the building trade as we come out of the Pandemic. The appellant requests a period of six to nine months.
- Although I agree, for largely the reasons expressed by the appellant, that a period of two months is too short, a period of nine months is unjustified. Six months would strike a reasonable and proportionate balance between any difficulties the appellant may encounter in carrying out the requirements of the notice and the public interest in this case.
- I shall vary the enforcement notice accordingly. The appeal on ground (g) succeeds.

**18. 69 Sheeplands Avenue, Guildford, GU1 2SJ**

**22/P/00981** – The development proposed is a two storey side extension following the demolition of the existing single side extension and part single/two storey rear extension following the demolition of the existing rear single storey conservatory.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issue is the effect of the development on the character and appearance of the area.
- Sheeplands Avenue is formed of pairs of semi-detached properties with single storey projections to the side. The scale and form of the side projections maintains a visual separation between the properties and

contributes to the regularity and rhythm of the street scene. No.69 is a semi-detached pair with No.71 and is reflective of this form, it is sited opposite the end of Four Acres and as such is seen in various views.

- The Council's Residential Extensions and Alterations: Guildford Borough Council Supplementary Planning Document 2018 (SPD) explains that the Council seeks a high standard of design to house extensions and to ensure that they are appropriate to the character and appearance of the existing property and the street scene. Specifically in relation to two storey side extensions the SPD advises that as a general rule a distance of at least one metre should be maintained to the boundary which is to prevent a terracing effect and changes to the character of an area.
- To the front the two-storey extension would be set back and down from the host property, and to the rear it would be slightly angled away from No.67. Nonetheless, the extent of these features is limited, and the extension would infill the entire gap up to the side boundary. The extension would sit alongside the single storey pitched roofed extension to No.67 which has recently been constructed and is on higher ground. The proposal would create a continuous built form and the loss of space at the upper level would visually disrupt the existing pattern of development.
- I acknowledge that there are some properties within the surrounding area which benefit from side extensions. From my observations, where these occur along Sheeplands Avenue generally they have greater subservience, or a gap is maintained to the boundary. Additionally, the examples referenced by the appellant were mostly permitted several years ago. Moreover, they are found sparingly in the wider area and, in my opinion, have not altered the prevailing character of the area. Thereby their existence does not persuade me that the appeal proposal would be appropriate, and each case is to be considered on its own merits.
- Overall, I find that the proposed side extension would erode the spacing between the semi-detached properties and the resultant visual terracing effect would be harmful to the character and appearance of the area.
- I therefore find conflict with policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and, saved policies G5 and H8 of the Guildford Borough Local Plan 2003, which among other things, requires new development to be respectful, proportional and reflect patterns of development and distinct local character. As such, the proposal would also conflict with the advice in the SPD and with Government Policy in

Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021 and the National Design Guide.

- For the reasons set out and having regard to all other matters raised the appeal is dismissed.

**19. Owls Hatch, Elstead Road, Seale, GU10 1JD**

**22/P/00055** – The development proposed is a single storey extension.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Metropolitan Green Belt (Green Belt) having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect it has upon the openness of the Green Belt;
- the effect of the proposal on character and appearance of the main dwelling and area; and
- if the development is inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstance necessary to justify the development.
- The appeal site is located at the edge of a large clearing within a mature woodland. The woods extend away to the front and rear of the site and on the opposite side of Elstead Road. To the side of the site, separated by fencing, is a large open field defining the clearing.
- The dwelling on the appeal site is detached, two-storey and positioned at right angles to Elstead Road accessible from a track which runs in front of it. To the rear of the main dwelling, linked by a short section of wall is a hipped roof outbuilding which has a garage door that faces towards Elstead Road. Beyond the outbuilding is a high wall which delineates the edge of the rear garden. Between Elstead Road and the outbuilding and wall is another area of outdoor space and a mature hedgerow, with gated access to the garage door.
- Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. On review of the evidence before me I am satisfied that the proposed extension should be considered under paragraph 149 c). This allows for the extension or alterations of a building provided that it does not result in disproportionate additions over and above the size of the

original building. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (SLP) refers directly to the tests of the Framework.

- The proposal would constitute a little over 40% increase in floor space from the original building. Nevertheless, it would infill the open space which exists between the main dwelling and outbuilding and extend the length of the outbuilding considerably. This would mean the proposal would have a similar overall footprint to the main dwelling and would significantly extend the built form on the site beyond that which is existing.
- The proposal would be single storey. However, it would be taller than the existing outbuilding and would be clearly visible above the boundary wall. This along with the proposed elongated form would result in a substantial extension which would disproportionately relate to the main dwelling and would be considerably larger than the outbuilding it would subsume.
- Consequently, although appreciated that mathematically the proposal would not be excessively large, the location, length, height, and form of the proposal would create an extension which would appear both visually and physically disproportionate in size to the original building. The proposal would not, therefore, comply with Paragraph 149 c) of the Framework.
- The positioning of the existing garden wall and outbuilding creates a visual barrier across the site. However, the impact of these features, spatially, is limited due to the very open aspect across the adjacent field and associated clearing. The proposal would extend above and along the boundary wall for some distance. This combined with the loss of the space between the main dwelling and outbuilding would visually and spatially reduce the openness of the site, and thereby fail to preserve the openness of the Green Belt it is part of.
- In conclusion, the proposal would constitute inappropriate development which would fail to preserve the openness of the Green Belt. It would not comply with SLP Policy P2 and the Framework. As set out in paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, a matter which I will return to below.
- The proposal seeks to create a modern single storey extension to the main dwelling to extend the living space for the occupants. It would be finished in red brick, a material used in the quoins and a small section of the upper floor of the main dwelling.

