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Contact Officer:

Sophie Butcher, Democratic Services
Officer

21 March 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 29 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: 275 762 9#.

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: To be elected

Councillor Jon Askew

Councillor Christopher Barrass

Councillor Colin Cross

Councillor Chris Blow

Councillor Ruth Brothwell

Councillor Graham Eyre

Councillor Angela Goodwin

Councillor Angela Gunning

Councillor Liz Hogger

Councillor Marsha Moseley

Councillor Ramsey Nagaty

Councillor Maddy Redpath

Councillor Pauline Searle

Councillor Paul Spooner

Authorised Substitute Members:

Councillor Tim Anderson

The Mayor, Councillor Dennis Booth

Councillor Guida Esteves

Councillor Andrew Gomm

Councillor Steven Lee

Councillor Nigel Manning

Councillor Ted Mayne

Councillor Bob McShee

Councillor Susan Parker

Councillor George Potter

Councillor Jo Randall

Councillor John Redpath

Councillor Will Salmon

Councillor Deborah Seabrook

Councillor Cait Taylor

Councillor James Walsh

Councillor Keith Witham

Councillor Catherine Young

QUORUM 5

THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

Our Vision:

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

Our Mission:

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

Our Values:

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

Our strategic priorities:

Homes and Jobs

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

Environment

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

Community

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

AGENDA

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES

To confirm the minutes of the meeting of the Committee held on 1 March 2023 will be available as part of the supplementary late sheets published on Wednesday 29 March 2023. A copy of the minutes will be placed on the dais prior to the meeting.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 PLANNING AND RELATED APPLICATIONS (Pages 19 - 20)

All current applications between numbers 21/P/02333 and 23/P/00007 which are not included on the above-mentioned List, will be considered at a future meeting of the Committee or determined under delegated powers. Members are requested to consider and determine the Applications set out in the Index of Applications.

- 5.1 **21/P/02333 - Land south and east of the Cathedral Church of the Holy Spirit, Stag Hill, The Chase, Guildford, GU2 7UP**
(Pages 21 - 162)
- 5.2 **22/P/00738 - Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey, GU10 1LA** (Pages 163 - 208)
- 5.3 **22/P/01770 - Chalk Barton, Shere Road, West Horsley, Leatherhead, KT24 6EW** (Pages 209 - 216)
- 5.4 **23/P/00003 - 6 Orchard Gardens, Effingham, Leatherhead, KT24 5NR** (Pages 217 - 226)
- 5.5 **23/P/00007 - 6 Orchard Gardens, Effingham, Leatherhead, KT24 5NR** (Pages 227 - 234)

6 PLANNING APPEAL DECISIONS (Pages 235 - 238)

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

WEBCASTING NOTICE

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

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

NOTES:

Procedure for determining planning and related applications:

1. A Planning Officer will present the Officer's Report by sharing the presentation on Microsoft Teams as part of the live meeting. Copies of all the presentations will be loaded onto the website to view and will be published on the working day before 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 attend in person to address the meeting in accordance with the agreed procedure for public speaking (a maximum of two objectors followed by a maximum of two supporters). Alternatively, public speakers may join the meeting remotely. In these circumstances, public speakers will be sent an invite by the Democratic Services Officer (DSO) via Microsoft Teams to attend online or via a telephone number and conference ID code as appropriate to the public speaker's needs. Prior to the consideration of each application which qualifies for public speaking, the DSO will ensure that those public speakers who have opted to join the meeting online are in remote attendance. 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 DSO by no later than midday the day before the meeting. In such circumstances, the DSO will read out their speech.
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 comment on an application, either in or outside of their ward, will be then allowed to speak 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. Non-Committee members should notify the DSO, in writing, by no later than midday the day before the meeting of their wish 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 councillors who are not members 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 have 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 have 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) If, during the debate on an application, it is apparent that Committee members do not support the officer's recommendation, the Chairman shall ask if any Committee member wishes to propose a motion contrary to the officer's recommendation, subject to the proviso that the rationale behind any such motion is based on material planning considerations. Any such motion must be seconded by another Committee member.
 - (f) Where such a motion proposes a refusal, the proposer of the motion shall be expected to state the harm the proposed development would cause in planning terms, together with the relevant planning policy(ies), where possible, as the basis for the reasons for refusal. In advance of the vote, the Chairman shall discuss with the relevant

officers, the proposed reason(s) put forward to ensure that they are sufficiently precise, state the harm that would be caused, and refer to the relevant policy(ies) to justify the motion. The Committee shall take a separate vote on each proposed reason for refusal, following which the Committee shall take a vote on the motion to refuse the application based on all of the agreed reasons.

(g) Where such a motion proposes approval, the proposer of the motion shall be expected to state why the proposed development would be acceptable in planning terms, together with the relevant planning policy(ies), where possible. In advance of the vote, the Chairman shall discuss with the relevant officers the proposed reason(s) put forward to ensure that the planning reason for approval is sufficiently precise to justify the motion. In addition, the Committee shall discuss and agree the substance of the planning conditions necessary to grant a permission before taking a vote on the motion to approve.

(h) Where such a motion proposes deferral, (for example for further information/advice) the Committee shall discuss and agree the reason(s) for deferring the application, before taking a vote on the motion to defer.

(i) If the motion is not seconded, or if it is not carried, the Chairman will determine whether there is an alternative motion and, if there is not, the Chairman will move the officer's recommendation and ask another Committee member to second the motion. That motion will then be put to the vote.

(j) A simple majority vote is required for a motion to be carried. In the event of a tied vote, the Chairman will have a second, or casting vote. The vote may be taken by roll call, a show of hands or, if there is no dissent, by affirmation.

6. Unless otherwise decided by a majority of councillors present and voting 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.

GUIDANCE NOTE For Planning Committee Members

Probity in Planning – Role of Councillors

The Court of Appeal has held that Planning Committees are not acting in a judicial or quasi-judicial role when deciding planning applications but “in a situation of democratic accountability”. Planning Committee Members **must** therefore:

1. act fairly, openly and apolitically;
2. approach each planning application with an open mind, avoiding 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;
6. ensure that the reasons for their decisions are clearly stated and
7. consider the interests and well-being of the whole borough and not only their own ward.

The above role applies also to councillors who are nominated as substitutes 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:

Officer's 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 online via the planning portal: <https://publicaccess.guildford.gov.uk/online-applications/>.

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 Executive Head of Planning Development. This information is also available online via the planning portal: <https://publicaccess.guildford.gov.uk/online-applications/>

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 2011 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.
- Emerging Local Plan Development Management Policies
- 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 Children 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 in part, which have been incurred during the process by which the Secretary of State or Inspector's decision is reached. Any award made will not necessarily follow the outcome of the appeal. An unsuccessful appellant is not expected to reimburse the planning authority for the costs incurred in defending the appeal. Equally the costs of a successful appellant are not borne by the planning authority as a matter of course.

However, where:

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

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

evidence has been produced in support of the others a partial award may be made against the authority. Further advice can be found in the *Department of Communities and Local Government Circular 03/2009* and now *Planning Practice Guidance: Appeals paragraphs 027-064 inclusive*.

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GUILDFORD BOROUGH COUNCIL**PLANNING COMMITTEE INDEX****29/03/2023**

Item No.	Parish	Applicant	Location	App.No.	Rec.	Page
5.1	Onslow	The Cathedral Church of the Holy Spirit, Guildford and Vivid Housing Ltd c/o Age	Land south and east of the Cathedral Church of the Holy Spirit, Stag Hill, The Chase, Guildford, GU2 7UP	21/P/02333	REF	21.
1.	Key information					23.
2.	Executive summary					24.
3.	Formal recommendation					26.
4.	Site description					30.
5.	Proposal					30.
6.	EIA development					34.
7.	Community engagement					34.
8.	Relevant planning history					34.
9.	Consultations					36.
10.	Third party comments					44.
11.	Planning policies					47.
12.	Planning considerations					50.
13.	Conclusion					149.

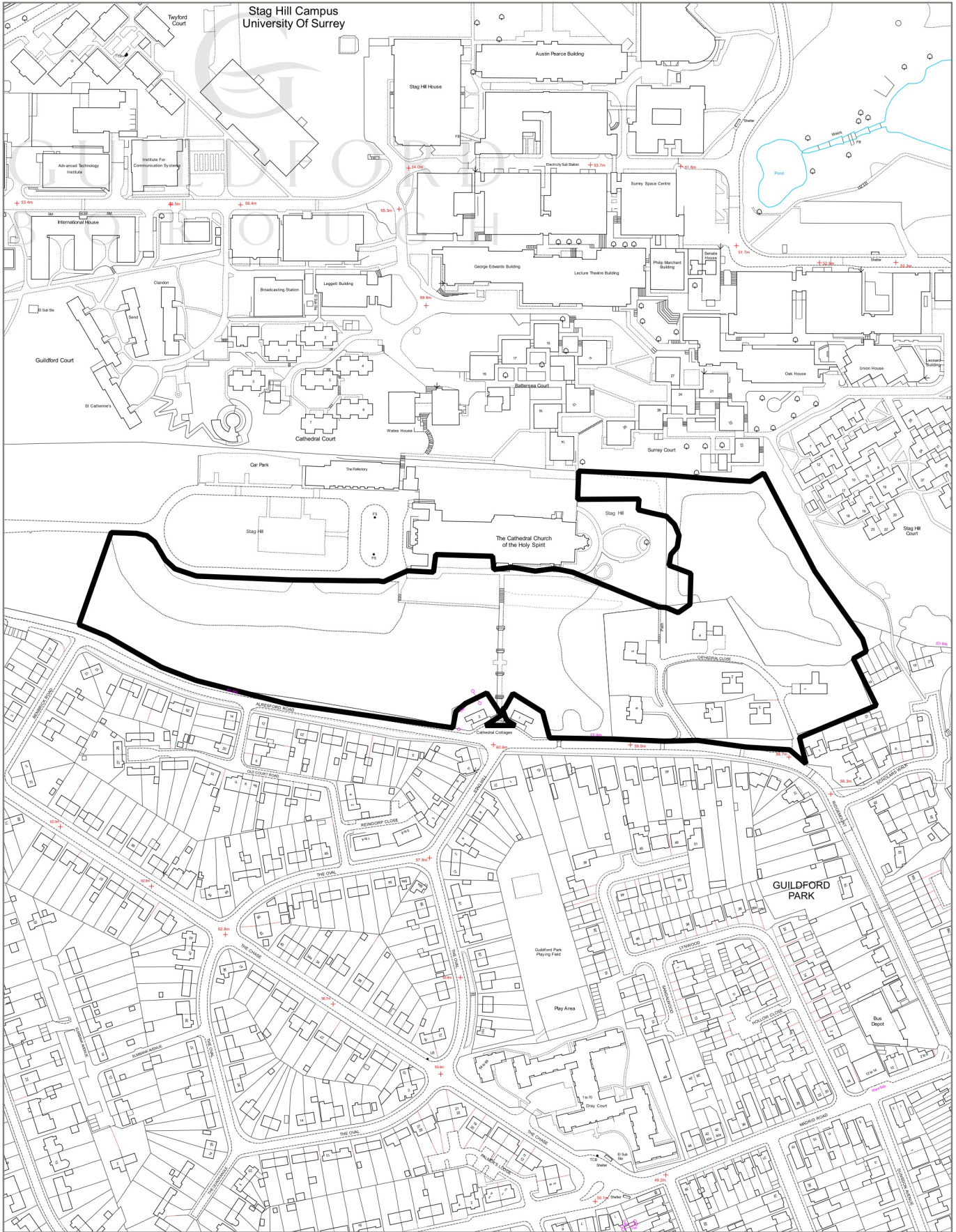
Item No.	Parish Agenda item number: 5	Applicant	Location	App.No.	Rec.	Page
5.2	Tongham	Mr Owen, C/O WS Planning and Architecture	Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey, GU10 1LA	22/P/00738	S106	163.
5.3	West Horsley	Mr Nick Howe, Chalk Barton	Chalk Barton, Shere Road, West Horsley, Leatherhead, KT24 6EW	22/P/01770	REF	209.
5.4	Effingham	Dr Linda Graham, 6 Orchard Gardens	6 Orchard Gardens, Effingham, Leatherhead, KT24 5NR	23/P/00003	APPC	217.
5.5	Effingham	Dr Linda Graham, 6 Orchard Gardens	6 Orchard Gardens, Effingham, Leatherhead, KT24 5NR	23/P/00007	APPC	227.