- The proposed materials and pitch of the extension roof would be like that of the main dwelling. However, the use of a parapet wall and lack of eaves would undermine these similarities and create an unbalanced roof to wall ratio, at odds to the proportions of the main dwelling. The proposed detailing, including brick panels and columns, full height glazing, and recessed porch and window elements, would also visually dominate the more subtle and delicate features of the main dwelling.
- The proposal would, therefore, fail to respect the scale, design, and character of the main dwelling. The proposed encompassing of the retained, largely pale stoned, rear wall of the outbuilding and associated connecting wall, with red brick would create a visually difficult transition from old to new. This would harm the overall appearance of the appeal site.
- For these reasons the relationship between that proposed and the main dwelling would be awkward, and the subservient relationship of outbuilding lost. Which, in turn, impact on the setting of the appeal site by increasing its physical presence within the space between woodland and clearing, thus reduce the legibility of that visual transition. The proposal would, therefore, fail to respond to the distinctive appearance of the main dwelling, its rustic cottage character, and bucolic setting.
- The none pastiche treatment of the extension is noted. However, this does not mitigate my findings.
- In conclusion, the proposal would harm the character and appearance of the main dwelling and area. This would be contrary to SLP Policy D1 and Policy G5 of the Guildford Borough Local Plan 2003 (LP) insofar as they seek new development to achieve a high quality of design that responds to the context, scale, proportion and form of the surrounding buildings and environment.
- The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the location and overall size of the appeal site it would not harm the special qualities of the AONB. It is also appreciated that the proposal would not cause harm to the living conditions of the occupants of nearby properties. Nevertheless, both these considerations would constitute a lack of harm which is a neutral factor and so does not weigh for or against the proposal.

- The positive impact that the proposed additional living space would have for the appellant and their family is noted, however as this would largely constitute a personal benefit, it only attracts a very limited weighting.
- Consequently, these other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness and impact on openness, and the character and appearance of the main dwelling and area. Therefore, the very special circumstances necessary to justify the development do not exist.
- For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

**20. Wealdover, 84 Guildown Avenue, Guildford, GU2 4HB**

**22/P/00008** – The development proposed is a single storey side extension part single and part two storey front extension and roof alterations.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issues are the effect of the development on the host property and the character and appearance of the area.
- Guildown Avenue is a private road of large, detached dwellings set within spacious plots. Each property is individual and exhibit a range of architectural styles and materials. The appeal property (No.24) occupies an elevated position with the properties to the other side of the road on lower ground and those opposite the appeal site are single storey.
- The appeal property is traditional in form with red bricks and a clay tiled pitched roof. The elevation to the road has a projecting glazed two storey feature which extends up to the eaves which the appellant explains was originally an open balcony. Along the front boundary is a wall with hedging and vegetation in front which provides screening. However, due to the ground levels the upper storey and roofscape are visible and the property has a notable presence in the street scene.
- A large box type dormer is proposed to the front roof slope extending off the new higher ridge line. It would be inset from the flank elevations, nonetheless, it would dominate the roof and the scale, positioning, size of the windows and flat roof form of the dormer are contrary to the advice in the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD).

- The existing front projection would also be altered, extending above the eaves creating a terrace to the bedroom in the roof with a glazed balustrade extending across part of the dormer adding to the bulk at roof level.
- Both the dormer and clad projection are conspicuous features which would be further accentuated by their juxtaposition and the materials. In my view, these elements would fail to assimilate with the host property and their scale and form would overwhelm the frontage and would be at odds with the existing character of the property. Other alterations which include a single storey side extension and changes to the existing fenestration follow the form of the existing property and I agree with the Council would be acceptable.
- I acknowledge that features and materials such as zinc and timber cladding, flat roofs, second floor extensions and balconies are found in the locality. However, each proposal is to be considered on its own merits and the properties along Guildown Avenue are unique. The examples I have been directed to by the appellant are not comparable to the appeal property and several relate to new dwellings. I accept that contemporary additions can work with traditional, however the concerns here relate to the integration and cohesion with the existing property, rather than the form and materials of the specific elements.
- Whilst the main entrance to the property is to the rear, this does not alter the importance of the relationship between the south elevation and the road. I agree that the existing front projection is not overly sympathetic, but it is subservient. In contrast, I find the alterations to the frontage and the dormer would be prominent and incongruous features which would be significantly harmful to the appearance of the host property and visually intrusive in the street scene.
- In conclusion, the appeal proposal would have an unacceptably adverse effect on the character and appearance of the host property and the street scene. It would therefore be contrary to saved Policy G5 of the Guildford Borough Local Plan 2003 and the Council's SPD which amongst other things seek high quality design, and to respect the character and appearance of the existing dwelling and surrounding area.
- For the reasons set out and having regard to all other matters raised the appeal is dismissed.

**21. Buren, Surrey Gardens, Effingham Junction, Leatherhead, KT24 5HF**  
**21/P/02158** – The development proposed is demolition of existing garage to provide access and erection of 1 No 3 Bedroom House in rear garden.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issues are the potential effect of the proposed development on bats; and,
- Whether it would make sufficient provision for sustainable construction.
- The appeal site includes a number of trees of varying size, a pond on one boundary, and several outbuildings. The Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (the Report) acknowledges that bats, all species of which are protected, are likely to be present in the area. Two of the outbuildings to be demolished are acknowledged as having some potential for use by roosting bats. The report recommends that an emergence and re-entry survey be carried out to determine whether either building is in use by roosting bats.
- No such survey has been provided with the appeal, and at the time of this decision the Report is 3 years old and its findings regarding the site may no longer be accurate. The appellant refers to a bat survey being organised in their design and access statement but have not provided this with the appeal.
- I have considered whether this matter could be addressed by an appropriately worded condition. However Circular 06/2005 Biodiversity and geological conservation states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Accordingly, this matter cannot be addressed by condition.
- In the absence of full, up to date information it is not possible to say that the development would not be harmful to bats. Accordingly, the appeal proposal conflicts with saved Policy NE4 of the Guildford Borough Local Plan 2003. This policy states that permission will not be granted for any development that would be liable to cause any demonstrable harm to a species of animal or plant or its habitat, protected under British law.
- Policy D2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 requires, amongst other criteria, that new buildings must achieve a reasonable reduction in carbon emissions of at least 20 per cent measured against the relevant Target Emission Rate. The appellant has not submitted any information to show how this reduction could be



achieved. I have considered whether this could be secured by an appropriately worded condition, if I were otherwise minded to allow the appeal. However, in the absence of any details it is not possible to say with certainty that such a condition would be enforceable and precise. Accordingly, the appeal proposal would conflict with the identified criterion of Policy D2.

- The appeal site lies within the 5 kilometre buffer zone around the SPA. Had I otherwise been minded to allow this appeal, it would have been necessary as the competent authority to carry out an appropriate assessment to determine whether the appeal proposal would be likely to result in significant adverse impacts to the integrity of the SPA. However, as I am dismissing the appeal on other substantive grounds it is not necessary to consider this matter further.
- The appeal proposal would result in the creation of 1 new dwelling. This weighs in favour of the development, as it would support the Government's objective of significantly boosting the supply of homes. However, it is not possible to say there would be no harm to bats from the proposed development, or that it would achieve the required 20 per cent reduction in carbon emissions. These matters outweigh the benefit arising from the creation of 1 new dwelling. There are therefore no material considerations to indicate that this appeal should be determined other than in accordance with the development plan.
- For the reasons set out above, the appeal fails.

## **22. 56 Yew Tree Drive, Guildford, GU1 1NY**

**22/P/00378** – The development proposed is the erection of a two-storey side extension following demolition of existing attached outhouse.

Delegated Decision – To Refuse

Decision – DISMISSED

### **Summary of Inspector's Conclusions:**

- The main issue is the effect of the development on the host property and the character and appearance of the area.
- Yew Tree Drive is a residential road which loops around and has a mixture of semi-detached and terraced properties. No.56 is a semi-detached property located to the southern side of the road within a straight run of properties comprising Nos.50 to 68 (evens). It appears to be in its original form with a small outhouse projection to the side. The neighbouring property, No.58, has been fully extended to the side with just the width of a gated access to the shared boundary.

- The Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD) provides general design rules for extensions. In relation to a two storey side extension it advises that they should: not be visually dominant; in keeping with the design of the original house; not exceed half the width of the house; be set back from the front building line; and maintain a gap of at least one metre to the boundary.
- The proposal would introduce a two-storey side extension which would also project to the rear. The design of the extension would be in keeping and proportionate to the host property. However, it would only be very marginally off set and would infill the entire space up to the boundary and visually would appear as the pair of semis (Nos.56 & 54) are a continuation of the neighbouring terrace.
- There is some variation in the building line with the appeal property sited forward of the neighbouring terrace and thereby the extension would not be visible in views from west. But from opposite, and in views along the road from the east the extent of the development would be noticeable and would have an adversely impact on the appearance of the street scene through the terracing effect.
- A number of properties along Yew Tree Drive have two-storey side extensions. From my observations generally where these occur there is more space around the property and/or a change in alignment. Nevertheless, there are some example of extensions similar to the appeal proposal. From the planning history details provided by the appellant these were permitted prior to the SPD, and some spacing is maintained as the neighbouring properties have not been extended. I have not been directed to, nor did I see, any incidents where adjoining properties have been extended as would be the case here. As such the proposal is different as the resultant loss of any meaningful gap would change the relationship between the properties and the character of the area which the SPD seeks to avoid.
- Overall, I find that the development would have a harmful effect on the character and appearance of the area. It would therefore fail to accord with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and, saved policies G5 and H8 of the Guildford Borough Local Plan 2003, which among other things, seeks high quality design and to reflect patterns of development and local character. The proposal would also conflict with the advice in the SPD in relation to the design of two storey extensions.