Total Applications for Committee

5

21/P/02333 - Land South And East Of The Cathedral Church Of The Holy Spirit, Stag Hill, The Chase, Guildford

Agenda item number: 5(1)



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

Print Date: 21/03/2023



Not to Scale



GUILDFORD
BOROUGH

21/P/02333 Land South and East of The Cathedral Church of the Holy Spirit, Stag Hill, The Chase, Guildford



App No: 21/P/02333 **Type:** F **13 Wk Deadline:** 20/03/2023
Appn Type: Full Application
Case Officer: Kelly Jethwa
Parish: Onslow **Ward:** Onslow
Agent : Mr James Lacey **Applicant:** The Cathedral Church of the Holy Spirit, Guildford and Vivid Housing Ltd c/o Agent
Vail Williams LLP
One Crown Square
Woking
Surrey
GU21 6HR

Location: Land at, The Cathedral Church Of The Holy Spirit, Stag Hill, The Chase, Guildford GU2 7UP

Proposal: Demolition of existing Cathedral Close dwellings and erection of 124 no. residential units (including affordable housing) with associated engineering works, access, landscaping, parking and ancillary works.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee by the Joint Interim Executive Head of Planning Development because the development would affect a sensitive, prominent site in Guildford and is for a site allocation in the Guildford Local Plan: Strategy and Sites 2019-2034.

1. Key information.

- 1.1 The application site forms part of the site allocation A15 (Land at Guildford Cathedral, Alresford Road, Guildford) and is approximately 5.5 hectares in size and part of the site forms the seven houses in Cathedral Close and the remainder is undeveloped, public amenity space and areas with trees and hedgerows.
- 1.2 Vehicular access to the Cathedral is from Stag Hill to the west along a processional route designed by Cathedral architect Sir Edward Maufe. To the north of the site is the University of Surrey campus with teaching, administrative and accommodation. To the south there is pedestrian access from Alresford Road and Ridgemount with the formal southern pilgrimage route. This boundary has a mature hedgerow and trees that are protected with tree preservation orders. Vehicular access to Cathedral Close is accessed from Ridgemount.
- 1.3 The application site is along the slopes of the Grade II* listed Cathedral of the Holy Spirit, more commonly known as Guildford Cathedral. In parts there is a step gradient. The hill top location means that the Cathedral is visually prominent from wider views and is also where vistas across the town and countryside can be seen from.

- 14 The proposed site is allocated for approximately 100 new homes (C3), under site allocation policy A15 of the Guildford Borough Local Plan: strategy and sites (LPSS) 2019. The proposal would deliver a mixture of flats and houses with 57 affordable homes, accessible homes and accommodation for Cathedral staff.

2. Executive Summary.

- 21 The site allocation A15 at Guildford Cathedral has gone through the local plan process and the site has been accepted as suitable in principle for housing as part of the Local Plan: strategy and sites (LPSS) 2019. The Council currently has a five-year housing land supply of 6.46 years. This site is not identified for delivery in the next five years; however, the early delivery of dwellings on this site would make an important contribution to our ability to maintain a five-year land supply going forward. , If the site is completed this would also contribute to ensuring that the Housing Delivery Test remains greater than 75% of housing required. Achieving both of these things would ensure that the ‘tilted balance’/presumption in favour of sustainable development would not apply.
- 22 The proposed development would require new vehicular accesses along Alresford Road and Ridgemount to access most of the new homes. There would also be routes through the site suitable for use by cyclists including a new access to the east to facilitate a shorter route to Yorke’s Bridge. The roads on the development would have some on-street car parking and the gradient has been reduced. The site connectivity would integrate with the sustainable transport strategy and include highway improvement works. To facilitate alternative travel options there would be ample and accessible cycle parking and an on-site car club for two vehicles.
- 23 The proposal would involve the reprofiling of land along the southern slopes and would require a high degree of engineering, including drainage measures and retaining walls. This would lead to a shallower gradient for the road, an undercroft parking podium (to reduce the visibility of cars) and terraced gardens with retaining wall features. There would also be an opportunity to introduce surface water management measures to manage the existing water that pools at the bottom of the slope and additional discharge.
- 24 Most of the trees and hedges on the site boundaries would be retained and there would be enhancement to the hedgerow as a biodiversity net gain, for the creation of green corridors for wildlife through the landscape and biodiversity strategy.
- 25 The proposal would achieve a carbon emission reduction through fabric design, this would then be complemented by in-situ renewable energy sources to exceed 20% carbon emissions reduction, with no gas-fired boilers. In addition to this there would be a Site Waste Management Plan, electric charging points for vehicles and cycles, an onsite car club and water management. This would support sustainable design, construction and lifestyles.

- 26 There would be an increase in the local population using local services, community facilities and the local environment. There would also be financial contributions to increase capacity at schools for early years, primary and secondary education, additional floorspace at NHS primary care facilities, open space and policing in the locality. The package of S106 and S278 highway improvement works would amount to approximately £1.25 million. In addition to this, there would be tree planting undertaken along the western route to restore the landscaping envisaged by Maufe.
- 27 Due to the sensitivity of the location and setting of a nationally important heritage asset, the site allocation was for approximately 100 homes. The site allocation means that a degree of harm to the character of the area and the heritage assets were accepted, when the site allocation was adopted. However, any development on this site has to be of exceptional quality and the proposals would have to outweigh the harm to the significance of the heritage assets.
- 28 The development proposals would lead to less than substantial harm to the significance of a designated heritage asset and this has to be balanced against the public benefits arising from the proposals, in accordance with paragraph 202 of the NPPF. This exercise has been carried out in the report. Other planning harm has also been identified from the proposals due to the design approach, layout and appearance and how this would affect character of vicinity of the surrounding area and the placemaking qualities for those living and visiting the site.
- 29 A detailed planning balance has been undertaken and in summary, the harm to the significant of a designated heritage asset resulting from the proposals would not be outweighed by the public benefits identified as part of the proposals.

3. Formal recommendation.

That this application be **REFUSED**, subject to the following reasons for refusal:

31 Reasons for refusal:

<p>1.</p>	<p>The proposed development would harm the setting of heritage assets due to the resulting harm to the significance of the:</p> <ul style="list-style-type: none"> a) close setting - from the intrusion and loss of separation by the built development into the eastern meadow, the visual prominence of the apartment blocks and roofscapes, the intensification of development on undeveloped parkland and encroachment of dwellings into the western processional route; and b) wider setting - encroachment of the built form into the 'green collar', that forms the foreground to the landmark silhouette in the townscape <p>The proposal would result in:</p> <ul style="list-style-type: none"> i) less than substantial harm (middle of the spectrum) to the Cathedral Church of the Holy Spirit to appreciate the open spaces, monumental scale, topography, visibility, contrast with loss of the green foreground and loss of sky gap; ii) less than substantial harm (at the lowest end of that spectrum) to the two lodges to the south to appreciate the symmetrical arrangement in views from the south; iii) less than substantial harm (at the lowest end of that spectrum) to the Guildford Castle from the visual distraction and loss of the expansive town vista when looking towards Guildford Castle from the eastern meadows. <p>Special regard is given to the need to preserve heritage assets as required by Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. Whilst public benefit would result from the development, including the provision of new housing and affordable housing, the endowment to the Cathedral resulting from the sale proceeds of the site and wider tree planting, this does not outweigh the harm to the significance of the heritage assets. The proposal would therefore be contrary to Policies D3 and A15(3) of the Local Plan: Strategy and Sites (2019), Policy D16 of the Guildford Borough Local Plan: Development Management Policies (2022) as well as Chapter 16 of the NPPF (2021).</p>
<p>2.</p>	<p>The proposed development due to the design approach, layout and appearance fails to take the opportunities available to respect the context and identity of the surrounding areas and the very special quality of the parkland around the Cathedral and the way it functions, shaped by the quality of the landscape and views in and out of the site. The proposals do not achieve the exceptional and innovative design quality required to respond to the sensitive setting of the Grade II* Cathedral nor reinforces locally distinctive patterns of development, which would raise the standard of design more generally in the area. The scale and site layout has been predominantly dictated by the quantum of development, resulting in the introduction of a visually prominent development from the surrounding roads, townscape and Cathedral parkland with little relatable expression of locally reflective character or a positive identity through the</p>

	<p>interpretation of local vernacular patterns of development, or sympathetic contemporary design. By virtue of this and the:</p> <ul style="list-style-type: none"> c) isolated location, style and appearance of the clergy housing, given their functional relationship; d) contrasting typologies of housing at the top of the Eastern Slopes, would not integrate well, thereby affected the hierarchy of streets; e) lack of a sense of arrival from the top of the central steps between the apartment blocks into the grounds around the Cathedral; f) the form, profile and rigid large block based apartment buildings; g) projecting balconies facing Ridgemount; h) single level gardens on the Western Parcel creates the need for larger retaining wall features; i) form, profile, setting, sectional relationship would not relate to Alresford Road; j) wayfinding and understanding of the parkland setting would be limited from Alresford Road; k) visibility of the westernmost houses on the Western Parcel from the western processional route; l) conflict between private and public thresholds where gardens and terraces have an aspect onto public open space; m) broad palette of four bricks; and n) Opportunities for informal car parking on the wide roads and verges; <p>This development would not establish an attractive, locally resonant sense of place within its own right or as a community on the slopes of the Cathedral.</p> <p>The submitted Design and Access Statement and Addendum does not provide a sufficient explanation of principles that could inform the design and layout including the work undertaken in the Landscape and Visual Appraisal (LVA) (December 2022). This absence of an appreciation of the analysis or interpretation of local architectural style, character, landscape, views or context setting fails to produce a design response adequate for this nationally important setting and parkland, that would provide a strong and positive response given what is so special and unique about this site and its hilltop location. The applicant has failed to take the opportunities identified during the Design Review process to improve the design quality of this proposal. This would be contrary to policies D1 and A15 of the Guildford Borough Local Plan: strategy and sites (2019), Policy D4 of the Guildford Borough Local Plan (2022), Landscape Character Assessment (2007) the NPPF (2021) and the National Design Guide (2019).</p>
<p>3.</p>	<p>The built form on the southern side of the Eastern Meadows would have a residual, adverse effects on the outward, south eastern view from viewpoint 15 in the Guildford Town Centre Views SPD and a Major adverse effect for visual receptor V11 (Stag Hill), as identified in the Landscape and Visual Appraisal (LVA) (December 2022). Furthermore, the proposed housing would compromise this unique and secluded area of open space as their courtyard gardens would open out onto the meadow. The proposals would have a harmful impact on the ability to enjoy and appreciate the</p>

	<p>landscape character and visual amenity from this elevated location which provides a vantage point over the town centre and would be compromised by the domestication and privatisation, further reducing its accessible as an area of public open space. This would fail to comply with the objectives of policies S3 and D1(4) of the Guildford Borough Local Plan: strategy and sites (2019), policy D4(3) of the Guildford Borough Local Plan: Development Management Policies (2022), Guildford Town Centre Views SPD (2019), Landscape Character Assessment (2007) the NPPF (2021) and the National Design Guide (2019).</p>
<p>5.</p>	<p>The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of a completed planning obligation, the Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). As such, the development would be contrary to the objectives of saved Policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), Policy P5 of the Guildford Borough Local Plan: Strategy and Sites, 2019 and 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.</p>
<p>6.</p>	<p>In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This includes the following:</p> <ul style="list-style-type: none"> • provision of 31 affordable homes in accordance with Council’s approved tenure split; • provision of 13 homes for occupation as staff accommodation by the Cathedral; • A contribution towards SANG mitigation in accordance with the Thames Basin Heaths SPA Avoidance Strategy 2017; • A contribution towards SAMM in accordance with the Thames Basin Heaths SPA Avoidance Strategy 2017; • A contribution of £70,000 towards an improved pedestrian crossing at The Chase/St Johns; • A contribution of £40,000 towards mitigating traffic on local residential roads; • A contribution of £35,000 towards the improvement of two bus stops within the vicinity of the site; • A contribution of £7,000 towards speed survey studies within the vicinity of the site; • £14,000 towards the upgrading, improvement and/or potential re-routing of Footpath 6 from Scholars Walk to the University site; • £6,150 for the monitoring of the Travel Plan; • Implementation of two Electric Vehicle Car Club spaces;

	<ul style="list-style-type: none"> • to offer to each household of each residential unit free membership of the Car Club for two years; • A contribution of £130,632 to support sustainable travel choices, to the Yorkie's Bridge section of the Sustainable Movement Corridor (SMC); • A contribution to early years, primary and secondary education; • A contribution for additional floor space at primary care facilities; • A contribution to policing infrastructure; • Provision and maintenance of public open spaces for the lifetime of the development; • A contribution to off-site playing fields/sport provision; • A contribution to off-site play space provision; and • Implementation of new tree planting along the western approach to the Cathedral. <p>Accordingly, the proposal is contrary to Policies P5, H2, ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (2019), saved Policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), saved Policy NRM6 of the South-East Plan (2009), Policy ID6 of the Guildford Borough Local Plan: Development Management Policies (2022); the Council's Planning Contributions SPD (2017) and the NPPF (2021).</p>
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32 Informatives

1.	<p>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:</p> <ul style="list-style-type: none"> • 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 <p>However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.</p> <p>In this case pre-application advice was sought and provided which addressed initial issues, the application has been submitted taking into account some although not all of the advice that was given. Further issues were identified during the consultation stage and determination process of the application. Officers have worked with the applicant to overcome as many of these matters as possible. However, there continue to remain significant concerns that after careful consideration and assessments by specialist consultants have not been overcome.</p>
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Officer's report

4. Site description.

- 4.1 The application site is within the urban area of Guildford, located to the north west of the town centre on land surrounding the Cathedral of the Holy Spirit, more commonly known as Guildford Cathedral. The site forms part of the slopes of Stag Hill and includes seven existing Cathedral staff dwellings at Cathedral Close. It is within the setting of the Grade II* Listed Cathedral, designed by Sir Edward Maufe R.A. F.R.I.B.A (1883 – 1974) an English designer and architect, the winner of the Guildford Cathedral Competition and due to its topography is a prominent site from many important viewpoints across Guildford.
- 4.2 The site is allocated under Policy A15 of the Guildford Borough Local Plan: Strategy and Sites (2015 – 2034) for approximately 100 homes (C3). This policy sets out the requirements for development.
- 4.3 Most of the site is undeveloped and open in character. The site area, excluding Cathedral Close, is designated open space.
- 4.4 There are several existing trees and hedgerows within the site boundary. There are five Oak trees served with tree preservation orders (TPO no.8 of 1993) which are located along the southern boundary of the site adjacent to Alresford Road and Ridgemount.
- 4.5 On the northern boundary of the site is Guildford Cathedral. Further north is the University of Surrey which includes several teaching and student accommodation blocks which abut the northern boundary of the Cathedral land. To the south of the application site is the residential area of Onslow Village which is designated as a conservation area. This is a mixture of two storey, detached, semi-detached and terraced properties. Further east of the site is Guildford railway station and the town centre beyond. There are bus stops in the immediate vicinity. There is vehicular access from Ridgemount to Cathedral Close and the main approach from Stag Hill to the west.
- 4.6 The site is located within the 400m – 5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA) and E1: Warnborough Wooded Rolling Claylands, landscape character area.

5. Proposal.

- 5.1 Demolition of existing Cathedral Close dwellings and erection of 124 no. residential units (including affordable housing) with associated engineering works, access, landscaping, parking and ancillary works.
- 5.2 For the purposes of assessing this planning application the site can conveniently be split into three distinct areas.

- 521 *Eastern Meadows:* This is to the east of the Cathedral at the top of the hill. It is currently accessible by car from Stag Hill to the west and the existing car park to the north of the Cathedral. These units are proposed around an existing open space (the “eastern meadow”) which is to the east of the existing Memorial and Children’s Gardens. Five detached, two-three storey houses for clergy and seven stepped level (two-three storeys), attached, market houses (accessed from Ridgemount). These units are proposed around an existing open space, including the Memorial Garden and Children’s Garden.
- 522 *Eastern Slopes:* The area north of Ridgemount, including Cathedral Close, the existing vehicular access which would be closed and a new one created using the other access to Cathedral Close, with a road on a gradient, winding up the slope. Co-joined apartment blocks of up to 3.5 storeys (with the top storey comprising accommodation in the roof or set in from the floor below) and duplexes over more than one floor. Car and cycle parking would be on-street and in podium levels. Two woodland courtyards (north-south) would be provided as shared amenity space. A podium garden walkway through the middle of the apartment blocks (east-west) would also be provided.
- 523 *Western Parcel:* To the west of pedestrian access from Alresford Road between the two tree/hedgerow belt, two new accesses at either end. Comprising 16 semi-detached and two and six detached houses, and terraced gardens. The buildings are two-three storeys in height. The layout of proposed development is linear; houses would front the new internal road. A community orchard is proposed to the north of the houses.
- 53 New pedestrian and cycle links will be provided through the site including an access point at the eastern boundary of the site to enable access through to the town centre (via Yorkies Bridge).
- 54 The dwelling mix

Proposed Mix					
	1-bed	2-bed	3-bed	4+-bed	Total
Total dwellings	23	66	14	21	124
Of which...					
Houses	0	0	9	21	30
Apartments	23	66	5	0	94
Affordable	21	24	7	5	57

13 of the affordable homes would be only available to be occupied by Cathedral staff and clergy.

55 Parking provision

551 *Cars*

66 spaces in the podium car park
29 spaces on-street for the apartments
60 spaces for the houses
2 spaces for visitors

Including 8 Spaces for accessible use

An additional two car club spaces – these are not shown on the plans and shall be secured by condition.

159 spaces in total

552 *Cycles*

One space per one and two bedroom properties – 104 spaces in Sheffield stands, stacks and two-tier stacks

Two spaces per 3+ bedroom properties – 60 spaces

Visitor cycle stands – 15 spaces

179 spaces in total

Including 6 spaces for large/cargo bikes

Sockets for charging of e-bikes

56 The scheme was the subject of engagement between officers and the applicant through a pre-application request, as part of a Planning Performance Agreement (PPA), which has continued through the application determination stage. Plans were first presented to the Council at the pre-application stage in October 2019. Several pre-application meetings and design focused workshops and other technical meetings have been held since.

57 This is a summary of the key recommendations from the Guildford Design Review Panel (DRP) held on 18.05.2019 with Design: South East, see Appendix 1:

- the scale, mass, and form of buildings must be delicately balanced;
- total number of dwellings will be needed to achieve this balance;
- The East Lawn (eastern meadow) should be left as an open, informal and sloped landscape;
- For the Eastern Slopes development in this location should be reduced in density and refined to fit with the topography;
- On the Western Slopes development here could be placed further south, replacing the hedgerow, to help minimise cut and fill; and
- opportunity of renewing Maufe's vision.

58 During determination of the application, the following amendments were made to the proposals. Public consultations were carried out on 01.01.2022, 09.12.2022 and 06.03.2023:

- Staggered clergy housing in eastern meadows
- Integral garages for the clergy housing
- Removal of three market houses from the eastern meadows, and relocated to the south
- Removal of a section of access road
- New housetype for southern part of eastern meadows
- New north-south pedestrian link from Ridgemount to the eastern meadows
- Pedestrian and cycle east-west link from Alresford Road to the eastern meadow and to the proposed Yorkie's Bridge connection
- Height reduction to the residential blocks on the eastern slopes
- Reconfiguration of Block E, including inset balconies
- Increased separation distance from Block E to existing Scholars Walk properties (32.8 metres)
- 11 fewer in on-street parking spaces
- Increased cycle parking, access to cycle storage area, additional space for charging e-bikes and the provision of bike runnels in areas with steps
- Additional tree planting to the west of the western phase
- Improvements to sustainability with an all-electric solution using 330 PVs and air source heat pumps (ASHPs), rather than gas boilers throughout the site
- Practice rooms for the Cathedral
- Some design refinements
- Inset balconies to Block E
- Increased green infrastructure
- Details on refuse collection strategy
- Details of on-site play space
- Details to show manoeuvrability of parking spaces
- Accessibility of cycle parking
- Provision of two car club spaces
- Floor plan changes to ensure compliance with Nationally Described Space Standards (NDSS)
- Updated covering note from the Cathedral
- Financial details of the works for repairs and maintenance to the Cathedral and the endowment

[officer note: between 09.12.2022 and 06.03.2023, when the public were formally consulted, some updated and additional drawings and details were submitted in relation to waste collection, biodiversity, housing mix, car and cycle parking, open space, solar panels, air quality, floor plans and Cathedral's covering note. These were mainly technical matters and points of clarifications that did not materially change the proposal and in the judgement of officers did not therefore warrant a public notification and consultation exercise. These documents have in any event been published on the Council website. Relevant consultees were re-consulted as required].

6. EIA development

6.1 The proposed development is not EIA development. The thresholds set out in paragraph 10(b) of schedule 2 (10)(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are not exceeded.

7. Community engagement.

7.1 The applicant has submitted a Community Consultation Statement. This document outlines the programme of community engagement and public consultation.