**23. 285 Stoughton Road, Guildford, GU2 9PR**

**21/P/01748** – The development proposed is erection of new commercial building following demolition of existing and associated works.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issue is the effect of the proposal on highway safety.
- The appeal site is located on Stoughton Road close to Stoughton Infant and Nursery School. I saw on my visit that there are frequent traffic and pedestrian movements along Stoughton Road. Although there are parking restrictions on this section of the road, there is a large parking bay opposite the appeal site, as well as the vehicular and pedestrian entrance to the school. The pavements are generally narrow.
- I acknowledge that the proposal would retain the existing business and storage use on the site and that both parties agree there would be no material increase in the intensity of the use. Also, that there would be no change to the vehicle access for the site, including the existing gates. Nevertheless, the existing building, which is in a poor state of repair and is largely a single volume space, would be replaced with a new building. The new premises would be constructed to modern standards with additional floorspace for improved staff facilities, including a staff room with kitchenette and an ancillary storage area and office space, as well as enhanced ICT infrastructure. This type of building is likely to have a substantial life span and I must consider the future of the development including the likely possibility that it would be occupied by someone other than the current owner and by a business that could operate differently to the existing one.
- Furthermore, I have no information as to the legislative or policy context applying at the time that the existing use was established, or the existing building was built. The Council's Vehicle Parking Standards Supplementary Planning Document (2006) set out the current parking requirements for these types of buildings. They require B8 Storage and Distribution uses to provide 1 lorry space per 200m<sup>2</sup> of Gross Floor Area (GFA), which is a reasonable expectation for this type of development. Although the footprint/Gross External Area (GEA) of the new commercial building at 294.2m<sup>2</sup> would be less than the existing building, its GFA would be greater than 200m<sup>2</sup> and the proposal would therefore require a lorry space.
- There is no evidence before me that the layout of the site could accommodate a lorry space of 15m by 3.33m. There is also no evidence

that a lorry could manoeuvre on site to enable it to exit the site in a forward gear. While I recognise that the standards set out in the SPD are maxima, in the absence of a lorry space and adequate turning area, lorries would likely either load and/or unload from the highway or would have to reverse onto the highway after loading and/or unloading on site. Such manoeuvres would not only be likely to impede the free flow of traffic but also result in conflict with other highway users, including pedestrians, and could involve children or the elderly, as well as other vehicles. Given the frequency and variety of vehicle and pedestrian movements that would take place along Stoughton Road, particularly those associated with the school, the risk of conflict is significant and subsequently the proposal would have an unacceptable adverse impact on highway safety.

- This would be further exacerbated by the position of the existing gates, which, if closed, would force any vehicles to remain on the carriageway and possibly across the narrow footway until the gates were opened. The proposal would provide a separate pedestrian gate to reduce the risk of conflict between pedestrians and vehicles entering the site. However, while this would be of benefit, it would not address the harm to highway safety that I have identified above. I note the appellants view that the gates do not form part of the application, however they fall within the red line of the application as shown on the submitted Location Plan.
- While conditions could be used to limit vehicles movements, it would not be sustainable to permit a development that could not be used to its full potential or capacity in the future.
- I have found that in the absence of any evidence demonstrating that lorries could be parked on site and manoeuvred successfully to exit in a forward gear, the proposal would have an unacceptable adverse impact on highway safety. It would conflict with Policy ID3 of the Guildford Local Plan: Strategy and Sites (2019). This seeks, amongst other things, to ensure that off-street parking for new development is 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.
- A Grade II listed building, the Keep and the attached gateway are located relatively close to the site further along Stoughton Road. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses. I also acknowledge that concerns were previously raised by the Council regarding the effect of the proposal on the setting of the Stoughton

Barracks Conservation Area (SBCA) and the living conditions of the occupants of neighbouring residential properties with particular regard to noise, disturbance and privacy. However, given that I am dismissing the appeal due to concerns in relation to highway safety, these matters do not, in any event, alter my overall conclusions.

- Therefore, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

#### **24. Meadow Platt, Ranmore Common, Dorking, RH5 6SX**

**21/P/00864** – The development proposed is a replacement ancillary outbuilding.

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
  - the effect on the openness of the Green Belt; and
  - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.
- 
- The appeal site, containing a single storey dwelling with a number of outbuildings, is located in a rural area within the Green Belt. The proposed outbuilding would replace the three existing outbuildings to the front of the dwelling and would be used as a garage and for storage.
  - Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
  - Whilst the proposed building would be in the same use as the buildings it would replace, the figures provided by the Council indicate that the replacement building would be larger in both height and depth than any

of the existing buildings to be demolished. The proposed building would also have a larger floor area and volume than the existing buildings combined. The appellant does not contest these figures.

- Whilst the Framework does not specifically define the term 'materially larger', from the figures provided it is evident that the replacement building would be larger in scale and massing than the buildings it would replace. The proposed building would have a smaller width when compared to the existing stable building and would consolidate three separate outbuildings into one. However, this would not sufficiently offset the increase in height, depth, floorspace and volume and the replacement building as a whole would still be larger.
- Consequently, as the proposed building would be materially larger than the one it replaces, it would not fall under the exception in paragraph 149 (d) of the Framework relating to replacement buildings. The appellant contends that the proposal would not contravene the purposes of designating land as Green Belt as defined in paragraph 138 of the Framework. Nevertheless, this does not negate the requirements within paragraph 149 of the Framework relating to the construction of new buildings.
- The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework, should be given substantial weight.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- Due to the location of the appeal site, the proposed development would have limited views from the public realm. It would also be set further back into the appeal site than the existing buildings with any views from the driveway largely blocked by the existing chalk bank and the well-established trees surrounding it. Therefore, the proposed development would not impact the visual openness of the Green Belt.
- Although consolidating three buildings into one would reduce the sprawl of development on the appeal site, the proposed building would be materially larger than the buildings to be replaced. This would result in an increase of built form on the appeal site with a greater floorspace and volume than the existing buildings combined. As such, there would be a

spatial impact on the openness of the Green Belt, in that it would be reduced.

- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.
- The proposal would be inappropriate development in the Green Belt in that it would result in a replacement building materially larger than the existing buildings to be replaced. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

### **25. Tamney, Wonham Way, Peaslake, GU5 9PA**

**21/P/02481** – The development proposed is demolition of single storey rear and side extensions and erection of rear extension.

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.

- The appeal site, containing a two-storey detached dwelling, is located in a residential area within the Green Belt. The existing dwelling has undergone a number of previous extensions to enlarge the original building. The proposed development would replace existing single storey side and rear projections with a new single storey rear extension.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include 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. Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
- The Council has provided figures showing that the proposed development would result in an increase in the original floorspace of the dwelling by 52.75%, when combined with previous extensions. A plan provided by the appellant similarly shows that the floorspace would be increased by 51.5% from the original dwelling as it was in 1948. Although Policy P2 of the LP or the Framework does not specifically define what would constitute a proportionate extension, these figures demonstrate that the cumulative size of the existing extensions and the proposed development would be significantly larger than that of the original dwelling.
- Not only would the proposal and the existing extensions result in a building which has a substantially larger floorspace than the original dwelling, it would result in significantly more built form on the appeal site when compared to the original building. Furthermore, although only single storey in nature, the proposal would give rise to a substantial increase in the bulk and massing of built form to the side and rear of the property, which could not be considered proportionate in size to the original building.
- Consequently, the proposed extension along with previous extensions would result in a level of built form on the site which is disproportionate in size to the original building. It would therefore not fall under the exception in paragraph 149 (c) of the Framework, relating to the extension or alteration of a building. The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework, should be given substantial weight.



- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- The proposed extension would be located to the rear of the dwelling. Although the appeal site is located on a corner plot, due to its single storey nature, it would have limited visibility from the road. As such, the proposal would not erode the visual openness of the site. However, the proposed extension would be larger than what it is replacing and would introduce additional built form on the appeal site, with a greater floorspace and overall massing than the current dwelling. Due to this, the proposal would have a spatial impact on the openness of the Green Belt. Therefore, although there is no visual impact, the proposed development would have a spatial impact on the openness of the Green Belt, in that it would be reduced.
- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.
- The proposal would be inappropriate development in the Green Belt in that it would result in disproportionate additions over and above the size of the original building. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

**26. Cheynes Cottage, Brook Lane, Albury, GU5 9DH**

**21/P/01288** – The development proposed is the erection of car port/store.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, occupied by a detached dwelling with a large front garden that includes a driveway at the entrance, is located within a rural location in the Green Belt. It is surrounded by a number of other residential properties.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. In paragraph 149 (g) these exceptions include limited infilling or the partial or complete redevelopment of previously development land, which would not have a greater impact on the openness of the Green Belt than the existing development. The appellant has stated that the proposal would partially infill a gap between neighbouring garages and a small corner of the front garden, and the appeal site is previously developed land. Therefore, they contend that the proposal would fall under this exception.
- Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 similarly states that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework. This Policy is therefore generally consistent with the Framework's approach.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- Although there are a number of similarly sized outbuildings within the neighbouring sites, there are no existing buildings within the front garden of the appeal site at present. Therefore, the addition of a new

building would have a significant spatial impact on the openness of the Green Belt due to the increase in built form. In addition, although partially obscured by the existing hedging, the proposal would be highly visible from Brook Lane via the access to the appeal site. As such, the proposed building would also visually reduce the openness of the Green Belt. Therefore, there would be both a greater spatial and visual impact on the openness of the Green Belt from the proposed development when compared to the existing development on the appeal site.