7.2 A series of workshops were hosted in November 2019, including a community planning day hosted by the architects John Thompson Partners (JTP) on 30.11.2019 for members of the public, neighbours of the site, elected representatives and community stakeholder groups. This was supplemented with a digital campaign on givemyview.com.

7.3 In January 2020 a face-to-face event was held to report-back key themes and findings alongside an early masterplan presented to the community.

7.4 Delivery partners and architects met virtually in May 2020 with community stakeholder groups and neighbours to provide updates on the proposal and seek further feedback.

7.5 In September 2021 a virtual exhibition and Q&A session was held for the public, as well as an update for Council Members.

7.6 Promotional activities included invitations to local amenity groups, a webpage (where material was published), flyer drop, social media and press releases.

7.7 A webinar was hosted online by the applicant on 06.03.2023.

8. Relevant planning history.

Reference:	Description:	Decision Summary:
15/P/02284	'Proposed erection of 134 dwellings (including affordable dwellings) with associated vehicular/pedestrian access arrangements, estate road layout, parking, landscaping, engineering operations and ancillary works.	Refuse 20/02/2017
09/P/01567	Erection of six two storey one bedroom dwellings for Cathedral staff with associated landscaping and infrastructure works.	Approve 04/03/2010
04/P/01669	Conversion of existing two dwellings to four	Approve

04/P/00286	<p>dwelling.</p> <p>Erection of 6 dwellings for Cathedral lay clerks, with commercial laundry/boiler (renewal of planning permission 97/P/1742)</p>	<p>08/09/2004</p> <p>Approve</p> <p>23/12/2004</p>
99/P/01746	<p>Erection of a detached four bedroom dwelling, details pursuant to outline application 97/P/1614 dated 10/02/98</p>	<p>Approve</p> <p>17/10/2000</p>
97/P/01742	<p>Erection of 6 dwellings for Cathedral lay clerks, with communal laundry/boiler.</p>	<p>Approve</p> <p>20/07/1999</p>
97/P/01741	<p>Erection of a dwelling for Cathedral sub-organist.</p>	<p>Approve</p> <p>24/03/1998</p>
97/P/01614	<p>Renewal of Outline Planning Permission 92/P/1242 dated 08/12/92 for the erection of two detached houses and ancillary garages.</p>	<p>Approve</p> <p>10/02/1998</p>
97/P/01613	<p>Renewal of outline planning permission 92/P/1241 dated 08/12/92 for the erection of three detached houses and ancillary garages.</p>	<p>Approve</p> <p>03/03/1998</p>
97/P/00446	<p>Erection of a 48 bed nursing home with new access drive from Stag Hill.</p>	<p>Withdrawn</p> <p>17/06/1997</p>
95/P/01572	<p>Relaxation of Condition 02(a) of outline planning permission 92/P/1241 dated 08/12/92, to extend the time by 2 years until 8/12/97.</p>	<p>Approve</p> <p>23/01/1996</p>
95/P/01546	<p>Relaxation of Condition 2(a) of outline planning permission 92/P/1242 dated 08/12/92, to extend the time by 2 years until 08/12/97.</p>	<p>Approve</p> <p>23/01/1996</p>
92/P/01242	<p>Renewal of outline planning application 89/P/1666 dated 12/12/89 for the erection of two detached houses and ancillary garages</p>	<p>Approve</p> <p>08/12/1992</p>
92/P/01241	<p>Renewal of outline planning application 89/P/1665 dated 12/12/89 for the erection of three detached houses and ancillary garages</p>	<p>Approve</p> <p>08/12/1992</p>
89/P/01666	<p>outline application for the erection of 2 detached houses and ancillary garages</p>	<p>Approve</p> <p>12/12/1989</p>
89/P/01665	<p>Erection of 3 detached houses and ancillary garages</p>	<p>Approve</p> <p>12/12/1989</p>

85/P/01419	Erection of three detached houses with garages	Approve 10/12/1985
81/P/01301	Erection of two detached houses with garages	Approve 26/11/1981
81/P/01300	Outline application for the erection of three detached houses with garages	Approve 15/12/1981
GUI/7748B/22034B – 1965	Detailed plans for 3 houses & garages	Approve
GUI/7748/22034 – 1965	Outline application for 3 houses & garages	Approve
GUI/4072A/16607 – 1958	Erection of three detached houses and garages for Cathedral clergy	Approve 30/09/1959
GUI/4072/16607 – 1958	Erection of one house for the provost and two houses for the clergy	Approve 19/09/1958
GUI/2753/14658 – 1955	Erection of two cottages for the groundsmen at Guildford Cathedral	Approve 26/10/1955

9. Consultations.

Statutory consultees

91 Historic England: has concerns and has raised the following matters:

- Amendments have reduced the impact on the significance of the Cathedral.
- Eastern slopes out of character – design, height and density.
- Eastern meadow out of character – built form introduced into meadow
- Clergy housing – appears as suburban development rather than cloister form.
- Western slopes out of character – scale, layout and design
- Compromise the appreciation of the Cathedral and its prominence on Stag Hill.
- Delivery of heritage benefits from the endowment
- Harm to the significance of the grade II* listed Cathedral
- Formal arrangement on the Eastern Slopes
- Scale and design out of character with Alresford Road
- Alien new intervention
- Appreciation of the Cathedral undermined by the housing on the Eastern Meadows.

92 Cathedrals Fabric Commission for England (CFCE): The CFCE is a statutory decision-maker on this development under the Ecclesiastical Exemption and therefore will not be making a representation on this planning application.

[officer comment: The Cathedral's application to the Commission was approved on

24.05.2022, subject to a single condition relating to control of extensions, solar panels, loft conversions etc.]

- 93 National Highways: No objection, unlikely to have a material impact on the safe and efficient operation of the A3 part of the Strategic Road Network (SRN).
- 94 Surrey County Council, County Highway Authority (CHA): no objection, are satisfied that the proposed development would not result in a severe impact on the local highway network, subject to planning obligations of highway improvements and contributions to sustainable travel strategy and conditions and have made the following comments:
- Loss of on-street car parking and reduction in size of passing places acceptable.
 - Measures to deter 'rat-running'.
 - 20mph speed limit to improve safety and not affect the SMC.
 - Gradient of roads and access complies with Manual for Streets 2.
 - Lower parking requirement as this is a sustainable location served by alternative modes of transport.
- 95 Surrey County Council, Lead Local Flood Authority (LLFA): no objection and suggest conditions in relation to design of the drainage scheme and verification report for that system.
- 96 Environment Agency: No comment, the proposal falls outside the Environment Agency's remit as a statutory planning consultee.
- 97 Natural England: No objection, subject to appropriate mitigation being secured.

Internal consultees

- 98 GBC Environment and Regulatory Services (Environmental Health): no objection, subject to conditions and have made the following comments:
- EV charging facilities by condition
 - Construction works would have short-term impact could be managed under environmental health legislation and suitable conditions
 - Negligible impact on the Guildford Town Centre Air Quality Management Area (AQMA)
 - Development within the required guidelines and reasonable in terms of its impact on air quality
 - No history of contaminated land
 - Noise and dust could be managed through a Construction Environmental Management Plan (CEMP)
- 99 GBC Housing Development Lead: no objection subject to a S106 and raises the following matters:
- Accept clergy housing as affordable housing 'tied' to the Cathedral.
 - Broadly complies with quantum of affordable housing.
 - Support the mix which differs from the policy requirements due to the unique nature

of the site and the housing opportunities presented.

9.10 GBC Culture, Heritage and Leisure Services (Parks Asset Development Officer): has made the following comments:

- provides an increase in quantity of formal and informal play areas.
- equipment in the woodland trails and formal play areas would meet recommendations.
- the formal play areas would not meet the required standards.
- unclear how older age groups would be catered for within the site.
- close proximity to nearest residential property.
- Exceeds the onsite amenity space requirement
- In lieu contribution for playing fields/youth and play areas

9.11 GBC Operational & Technical Services (waste and recycling): no objection and suggest conditions:

- Waste collection strategy acceptable.
- Cathedral housing subject to commercial waste arrangements and the bin stores are secured by condition

9.12 GBC Tree Officer: no objection, subject to conditions in relation to the Arboricultural Method Statement (AMS) and Tree Protection Plans (TPP) be adhered to during all stages of the development, supervision and pre-commencement site visit.

9.13 GBC Corporate Programmes: no objection subject to securing mitigation through a S106 agreement for delivering a direct link from the site to the Yorkie's Bridge section of the SMC.

Non-statutory consultees

9.14 Surrey County Council, Education Authority: no objection subject to securing mitigation through a S106 agreement for early years, primary education and secondary education.

9.15 NHS Surrey Heartlands ICS: no objection, subject to financial contribution towards a new primary care facility.

9.16 NHS Royal Surrey NHS Foundation Trust: no objection, have withdrawn submission for financial contributions as updates required.

9.17 Surrey County Council, County Archaeologist: No objection, subject to conditions and has made the following comments:

- Very unlikely that significant archaeological remains would be present.

9.18 SCC Minerals & Waste Planning: No objection, subject to a condition relating to a Waste Management Plan.

9.19 Surrey Police: No objection and has made the following comments:

- Condition to achieve a Secure By Design Accreditation.

- To reduce fear of crime, should relocate PROW (footpath 6) between Scholars Walk and Yorkies Bridge to the north
- 920 Surrey & Sussex Police: No objection, subject to financial contribution for staff set up costs, staff accommodation and vehicles
- 921 Thames Water: no objection, subject to conditions and have made the following comments:
- Existing foul water sewerage network infrastructure capacity.
 - Existing surface water network infrastructure capacity.
 - As within 15 metres of a strategic sewer requests a condition in relation to piling.
 - Expect measures minimise groundwater discharges into the public sewer.
 - Insufficient water network infrastructure, upgrades required
- 922 UK Power Networks: the development is in close proximity of a substation and have made the following comments:
- Comply with Party Wall etc. Act 1996.
 - Noise and vibration from substation.
 - Gap of at least 7 metres to the substation from dwellings.
 - High occupancy rooms face away.
 - Retain 24 hour rights of access
 - No storage of materials and underground cabling
- 923 Surrey Wildlife Trust: No objection subject to conditions and has raised the following matters:
- Agree to provide updated bat surveys as a planning condition.
 - Suggest condition in relation to reptile mitigation, tree planting and biodiversity net gain.
 - The use of Other Woodland; Broadleaved in the biodiversity metric calculation, would be suitable.
- 924 University of Surrey: Neither objects or supports. They have made the following comments:
- Noise and disturbance from student housing – proximity to residential development
- 925 AONB Advisor: has raised the following matters:
- Compromise the appreciation of the Cathedral and its prominence on Stag Hill.
 - Retains woodlands and green setting on the slopes as seen from The Mount.
 - Supports colour palette and building heights
 - Cumulative impact of town centre development
 - Some harm to AONB
- 926 Cooper & Withycombe, engineering consultants: no objection, subject to conditions for further investigation, assessment and stability modelling and have made the following comments:
- Comprehensive investigation and review carried out of the site and risks by the

applicant.