- Previously developed land is described in the Framework as land which is or was occupied by a permanent structure including the curtilage of the development land and any associated fixed surface infrastructure. There is no definition of limited infilling within the Framework, however Policy P2 of the LP identifies settlements and villages where limited infilling may be appropriate. Nevertheless, even if the land is previously developed as defined by the Framework and could be considered as limited infilling, the proposal could not be an exception under paragraph 149 (g) due to the scheme's greater impact on the openness of the Green Belt.
- Similarly, due to greater impact on the openness of the Green Belt, the proposal would also not accord with Policy P2(3) of the LP. This states that certain other forms of development are also considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.
- The proposal would be inappropriate development in the Green Belt, in that it would not fall under any of the exceptions listed within paragraph 149 of the Framework. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special

circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP and paragraphs 147, 148 and 149 of the Framework.

- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

### **27. Woodlands, The Warren, East Horsley, KT24 5RH**

**21/P/00646** – The development proposed is the erection of a replacement dwelling together with alterations to parking and vehicular access arrangements (revision of 20/P/00952)

Officer's Recommendation – To Refuse

Planning Committee 12 January 2022 - Refused

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, containing a two-storey detached dwelling, is located in a residential area within the Green Belt. The proposed development is for a replacement dwelling in a similar position on the appeal site to the existing building.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
- The proposed building would be in the same use as the building it would replace, as a residential dwelling. However, the figures provided by both the Council and the appellant indicate that the replacement dwelling would have a greater height, floor area and volume than the existing

dwelling. The Framework and Policy P2 of the LP do not specifically define the term 'materially larger'. Nevertheless, from the figures provided it is evident that the replacement dwelling would be larger in scale than the building it would replace.

- It is noted that single storey additions have recently been added to the existing property, under permitted development rights, in the form of two open sided wood framed structures to the rear and the side of the dwelling. The Council considers these should be given limited weight due to their open nature. However, even if these structures were to be taken into account as part of the existing dwelling, the proposed dwelling would still be larger in scale.
- The width and depth of the proposed replacement dwelling would be smaller than the existing dwelling, resulting in a smaller overall footprint. However, due to the increase in height and volume, the building would appear greater in bulk and massing than the existing dwelling, particularly at first floor level.
- Consequently, as the proposed building would be materially larger than the one it replaces, it would not fall under the exception in paragraph 149 (d) of the Framework relating to replacement buildings. The proposal would therefore be inappropriate development within the Green Belt.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- As the replacement building would be larger in scale and mass than the one it replaces, it would introduce additional built form to the appeal site. Therefore, the proposal would have some spatial impact on the openness of the Green Belt. In addition, although the replacement dwelling would be set well back from the road, it would still be highly visible from the public realm. As such, the proposed increase in height and mass of the dwelling would further erode the visual openness of the site when compared to the existing dwelling. Therefore, the proposed development would have both an adverse spatial and visual impact on the openness of the Green Belt, in that it would be reduced.
- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, or any other harm, is clearly outweighed by other considerations, which will be considered below.

- The proposal would be inappropriate development in the Green Belt in that it would result in a replacement building materially larger than the existing building to be replaced. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

### **28. 54 Poyle Road, Tongham, GU10 1DU**

**21/P/01967** – The development proposed is the construction of 2x semi-detached dwellings.

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are the character and appearance of the area;
- the living conditions of future occupants, with particular regard to the amount of internal space, outlook and light; and
- the integrity of the Thames Basin Heaths Special Protection Area.
- The appeal site appears to have previously been part of the garden space relating to 54 Poyle Road, which forms part of the section of Poyle Road at the entrance of The Cardinals. Given this, and that the road begins to bend at this point, the appeal site reads as forming part of the houses relating to the entrance of The Cardinals. The proposed semi-detached dwellings would also have a similar scale, form and design and would use similar materials to these houses, which would strengthen their connection with this section of Poyle Road.
- Most of the houses relating to the entrance of the Cardinals do not have any formal on-plot parking areas. Where there is on-plot parking to the front of these houses, the arrangements consist of single or tandem spaces that serve individual properties and maintain an open area of

lawn. The houses are set back relatively far from the highway and there is very limited landscaping or upright boundary treatments in the front gardens. This creates an open and green character. The proposed shared parking area would therefore appear incongruous in the street-scene. With up to 6 vehicles parked in a group, it would be vehicle dominant, which would harm the open character of this section of Poyle Road. While the proposed trees and vegetation would help screen the vehicles, it would also exacerbate the harm to the open character.