- Have identified mitigation measures.
- Further investigation of final retaining wall design

927 Hankinson Duckett Associates, landscape and visual impact consultants: have made the following comments:

- Assessment submitted a fair and proportionate in relation to the design proposal.
- Harm to the landscape character and visual experience of the site to the east.
- Benefits to the landscape character and visual amenity of the approach to the Cathedral to the west with a tree avenue.
- Reduction in some of the building heights to the south-east and addition of climbing plants would help to maintain the 'green collar' surrounding the Cathedral.
- Moderate adverse impact on the setting of the AONB.
- Some harm to 'important views' set out within the Guildford Town Centre Views SPD.
- Would not block views of the Cathedral in accordance with Policy A15(2).

Amenity groups

928 Twentieth Century Society: No comment.

929 Guildford Society: have made the following comments:

- Amendments an improvement.
- Good design.
- Lack of construction details.
- Additional view points for Landscape and Visual Appraisal.
- Use the Vu.City software.
- Increase in foot traffic if bridge from Guildford Business Park to the University of Surrey is built (21/P/01427)
[officer comment: this planning permission is extant however, there is no residential use approved on Guildford Business Park]
- Ensure commitment to Yorkie's Bridge alongside SMC
[office comment: planning obligation sought for direct pedestrian/cycle access]
- Vehicle types uses in traffic modelling
- Lack of construction traffic management details
- Glint and glare from solar PV panels
- Managing overheating of homes
- Commitment to endowment

930 Guildford Residents Association: have raised the following matters:

- Not in accordance with the site allocation.
- Harm to heritage asset.
- Out of character - scale and height.
- Alternative scheme preferred.
- Use the Vu.City software .
[officer comment: this modelling has been done and provided for the use of the council]
- Traffic congestion and inadequate highway capacity.

931 Friends of Stag Hill:

FOSH have commissioned these independent consultancies to prepare (i) a Traffic Assessment Report, (ii) Landscape and Visual Appraisals, (iii) Geotechnical Report

They have provided several responses on specific matters as well as a general response and all of these have been included in the summary below.

FOSH objects to the proposal on the following grounds:

- Inadequate car parking for an out-of-town centre location.
- Overspill parking into adjoining roads including from visitors.
- Risk to highway safety – gradient of the roads and access
- Vivid’s Transport Assessment has misinterpreted the results of the parking survey on the streets local to the site and significantly over-estimated appropriate parking opportunities.
- Alternative site access from western approach.
- Traffic congestion and inadequate highway capacity.
- Harm to the setting of heritage assets.
- Disagree with the conclusions of the Heritage Statement, namely that development is appropriate on the site, the heritage objection to the use of the Cathedral driveway and the location of the clergy housing in an isolated enclave at the top of the site.
- Memorial status of the land.
- Historic intention to preserve the open green space around the Cathedral.
- Not shared all historic correspondence
[officer comment: the applicant have been given the opportunity to respond and provided their response in the documents dated 02.03.2023]
- Public benefits do not outweigh the harm.
- Misleading housing density figures presented to compare the previously refused scheme with the current scheme.
- Current scheme has had no regard to the advice of the Design Review Panel report of May 2020.
- Overdevelopment.
- Not in accordance with the site allocation.
- Greater impact than the scheme refused under 15/P/02284
- Other brownfield sites available.
- Out of character - height, mass, density, external materials and apartments
- Use the Vu.City software
- Loss of trees and hedgerows
- Insufficient viewpoints representation and details
- Overbearing impact of eastern slopes development on Ridgemount properties, as confirmed by the FOSH commissioned visual impact assessment.
- Risk of land slips – occurred in 1988 during construction of Scholars Walk.
- Use of a 2014 report from the Linden scheme to assess site stability.
- Additional work required to assess slope stability including trial pits, boreholes, groundwater testing and further monitoring.
- Noise disturbance from heavy piling and engineering works.

- Requires a monitoring strategy for land instability.
- Risk of surface water flooding.
- Air quality affected during construction works.
- Dust pollution.
- Methodology and baseline data used for assessing impact on air quality.
- Inadequate cycle storage facilities.
- Threat to biodiversity and loss of habitats.
- Loss of open space.
- Open space strategy does not compensate for loss of existing open space
- Lack of infrastructure resources, such as schools, hospitals, GP surgeries.
- Insufficient affordable housing provision.
- Lack of water supply capacity.
- Lack of financial justification including the endowment.
- Lack of supporting viability information.
- Risk affordable housing provision will not be delivered.
- Affordable housing should be pepper potted.
- Wider landscape improvements can be done without development.
- Policy requirements being leveraged as public benefits.
- Lack of economic benefits
- Not truly affordable housing as includes Cathedral employee housing
- Affordable housing mix predominantly 1- and 2-bedroom flats
- Pollution from gas boilers
[officer comment: only solar panels and air source heat pumps are now proposed]
- Any financial gain does not justify the level of harm or compensate the loss of green open space or the land as an asset.
- No information provided on use of funding from the development.
- Cathedral Fabric Commission (CFC) authorisation should not carry weight in the planning process.
- CFC decision made following a closed meeting and documents not made public or available to GBC, including response to FOSH heritage submissions and research on the s202 test.
- Concerns regarding the accuracy of material provided to the CFC.
- Fail to strengthen community ties.

932 The Spires Management Company Ltd: object on behalf of the Scholars Walk Estate and raise the following matters:

- Greater impact than the scheme refused under 15/P/02284
- Out of character – height, density and design
- Exceeds local plan allocation of 100 units.
- Risk to highway safety – pedestrians and cyclists.
- Traffic congestion and inadequate highway capacity.
- Alternative site access from western approach.
- Air quality.
- Inadequate sustainable transport strategy.
- Overspill parking into adjoining roads.
- Noise and disturbance during construction.

- Noise and disturbance following occupation.
- Compromise the appreciation of the Cathedral and its prominence on Stag Hill.
- Harm to wildlife.
- Loss of trees/ hedgerows.

933 Angela Richardson MP: Objects and has raised the following matters:

- Overdevelopment
- Not in accordance with the site allocation
- Impact of views out from the Cathedral
- Traffic congestion and inadequate highway capacity.
- Alternative site access.
- Harm to the character of the area.
- Harm to the setting of the heritage assets.
- Mitigation for local infrastructure.
- Lack of financial justification.
- Poor design.

934 Extinction Rebellion, Planning Scrutiny Group: object and have raised the following matters:

- Use of gas fired boilers.
- Consider district heating.
- Measures to reduce energy use and carbon emissions.
- PV panels not facing optimal direction.
- Surface water flooding risk.
- Lack of grey water recycling.
- Loss and risk to trees.
- Unsafe and unsuitable cycle route.
- Inadequate cycle storage.
- Proximity to air pollution from the A3.
- Loss of open space.
- Harm to wildlife.
- Risk of subsidence.
- Inadequate facilities for clothes drying and co-working.
- Detached houses less energy efficient.
- Alternative scheme preferred.
- Lack of car club spaces.
- [officer comment: two on site car club spaces are proposed]
- Risk to highway safety – gradient of the roads and access.
- Alternative site access.

935 Guildford Bike Users Group (G-BUG): object and have raised the following matters:

- Reduce car parking to encourage modal shift.
- Additional cycle storage.
- Inadequate cycle storage.
- Risk to highway safety – lack of segregated cycleway on part of SMC.
- Risk to highway safety – gradient of the roads and access.

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- Traffic congestion and inadequate highway capacity.
- Commend cargo bike and direct access storage.
- Lack of car club spaces.

936 Council for British Archaeology (CBA): have made the following comments:

- The communal and historical value of the gardens as a public memorial.
- Harm to the setting of a heritage asset.
- Financial justification needs to be balanced against the harm.

937 War Memorials Trust: have made the following comments:

- The memorial status of the land adds to the significance of the heritage asset.

938 The Vimy Foundation, Canadian Centre for the Great War: object and have raised the following matters:

- Site was the initiative of R.B. Bennett, Prime Minister of Canada from 1930 to 1935.
- As a place for reflection and remembrance of Canada's contribution during the conflicts that shook the first half of the 20th century.
- R.B. Bennett has local connection to Guildford as he lived nearby, he was honoured as 1st Viscount Bennett, of Mickleham in the County of Surrey and of Calgary and Hopewell in the Dominion of Canada for contribution to the Second World War air campaign to protect Great Britain.
- Continued commitment to the preservation of memorial sites honouring Canada's fallen military personnel.
- scheme does not respect the commemoration of Canadians killed during the First and Second World Wars.
- Alternative scheme preferred.

[officer comment: records were checked by the Cathedral who confirm that Viscount Bennett made a financial donation, and these monies with other donations were used to buy land from the Earl of Onslow. In recognition of this, the memorial ledger stone was laid. The land was not gifted by him and there are no legal covenants]

939 Historic Buildings & Places (HB&P) formerly, Ancient Monuments Society: have raised the following concerns:

- Out of character – design, scale and density
- Impact on the setting of the heritage assets
- Compromise the appreciation of the Cathedral and its prominence on Stag Hill.
- Loss of vegetative setting

10. Third party comments.

10.1 286 letters of representation have been received relating to the proposal. These raise the following objections and concerns:

- Overdevelopment.
- Not in accordance with the site allocation.
- No details of wider masterplan.
- Harm to the heritage assets.

- Memorial status of the land.
- Historic intention to preserve the open green space around the Cathedral.
- Compromise the appreciation of the Cathedral and its prominence on Stag Hill.
- Inadequate Townscape and Visual Appraisal (TVA) – impact during winter months.
- Harm to viewpoint identified in Views Study SPD.
- No development brief from the Council.
- Out of character - height, scale, massing, bulk, roof types, housing style, density, high-rise.
- Harm to neighbouring amenity: overbearing, overlooking and loss of light.
- No cross-sections of land levels against 1 Scholars Walk to properly assess impact.
- Noise and disturbance during construction – health fears.
- Loss of open space.
- Housing development should be focused on brownfield land.
- Ruins peace and tranquillity of Cathedral site.
- Light pollution.
- Littering concerns.
- No community benefits.
- Lack of infrastructure resources, such as schools, hospitals, GP surgeries, dentists, public transport.
[officer comment: planning obligation for financial contribution to education, healthcare and sustainable transport]
- Risk to highway safety - pedestrians, cyclists and from construction vehicles.
- Inadequate highway capacity - unsuitable for large vehicles.
- Increase traffic congestion.
- Alternative site access from western approach.
- Lack of segregated connectivity – pedestrians, cyclists and connection to SMC.
- No funding for Yorkies Bridge improvements.
[officer note: financial contributions sought for access to Sustainable Movement Corridor (SMC) as Yorkie's Bridge]
- No provision for charging electric bikes.
[officer note: e-bike charging points provided]
- Insufficient car parking.
- Developer should provide a car club.
- Overspill parking into adjoining roads including from visitors.
- Waste management concerns.
- Not truly affordable housing as includes Cathedral employee housing.
- Location of affordable housing.
- No need for development.
- Restrictive condition should be applied to stop the development from being student Lets / HMOs.
- Housing mix concerns.
- Empty housing in Guildford should be filled first.
- Sets a precedent for more housing around the Cathedral.
- Air quality.
- Loss of trees and hedgerows.
- Harm to wildlife.

- Embodied carbon.
- Insufficient tree planting details.
- Alternatives to gas boilers.
- Location of solar panels.
- Insufficient eco technologies / zero carbon living.
- Risk of land slips.
- Damage to infrastructure during construction.
- Water contamination concerns.
- Risk of surface water flooding.
- Sewerage and water supply capacity.
- Lack of community engagement.
- No viability case.