- I appreciate that the proposed parking arrangement, specifically the landscaping, seeks to overcome the reasons for refusal relating to a previous application. However, while it may address previous concerns and provide a safe parking layout and access, I have found it would harm the character and appearance of the area.
- For the reasons above, the proposal would harm the character and appearance of the area. It would therefore conflict with Policies D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (The Local Plan), Policies G5 and H4 of the saved Local Plan (2003) and the Residential Design Guide (2004). These seek to ensure all new development achieves high quality design that responds to local character. It would also conflict with the aims of the National Planning Policy Framework (the Framework) and the advice set out in the National Design Guide to create high quality, beautiful and sustainable buildings and places that are sympathetic to local character.
- Whether or not the bonus room would be used as a bedroom, the proposed semi-detached dwellings would fail to meet the technical housing standards – nationally described space standard (2015) (referred hereon as the space standards). I understand that the bedroom labelled as Bed 3 on the submitted plans, would only have a width of 2 metres, whereas the technical requirements of the space standards require that in order to provide one bedspace, a single bedroom is at least 2.75m wide. The space standard also requires built-in storage space to be provided yet none is shown on the submitted plans. The space standards have been put in place to ensure adequate living space, including storage space, is provided for future occupants. The failure of the proposal to meet these standards would therefore result in an unacceptable living environment for future occupants.
- It may be possible to address the lack of built-in storage concerns by amending the internal layout without impacting on the size, bulk, and appearance of the proposal. However, there are no plans before me demonstrating how this would be achieved. I must determine the appeal

based on the proposal before me and have found that the absence of any built-in storage would result in an unacceptable living environment for future occupants.

- The site plan shows that there would be some planting close to the front of the proposed dwellings and the elevations show this planting to frame the ground floor window serving the living room. There are no details before me that set out the size and species of the plants proposed. Locating planting close to the front elevation of a dwelling, including under windows, is a fairly typical arrangement, and an outlook of planting and parked cars is not uncommon from the ground floor of a residential property. There would also be sufficient space between the proposed dwellings and the parking area that the parked cars would not be overbearing. A condition could be imposed to secure a landscaping scheme comprising plants of a size and species that would limit any encroachment of the living room windows and therefore maintain the light received. For these reasons, I do not consider that the proposal would result in an unacceptable living environment for future occupants in this regard.
- Although I have found the proposed parking arrangement and landscaping would not detrimentally effect outlook or light, the shortcomings of the proposal to meet the space standards would result in an unacceptable living environment for future occupants. It would conflict with Policies H1 and D1 of the Local Plan, which seek, amongst other things, to ensure that all new residential development conforms to the space standards. It would also conflict with the aims of the Framework to create places with a high standard of amenity for future users.
- The appeal site is located within 5kms of the Thames Basin Heath Special Protection Area (TBHSPA), and the Council have advised that the proposed development may adversely impact the TBHSPA due to the net increase in residential units on the site. To avoid any adverse impact, I understand that the Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management (SAMM) contribution in line with the tariff within its annual updating of off-site contributions document.
- There is no S106 Legal Agreement before me to secure these required contributions. Nevertheless, given I am dismissing the appeal due to the harm of the proposal on the character and appearance of the area and living conditions of future occupants, no pathways to significant likely



effects on the TBHSPA would arise from my decision. I, therefore, do not need to consider this issue any further.

- The proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

### **29. 81 Lime Grove, Guildford, GU1 1PQ**

**21/P/02328** – The development proposed is described as the erection of timber framed lean-to with semi-transparent polycarbonate side panel and roofing, erected on existing driveway to provide protection and for accessing mobility scooter (retrospective application).

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issue in this appeal is the effect of the development on the character and appearance of this property and the area.
- The appeal relates to this semi-detached house, which is located in a residential area of similar houses. The houses are set behind front gardens and most have an area for car parking within the frontage.
- The house has a single-storey element at the side, which is set back from the frontage of the house and this is matched by a similar feature on the neighbouring property. The majority of the houses in the area also have a similar feature although some have evidently been modified.
- The development which is the subject of this appeal has been erected in front of this recessed side part of the house and is set back from the main, 2 storey front elevation of the house. The structure has a timber frame and consists of plastic sheeting to the side and for the roof. It provides shelter for a mobility scooter.
- Although it is set within this recessed area between the 2 houses, the structure appears as an obvious addition to the area. The use of non-matching materials and its rather makeshift appearance mean that it fails to harmonise with the existing house and add to its unacceptable visual effects. In my judgement, it is a prominent and obtrusive feature, which has a negative effect on the house and the area.
- Policy H8 of the Guildford Borough Local Plan 2003 (LP) states, amongst other things, that planning permission to extend dwellings in the urban areas will be granted provided that the development: 1. Has no adverse effect on the scale and character of the dwelling; 2. Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in

terms of privacy and access to sunlight and daylight; 3. Has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings. Policy G5 includes a requirement that new buildings should respect the scale, height and proportions and materials of the surrounding environment. Policy D1 of the Local Plan Strategy and Sites (adopted 2019) refers to the need for new development to achieve a high quality of design. Having taken account of these requirements, I consider that the development which has been undertaken, fails to perform positively and has a harmful, negative effect on the surrounding area.

- I have taken account of the fact that the development has been constructed to shelter a mobility scooter at the property. However, the need for such provision is outweighed by the negative effects of the proposal, that I have set out above. As a consequence, the appeal is dismissed.

### **30. Mr and Mrs Colin and Kathy Dry**

#### **Anchusa Cottage, Lawbrook Lane, Peaslake, GU5 9QW**

**21/P/02390** – The development proposed is single storey rear extension and alterations to side extension roof to form front and back porches.

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
- The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.

- Of relevance to this appeal is that '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' is listed as an exception at paragraph 149c.
- The original building had a floorspace of 91sqm and was a two-storey cottage. Subsequent extensions including a single storey side extension and two storey rear extension have been added. This results in existing floorspace of around 145sqm.
- It is put to me that the proposed single storey rear addition would increase the floorspace by a further 11sqm and the covered porches to the front and rear would have a 6sqm footprint. Even excluding the covered porches, this represents an approximate 70% increase from the original floor area. Furthermore, although it does not add floorspace the increase in height of the single storey side extension through the introduction of a pitched roof would also increase the size of the property.
- There is no policy to define the extent of what should be considered to be disproportionate. Nevertheless, the extensions would result in a considerable increase in the size of the original building with the proposed development introducing notable additional massing at ground floor. Therefore, the proposed development would result in a disproportionate addition over and above the size of the original building.
- Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework, the aims of which are set out above and Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) (Local Plan) which broadly echoes these requirements. Openness has both spatial and visual dimensions. Together the increased height to the existing side extension and the single storey rear extension would introduce development where currently there is none, and therefore there would be harm to spatial openness. The extensions are likely to be visible from the adjoining properties and nearby public bridleway. Therefore, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.
- Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Therefore, it would be contrary to the Framework and Policy P2 of the Local Plan.
- The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to

any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness.

- The considerations advanced by the appellant include an improvement to character and appearance and I afford great weight to conserving and enhancing landscape and scenic beauty in the AONB. Nevertheless, due to the scale of the development the benefits in this regard are limited. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
- The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with paragraph 148 of the Framework and Policy P2 of the Local Plan, the aims of which are set out above.
- The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

**31. 1 Poyle Corner Cottages, White Lane, Tongham, Surrey, GU10 1BT 22/P/00581** – The development proposed is for the demolition of existing concrete flat roof double garage and adjacent greenhouse, and construction of new pitched roof double carport structure incorporating accommodation in pitched roof space.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issue is the effect of the appeal proposal upon the character and appearance of the surrounding countryside and its impact upon the setting of the pair of locally listed buildings.
- The appeal site comprises one half of a pair of striking two and a half storey, ornate red brick, semi-detached houses in a prominent location at the junction of White Lane with Poyle Road.
- The Council's Conservation Officer stipulates that, along with no 2, 1 Poyles Corner Cottage is a locally listed building due to their historic construction date, vernacular materials, characterful decorative appearance and largely unaltered traditional form; consequently they are considered to be non-designated heritage assets to which I agree.
- The proposal seeks planning permission to replace the existing concrete panel double garage. The replacement would comprise a rather top-

heavy one and a half storey cartlodge building, with a pair of dormer windows that would create an uncomfortable visual duality. I therefore consider that the design of the subject building would render it as bulky in its appearance and would have a detrimental impact upon the setting of the locally listed buildings, as well as the surrounding countryside which is also designated as an Area of Great Landscape Value (AGLV). This latter element has not been included within the Council's reasons for refusal, however.

- I understand the appellants' frustration at the manner at which the Council determined the planning application; although these do not affect the substance of the case before me. I note that the appellants were willing to try a re-design and it is unfortunate that there has not until recently been a pre-application advice service offered by the Council.
- The proposal constitutes a revision to an earlier planning application that was refused, and a number of changes were made, including a reduction of the footprint of the proposed building from that previously proposed: the removal of a large dormer on the western elevation and a reduction in the roof pitch. Nonetheless whilst I acknowledge that materials were retained as appropriate for a 'barn-like' outbuilding, the dormers in particular give it an unduly domestic appearance. Furthermore, by virtue of its overall scale and design in such a prominent location, the scheme would appear as an unduly dominant, unsympathetic and incongruous form of development, out of keeping with the setting of the non-designated heritage assets and the surrounding countryside.
- I note references to new infill dwellings and large extensions that have been permitted locally, however I have been provided with no information on these, nor on new housing estates being proposed, but ultimately each case must be assessed on its own merits. I also have to acknowledge that Permitted Development rights could allow other outbuildings to be constructed within the relevant parameters, however that is not a determining factor in this appeal.
- Therefore I consider that the proposal would give rise to demonstrable harm to the setting of non-designated heritage assets and to the character of the surrounding countryside, contrary to Policies D1, D3 and P3 of the Guildford Borough Local Plan: Strategy and Sites (2019) and Policy G5 of the Guildford Borough Local Plan 2003, which together require all new developments to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set, having regard to the Council's Design Code

which, amongst other things, relates to scale, proportion and form of new buildings and architectural detailing, whilst stipulating that the historic environment will be conserved and enhanced in a manner appropriate to its significance.

- Having regard to the above and all other matters raised by the appellants, I conclude that the appeal be dismissed.