[officer comment: the proposals comply with policy requirements and have agreed to financial contributions so is not required]

- Cathedral should find other means of financial support.
- Lack of details on the endowment and income from this.
- Greater impact than the scheme refused under 15/P/02284.
- Vivid Homes build quality.
- No need for development.
- Consultation timing is inconvenient.
- Lack of community engagement since application submitted.
- Clergy housing isolated and hinder creating an inclusive community.

102 11 letters of representation have been received which raise the following points in support of the application:

- Principle of development acceptable.
- Allocated site in Local Plan.
- Much needed housing, including affordable housing.
- No negative impact on neighbouring amenity.
- Minimal loss of usable green space.
- Local primary schools currently undersubscribed.
- Sympathetic to views of the Cathedral.
- In keeping with the local area.
- Net gain in houses unlikely to have a major adverse impact on traffic.
- Financial case.
- Social benefits.
- Improvement over previous Linden scheme.
- Reduction in scale.
- Use of on-site renewable energy.
- Enable financial security for worship, community work and as a war memorial.

11. Planning policies.

The following policies are of most relevance to the determination of this application.

11.1 National Planning Policy Framework 2021 (NPPF)

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting health and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-design 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

11.2 National Planning Practice Guidance (PPG)

11.3 National Design Guide (NDG) 2019

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

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

Policy S1: Presumption in favour of sustainable development

Policy S2: Planning for the borough - our spatial strategy

Policy H1: Homes for all

Policy H2: Affordable homes

Policy P4: Flooding, flood risk and groundwater protection zones

Policy P5: Thames Basin Heaths Special Protection Area

Policy D1: Place shaping

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

Policy D3: Historic environment

Policy ID1: Infrastructure and delivery

Policy ID3: Sustainable transport for new developments

Policy ID4: Green and blue infrastructure

Policy A15: Land at Guildford Cathedral, Alresford Road, Guildford

11.5 Guildford Borough Local Plan: 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 now issued his final Inspector's Report and Schedule of Main Modifications, dated 27.02.2023. The draft plan is due to go before Full Council for adoption on 22.03.2023. Whilst it is not yet part of the statutory development plan, the policies are given full weight given their advanced stage and the fact that the policies can no longer be amended.

Policy H8: First Homes
Policy P6/P7: Biodiversity in New Developments
Policy P8/P9: Protecting Important Habitats and Species
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
Policy D8: Public Realm
Policy D9: Residential infill development
Policy D10: Noise Impacts
Policy D10a: Light Impacts and Dark Skies
Policy D12: Sustainable and Low Impact Development
Policy D13: Climate Change Adaptation
Policy D14: Carbon Emissions from Buildings
Policy D16: Designated Heritage Assets
Policy D17: Listed Buildings
Policy D18: Conservation Areas
Policy D19: Scheduled Monuments
Policy D19a: Registered Parks and Gardens
Policy D20: Non-designated Heritage Assets
Policy D21: Enabling Development and Heritage Assets
Policy ID5: Protecting Open Space
Policy ID6: Open Space in New Developments
Policy ID10: Achieving a Comprehensive Guildford Borough Cycle Network
Policy ID11: Parking Standards

116 Evidence base:

Land Availability Assessment (LAA) 2022
Open Space, Sport and Recreation Assessment (OSSRA) 2017
Infrastructure Delivery Plan (IDP) 2017
SFRA Level 2 Addendum 2017
West Surrey SHMA Guildford Addendum Report (SHMA Addendum) 2017
Strategic Flood Risk Assessment (SFRA) 2016
West Surrey Strategic Housing Market Assessment (SHMA) 2015
Surface Water Management Plan (SWMP) 2014

117 Surrey Waste Local Plan (SWLP) 2019-2033

Policy 4: Sustainable Construction and Waste Management in New Development

118 Surrey Hills AONB Management Plan (AONBMP) 2020-2025

Planning Management Policy P6: setting of the AONB

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

Policy G1: General Standards of Development
Policy G5: Design Code
Policy H4: Housing in Urban Areas
Policy HE4: Development which affects the setting of a Listed Building
Policy HE10 Development which affects the setting of a Conservation Area
Policy NE4: Species Protection
Policy NE5: Development Affecting Trees, Hedges and Woodland
Policy R2: Recreational Open Space in relation to Large New Residential

In light of full weight being given to the emerging LPDMP, reduced weight should be afforded to the Local Plan 2003 policies especially where there are inconsistencies between policies.

11.10 South East Plan (SEP) 2009

NRM6: Thames Basic Heath Special Protection Area

11.11 Supplementary planning documents

Draft Parking SPD (2022) (intended to be adopted by Executive on 20.03.2023)

Healthy Streets for Surrey (2022)

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

Planning Contributions SPD 2017 (updated in April 2022)

Thames Basin Heaths Special Protected Area Avoidance Strategy SPD (2017)

Landscape Character Assessment (2007)

Residential Design Guide (2004)

11.12 Other guidance

Surrey County Council Local Transport Plan (LTP4) (2022)

Surrey County Council Vehicular and Cycle Parking Guidance (2021)

Guildford Public Art Strategy 2018-2023

Historic England GPA3: The Setting of Heritage Assets (2017)

Guildford Children's Play Strategy 2016-2021

Guidance on the storage and collection of household waste for new developments (2017)

Surrey Landscape Character Assessment (2015)

English Heritage (latterly Historic England) Guildford Cathedral, St Blaise Guildford, Surrey: Twentieth-Century Setting and Landscape (2007)

12. Planning considerations.

The main planning considerations in this case are:

- background to application
- the principal of development
- housing delivery
- context and identity
- slope stability and engineering solution
- access, highway safety and capacity
- flooding and drainage
- air quality
- housing mix and type
- landscape and visual impact 10
- characteristic of well-designed places
- impact on the setting of heritage assets
- impact on residential amenity
- impact on trees and vegetation
- impact on ecology and nature conservation
- landscape strategy and open space
- climate change and sustainability
- contaminated land
- utility services
- economic and financial considerations
- other material considerations
- Thames Basin Heath Special Protection Area
- legal agreement requirements
- planning balancing exercise

121 Background

121.1 This application follows a 2015 scheme for 134 dwellings proposed by Linden Homes referenced 15/P/02284, which was refused by planning committee in February 2017. The application was refused on eight separate grounds:

- Poor quality, out of character, overly prominent and incongruous in both short and long-distance views due to the high density, scale, mass, bulk and height of the units proposed;
- Less than substantial harm to the setting of the Grade II* Listed Cathedral not outweighed by public benefits;
- Overbearing and oppressive impact, causing loss of privacy to 1 and 2 Scholars Walk;
- Loss of designated open space;
- Absence of a completed legal agreement covering affordable housing, schools and sustainable travel;
- Impact on the Thames Basin Heaths SPA and relevant SSSI.

121.2 No appeal was lodged and this application has been submitted by a different applicant.

The land is owned by Guildford Cathedral. The Dean and Chapter at Guildford Cathedral decided to appoint a registered provider of social housing to deliver both affordable and open market housing. They have been working with Vivid Homes since 2018, a regional affordable housing provider to develop the site.

- 1213 The Cathedral Covering Note (dated 24.02.2023) explains that development of the site is needed to generate funds to support maintenance of the Cathedral. Every five years the Cathedral commissions a Quinquennial Inspection (QI) by the Cathedral Architect (for a detailed survey of all aspects of a building's fabric), which is then costed independently. The most up to date QI was carried out in 2022 with works costing a total of £4,485,000. The Cathedral Chapter had hoped to set a balanced budget in 2023, however, this was not possible due to the economic downturn following the COVID-19 pandemic. In addition, immediate cash reserves have reduced to £295,000 (less than half of one year's anticipated expenditure).
- 1214 They have "never possessed endowments of any significance and [have] always struggled to fund repairs. This is not the case in other, older Cathedrals which have traditionally been able to retain endowments and property which has been part of their heritage and use the proceeds to fund the maintenance of the building and other costs."
- 1215 The Cathedral needs to establish a sufficient endowment for the future. The Cathedral Chapter has considered the argument of financial gain versus potential 'harm' very carefully and is confident that the land receipt generated from Vivid (and therefore the proposed planning application of 124 dwellings), is the minimum that is required to generate the required annual endowment. This was tested by the Charity Commissioners (the regulatory body responsible for these matters) when granting permission for the sale of the land. They were given the full details of the gift of land, including all associated historical correspondence. After a thorough assessment the Commission approved schemes allowing the Cathedral to sell the relevant land.
- 1216 The Cathedral have stated that the development would support housing delivery and improve accessibility and movement for cycling and walking from town to the Cathedral and University of Surrey.
- 1217 The Note refers to the Cathedral's Conservation Management Plan for the whole site area. The wider masterplan has not been shared however the details in the Note include:
- replacement buildings for the Shop and Café Restaurant;
 - replacement office accommodation - possibly combining facilities with the Diocese;
 - buildings for community activities; and
 - improving landscaping throughout the site.

This would allow the Cathedral to use its assets to engage more with the local community, increase interaction and this would then lead to investment that would secure the future of the Cathedral.

- 1218 The masterplan would have further cumulative effects to this sensitive, heritage site.

However, this information is not publicly available, and any additional development would require planning permission in its own right so would be assessed on its own merits. Nevertheless, this information is importance in ensuring that that these proposals are viewed in the context of the Diocese's long term aims. Which could be encapsulated in a whole site masterplan had been provided this would have allowed for a comprehensive and contextualised understanding of the current proposals. This approach could then have better informed the design process from the outset and would have been fully considered in the Design and Access Statement, this has not taken place and narrows the context in which the current development scheme would be seen. Given the Cathedral have ambitions for redevelopment and replacement of their existing on-site facilities, as stated above.

122 The principle of development

1221 Paragraphs 119 and 120 of the National Planning Policy Framework (NPPF) state that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment; encourage multiple benefits from urban land; and support the development of under-utilised land if this would help meet identified needs for housing.

1222 The site has been identified as suitable for development through the adopted Local Plan: strategy and sites (LPSS). The spatial strategy for the future development of the application site is set out in Policy A15. The policy states that the site is allocated for approximately 100 homes (C3) and in summary requires development to:

- provide pedestrian connectivity
- maintain strategic views of the Cathedral
- be sensitive to the setting of the Grade II* listed Cathedral
- have a holistic landscaping approach
- provide green infrastructure

1223 The key considerations stated in policy A15, in summary are as follows:

- setting of the heritage asset
- views
- design scale and height of development
- impact on the green mound and silhouette
- loss of open space
- mature hedging
- urban context
- adjacent to district heat priority area
- partly in groundwater source protection zone 1 (SPZ1)

1224 The NPPF makes clear that in taking decisions on planning applications, Local Planning Authorities should apply a presumption in favour of sustainable development. It further advises that, for decision-making, this means; approving development proposals that accord with the development plan without delay; and where the

development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.

- 1225 The principle of residential development should be considered acceptable, although this would be subject to other relevant planning policies and technical considerations. These are considered in detail in the proceeding sections of this report.

123 Housing delivery

- 1231 The land at the Cathedral is allocated for approximately 100 dwellings in the adopted LPSS. For this reason, the principle of residential development on this site is established. The in-principle suitability and sustainability of the site for residential development has been established through the plan making process. As part of the plan making process, the Council developed a spatial strategy that sought to meet the identified need for housing in full in the most sustainable way. In doing so, the land at the Cathedral was first identified in The Regulation 19 (2016) version of the plan. It was retained in the Regulation 19 (2017) version.

- 1232 The Local Plan Inspector noted that the housing allocations in policies A15 to A21 would provide a significant number of additional homes in sustainable locations within the town. "With sensitive design and appropriate scale, the Inspector considered that it would be possible to achieve the development of 100 homes on site A15 without harming the setting of Guildford Cathedral" (paragraph 196 of the Examination Report dated 27.03.2019). The current application proposes 124 units, which is considered by officers to be materially more than the 100 home approximation in Policy A15. The proposal would make an important contribution to bringing forward housing units in the next five years, including 46% of which would be affordable homes. It would also contribute towards achieving sustainable, inclusive and mixed communities. In addition, development of this site would provide financial benefits for the Cathedral and assist with its long-term operations in Guildford, as considered in further detail below.

- 1233 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 Land Availability Assessment (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.

124 Context and identity

- 124.1 LPSS Policy D1 ('Place Shaping') requires new development to achieve high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set. LPDMP Policy D4 ('Achieving High Quality Design and Respecting Local Distinctiveness') requires development proposals to demonstrate

how the development would achieve the ten characteristics of well-designed places as set out in the National Design Guide and demonstrate a clear understanding of the place comprising the site and the surrounding context within which it sits including the opportunities for design as well as any constraints upon it.

- 1242 The site is one of seven housing allocations in the Guildford urban area (outside the town centre). The allocation is significant due to its sensitive location and setting of the Grade II* listed Cathedral. For this reason, an understanding of and responding to its context, identity and character would be essential

Context

- 1243 'Context' concerns the location of a site or development and the attributes and character of its surroundings. Paragraph 39 of the NDG confirms, in summary, that development based on an understanding of the attributes set out in that paragraph would integrate more successfully and more likely to be acceptable to a local community. Paragraph 40 emphasises that well-designed places are; based on a sound understanding of the features of the site and the surrounding context; integrated into their surroundings so they relate well to them; are influenced by and influence their context positively; and responsive to local history, culture and heritage.
- 1244 The site occupied is outside the town centre, next to the Stag Hill Campus of the University of Surrey with suburban residential housing on the land to the south and east. When completed in 1961, (25 years after the laying of the foundation stone), this was the first Cathedral in the south to be built on a new site since the Middle Ages and is one of only three British Anglican Cathedrals to be built since the C16th Reformation (Liverpool on a new site and Coventry a replacement being the others).
- 1245 The history of the site: Appendix 9 of the submitted Heritage Statement (Commentary on the Maufe 'Masterplan'), the report by English Heritage on Guildford Cathedral, St Blaise Guildford, Surrey: Twentieth-Century Setting and Landscape (2007) and Cathedral Covering Note dated 24.02.2023 provide information on the acquisition of land for the development of the Cathedral. In her report Jackie Taylor states that Viscount Bennett (Richard Bedford Bennett, ex-Prime Minister of Canada, Viscount Bennett of Calgary and Mickleham (1930 – 1935/6)) gave the funds to acquire 20 acres of land offered by the Earl of Onslow at a favourable cost (in addition to the donation of the original site(s)) relying on papers in Maufe's archive and the Cathedral confirm this was combined with other donations. Viscount Bennett moved to England in the late 1930s and worked with Lord Beaverbrook (his neighbour in Surrey) in the British Wartime Government. This donation was originally intended by Bennett to be anonymous, however, the 'Cathedral Committee' sought to recognise this publicly and the association between Canada and the diocese of Guildford in the World Wars, has been commemorated in a ledger stone on the south elevation of the Cathedral. In the commentary in Appendix 9(Illustration A), on page 3 indicates that plots of land were acquired in the 1940s in two phases. In 1942 the land to the north and two plots either side of the south processional route were acquired. In 1943 a plot of land to the north-west of the Cathedral was acquired along with the eastern meadow plot which extended down to the former Guildford Park farm site. Without a plan of the precise

areas of land given by Viscount Bennett it is difficult to be certain, but it appears that these described above are the most likely areas.

- 1246 The Cathedrals response dated 03.02.2023 to the queries on the financial gift from Viscount Bennett, refers to a memorandum dated 23.03.1943 regarding the context behind why the Cathedral wished to acquire the land and their aspirations. The intention was management of the surrounding land by the Cathedral Committee and to use that land for their needs to provide ancillary accommodation.
- 1247 Part of this land to the north was sold off and forms part of the University of Surrey in the 1960s and part was later sold off for the Scholar's Walk development.
- 1248 The Cathedral, with its green spaces and slopes are visually prominent in the town due to the rolling topography and recognisable silhouette as a modern Gothic Cathedral in a parkland setting. The immediate approaches to the building have been designed to create drama and awe in which to appreciate its monumental scale. The green spaces allow for the Cathedral to be the dominant feature and the informal landscaping, also creates a tranquil place to appreciate the panoramic views over the town and to the countryside in the distance. Along the southern boundary are suburban detached and semi-detached homes on and accessed from Ridgemount and Aylesford Road and with the established hedgerow and five, mature Oak trees served with Tree Preservation Order (TPO no. 1993 No. 8, T1-T5) this has a more tranquil semi-rural lane character.
- 1249 In 1954 Maufe drew up a site plan that indicated the potential for additional buildings at the intersection of the circular driveway and at the west end of the Cathedral on the edges of what he called the west forecourt. These comprising buildings on the south side of the west forecourt and on the north side of the forecourt and responding to the axial approach to the west front. Also, clergy housing included a terrace and garden on either side. A verger's cottage and a groundsman's cottage were proposed at the edge of the roadside on the south end of the pedestrian pilgrimage route to the Cathedral's south entrance, these were built and are Locally Listed.
- 124.10 The western processional route was to be laid out with ornamental gardens, paths, and seating and allowed a leisurely and meditative approach to the building. The topography was specifically manipulated by Maufe for a gradient to accommodate vehicles from the west (using the newly constructed A3 bypass) and a different pilgrimage route by pedestrians from the south.
- 124.11 Guildford Cathedral, St Blaise Guildford, Surrey: Twentieth-Century Setting and Landscape (2007) report states that "Although detailed discussions of the Cathedral design are plentiful, no specific evidence has been found to indicate particular treatment of the surrounding site." Original designs suggest the intention was for the Cathedral to stand in a position of prominence surrounded by a rural landscape and the precinct on the forecourt. Forming a clear threshold from the built development on the hilltop and the surrounding countryside.
- 124.12 In 1964 as land was sold for the university the boundary was negotiated and "suggests

a desire to retain a degree of space around the building, providing a continued precinct that sets the Cathedral apart from any encroaching construction”.

- 124.13 The report concludes that as Maufe envisaged construction of buildings on either side of the west forecourt, he may not have opposed further buildings around the Cathedral with the west side remaining open.
- 124.14 The internationally recognised architect and landscape architect, Sir Geoffrey Jellicoe, produced an outline plan showing additional housing for the westernmost part of the site around 1954. In a concluding remark, the Design and Access Statement (DAS), page 17, asserts, “The Jellicoe drawings reinforce the view that there was an expectation on the part of the local planners that the surrounding land and the road network would be developed and that the Cathedral would therefore be seen within a suburban landscape”. The evidence for this is Jellicoe’s drawing, yet this shows housing only at the very far west end lower lying part of the site, addressing the roundabout in front. There is no supporting evidence, contrary to the assertion in the DAS, that Jellicoe’s vision would form a wider spread “suburban landscape” or be acceptable for residential development. The Cathedral landscape is shown by Jellicoe as mostly open, intact and undeveloped.
- 124.15 The undeveloped land surrounding the Cathedral, provides a break in the built environment and is designated as ‘Amenity Green Space’. Whilst this is privately owned, it has a public recreation value for walking and enjoying the spaces in the grounds and an amenity value as a ‘green collar’, viewpoints out to the town and countryside and tranquillity due to the undeveloped nature.
- 124.16 The open space of the southern slopes consists of two areas, the southern approach with its formal steps and defining Lodge Buildings at the street edge; and the east/west oriented slope above Alresford Road, separated from the western approach by a dense line of greenery. Any development in this area would be partly seen from various viewpoints on the main approach steps.
- 124.17 The hillside parallel to Alresford Road currently provides an attractive green link and movement route between the street hedgerow and upper level dense planting, it does not have the unique sense of a semi-wilderness space (as the Eastern Meadow), or particular views out towards the town centre.
- 124.18 Key application documents describe the site and its surroundings, provide detailed contextual appraisals and evaluate the landscape baseline and predicted impacts to landscape character and visual amenity. The Design and Access Statement (DAS) (October 2021) has a site analysis which consists of photographs (pages 30-47), two plans identifying ‘Constraints’ and ‘Opportunities’ (pages 48 and 49), neither of which particularly define spatial character; a heritage plan page 50 which includes the Maufe notes showing the Eastern Meadow as ‘Not to be built upon’; and at page 51, a summary plan which includes previous farm and hedgerow locations. The plans suggest that these have been done by different people without cross-referring information.

- 12419 The applicant's declaration of social aims to "reinforce a community spirit" by "encouraging community inter-action" (DAS page 123) "with the Cathedral at its heart" and the DAS section, "Cathedral Morphology" (page 77 - 79) reference to the situation and character of a number of English Cathedral sites appears to be an appropriate starting point for considering how to deliver development. Yet there is no analysis or interpretation of the deeper nature and character of these historic complexes, or of the adjacent Guildford neighbourhood and wider context. In this disconnection, the applicant fails to demonstrate the purpose of the references in the DAS. The National Design Guide (NDG) expect proposals to be explained as inspired, informed and conceptually or otherwise related in master plan and architectural design to the historic landmarks and local references offered by applicants.
- 12420 The information shown is limited, practical only and not interpreted in a way that could inform a successful design approach. An example is the following statements made on page 51: "The proposed layout is strongly influenced by the axial geometry of the Cathedral and the historic landscape.... the proposed public open space of the eastern meadow is proportionally aligned with the eastern elevation of the Cathedral." However, as subsequently agreed in the DAS Addendum, the Eastern Meadow is described as an organic, 'wilderness space' and therefore, a 'formal garden' approach to this would be inappropriate, however it is hard to see how this very strong and obvious organic quality has not been noted and experienced in the initial analysis and therefore retained as part of the proposals.
- 12421 The site is described in the DAS as a 'disconnected and inaccessible hillside' (page 89 and earlier) which is not factually correct. It is easily accessed by car (as part of the Maufe's vision), as well as by cycle or foot – with some effort to ascend the hills – and is a well-used location in its context. This DAS assumption clearly informs a mistaken design approach at the outset.
- 12422 The Town Centre Views SPD describes the Cathedral as a 'Landmark Legacy building'. To the immediate east of the Cathedral are a series of three open spaces, enclosed to the east by a tree belt, which runs north-south through the site. The memorial garden area has a contemplative quality is reinforced by the timber cross, the memorial tree to the British Expeditionary Force or "Contemptible Little Army" who fought in France and Belgium in 1914 and the signage requesting respect. The children's garden is visually screened. There is some pedestrian activity although the visual presence of the Cathedral, the Lady Chapel and the wooden cross in particular is strong. The experience of the space is that it is intimate and calm.
- 12423 Beyond the tree belt to the east, the site opens out to an area of grassland, which forms the eastern crest of Stag Hill and affords views out to the surrounding countryside. This is accessed from the northern car park, from the pedestrian path through to the university, from the southern path alongside the Cathedral and up steps from Cathedral Close. It may well feel sheltered and enclosed, however, it is neither 'disconnected' nor 'inaccessible' and there are paths across the space. This is even stated in paragraph 5.15.4 of the Town Centre Views SPD.
- 12424 The eastern 'meadow' consists of two distinct spaces of different character. The first is

the relatively flat area of 'arrival' into the meadow area (from the west through the consecrated ground and children's garden) from where there is wide view, of more or less 270 degrees, providing a spatial experience of an informal 'wilderness' place surrounded by greenery. Some of the adjacent university buildings are apparent through the winter branches of trees, although these do not open onto or towards the space, nor do the lower but partly seen existing clergy houses. The focus of this space is the large free-standing oak tree to the east and the overall sense of the meadow is that of a secluded and 'semi-secret' field, albeit well-used by students, dog-walkers, moon-watchers and town-viewers.

12425 Moving south-east towards and past the large oak tree, the next distinct space opens up, providing clearer views towards the town centre to the south east. This area is smaller, contained by planting to the east boundary and to the clergy housing, then the land falls more steeply, creating a green 'apron' foreground to the views beyond. This is an attractive spot for experiencing views towards the town, the wider Surrey Hills AONB, the reflected sunset and a sense of being 'within, yet separate from' the immediate urban context.

12426 The viewpoint is of high value and in recognition of this, is one of the identified viewpoints (VP15) in the Town Centre Views SPD, as its elevated location provides a vantage point over the town centre where a number of landmark heritage assets and the town with the countryside beyond. There are long views out over Guildford to the south, where the open grassed ridgeline of the Surrey Hills AONB forms the skyline to the view beyond the edge of settlement. This location provides the clearest views as trees along the settlement edge and around the university screen views from the lower slopes.

12427 The eastern slopes below the meadow currently contain seven clergy houses set around the access lane Cathedral Close and sitting within relatively unmanaged but domestic planting. This area is an appropriate one for new buildings as long as the relevant impacts are understood and mitigated. The new buildings would occupy the space more densely, there would be a loss of greenery and open space, however as the 'open space' in this area is currently related to the residential buildings, it is not so much a loss of usable public space, but a visual loss of greenery in longer views from the south, east and west, as well as in closer views from the immediate south.

12428 The proposal, DAS page 120, records simple observations of the architecture and material of the brick Cathedral, including, "contrasting stone detail around doors and windows", "arched entrances and doorways", "simple flat topped tower", "low pitched roofs" and "vertically proportioned windows span the building height". Yet there is no deeper analysis, nor explanation of design that would interpret and relate these observations to inform the general arrangement, form and design expression of proposals.

12429 The existing landscape areas are tired, and the quality of these spaces is not commensurate with the importance of the Cathedral or it's setting. Soft landscaping areas include a parkland landscape of mown grass with groups of trees, wooded enclosure and naturalised boundaries. This has not been well managed and is

overgrown in part and has self-sown trees that obscure the view of the Cathedral from the town and closer viewpoints. The hard landscape areas comprise concrete slab paving, concrete paths, access roads and tarmacadam surface parking.

124.30 In landscape terms, the DAS does not refer to any characteristics of the landscape character as set out in National, County and Local appraisals. The Landscape and Visual Appraisal (LVA) (December 2022) refers to the Guildford Town Centre Views SPD, Surrey Landscape Character Assessment and Guildford Landscape Character Assessment (GLCA). The weak link between these documents calls into question the extent to which the detailed appraisal has informed the design development, given the thorough work which has been carried out in the LVA. Especially because of the views out from the site and the wider views from where the Cathedral can be seen including the countryside.

124.31 The site is part of the western expansion of Guildford after WW2, this was developed as a suburban area and the surrounding housing typifies this grain. So, despite land being developed by the Cathedral or sold onto third parties the parkland setting has endured as a landmark building with green spaces.

124.32 The physical townscape has been influenced by the undulating topography of claylands and chalk areas influences the grid of roads, which are arranged to be perpendicular to the slopes or to run along the contours. The street framed views from these slopes focus from the east-west streets off Woodbridge Road across Surrey County Cricket Ground and from the north-south streets off Farnham Road, there is currently a visual connection between the Cathedral and the open space on Stag Hill. Other key views in the GLCA are from Guildford Park/Onslow Village (8A) towards the centre of Guildford and the Cathedral on Stag Hill which has a strong visual relationship. The view from Stoughton Road and Oak Tree Drive, Bellfields to the Cathedral and from Oak Tree Drive to the North Downs and panoramic views from Bright Hill and Pewley Hill.

124.33 The key architectural and historic interest of the Cathedral are:

- its intentionally designed visual prominence relying on mass, proportion and silhouette in addition to the elevated site;
- the originally simple landscape treatment based upon two formal approaches;
- the architectural power of the simple silhouette, bold massing and confidently handled, carefully considered, volumes; and
- the architectural drama of the open, western approach up Stag Hill.

124.34 The key aspects that contribute positively to architectural significance and the ability to appreciate the architectural and historic interest which form part of the setting of the Cathedral and to its significance are:

- Arrival sequences – car and pedestrian - both formally aligned with axial entrances;
- Division between formal and informal character of the landscape with a dividing line along the crossing point of the Cathedral;

- The informal setting to the east - responding to the ecclesiastic norm and maintaining a deliberately open character as a response to the intended visual relationship with the topography of the town; and
- The open nature of the western approaches with the Cathedral purposely originally designed as stand-alone without ancillary structures (of necessity in part) because at the time of the competition the diocese didn't own land to North or South.

124.35 These are the elements of the setting of the Cathedral that need to be managed:

- Retain and enhance pedestrian routes - east-west between the new development and existing dense planting and adding clear and attractive routes from the south into the Cathedral green spaces;
- Views towards the Cathedral and green spaces should be maintained;
- Views from the wider setting which enable an understanding of the reasons for the deliberate decision to place the Cathedral at what was then the edge of Guildford with the elevated topography enabling a visual and symbolic prominence across the town should be maintained; and
- The remaining informal semi-rural setting of the southern slopes extending down to Alresford Road and Ridgeway, illustrating the edge of town location of the Cathedral and retaining the remnants of the original character of the site require sensitive management.

Identity

124.36 'Identity' concerns the ways in which "buildings, streets and spaces, landscape and infrastructure combine together and how people experience them". This is stated at Paragraph 50 of the NDG which also observes that well-designed places, buildings and spaces have; a positive and coherent identity that everyone can relate with; have character that suits the context, its history, how we live today and in the future; and are visually attractive in order to delight their occupants and users.

124.37 The Cathedral was designed by Sir Edward Maufe he also built for banks, Oxbridge colleges, the Inns of Court, and the Commonwealth War Graves Commission including designing the Runnymede Air Forces Memorial.

124.38 The design of the Cathedral fused the historic example of the great English Cathedrals with a sense of modernity, which was part of Maufe's intention. The external appearance relied on mass, volume, and line rather than on the elaboration and ornament of the historic Gothic style. His chosen materials included pink/grey long and thin Roman type brick and stone, and reinforced concrete which eliminated the need for horizontal thrusts of vaults and arches supported on piers and walls. Reinforced concrete also added a fireproof element to the construction. The simplicity respects Gothic architecture and is infused with Scandinavian influences. The land around the slopes is a parkland, with tree planting, hedges, mown grass and paths formed along both desire lines and more formally with laid footways.

124.39 It should also be noted that Maufe's plan of 1954 (DAS page 48) includes a statement

on most of the Eastern Meadow area, saying: 'Not to be built upon'. While times and needs have changed, that is a strong indication that Maufe saw the Eastern Meadow as a space for openness and contemplation of the town in the view, rather than a space that would be absorbed into the town.

- 12440 It was listed in 1981 as Grade II*, so is in the top circa. 8% of listed buildings in the country. It was designed as a landmark building that could be seen from miles around as a symbol of the mission of the Guildford Diocese newly formed in 1927. When this was formed from part of the ancient Diocese of Winchester the historic diocese included most of Surrey and North East Hants, and touched on West Sussex and Outer London. The creation of a new diocese was in response to the growing population in the south east in the early part of the C20th.
- 12441 The topography of the Cathedral site slopes away steeply to the east and south. Scholars Close as a development is less distinctive, more generic in terms of design and more screened. To the south-east, on the mid and lower slopes, is a dispersed cluster of seven buildings associated with Cathedral Close, which sit within large plots, are treed and contain well established vegetation. From Ridgmont and Alresford Road the overgrown trees and hedgerows are the predominant feature. However, from longer range views, including from the Castle Motte and The Mount the distinctive green roof of the main dwellings can be seen. In these locations those enjoying these views will dwell and the green roofs are more apparent in the winter.
- 12442 The long-range views of the Cathedral from the surrounding town and countryside reinforce appreciation of it as a monumental structure with a strong silhouette. Whilst the lack of management of the tree growth has obscured some of the views over time, the predominantly open, green space allows for the building to be seen in its own context, quite separate from the historic town.
- 12443 The Cathedral's intangible associations with its surroundings and patterns of use add to an understanding and appreciation of its historic significance and, unless they can be physically experienced, development is unlikely to erode them. The intangible associations include those with the University of Surrey which is on land sold by the Cathedral in 1960s. Associations exist with other Onslow land including in particular Onslow Village which was an immediately pre-existing garden city expansion of the town. Pedestrian routes cross the Cathedral site from north to south physically linking both of these areas in a manner not originally envisaged by the architect.
- 12444 The history of the Cathedral and the surrounding land is set out in pages 13-17 of the Design and Access Statement (DAS, October 2021). There is an intellectual association with the church of Holy Trinity which acted as the proto-Cathedral until the present building could be built, that adds to the historic interest of both assets. The tangible representation of this connection between the two is represented by views from the eastern field on Stag Hill. There is also both an historic association with the existing clergy housing in Cathedral Close and a tangible element of the functional connection with the private approach from the south east and up the hill. Intangible associations between the ex-Prime Minister of Canada following his donation are recorded by a ledger stone on the Cathedral itself. There are also the associations with

the architect of the Cathedral, Edward Maufe and his role as architect to the Imperial War Graves Commission and the community relationship through the 'Buy-a-Brick' campaign to raise funds to which almost every schoolchild in Surrey contributed.

- 12445 Whilst privately owned the site is publicly accessible, there is a pedestrian access to the university campus along the northern boundary just beyond the car park, a footpath down through Cathedral Close. In addition to this there are informal access points through the hedgerow to desire lines across the parkland. The site has a degree of permeability as routes cross the site and provide shorter and direct routes to facilities in the town from the university for daily use. It is also a popular walking destination for those in the vicinity including dog walkers, those with young children and many others. This made it particularly popular during the COVID-19 pandemic lockdowns.
- 12446 Pages 48-49 of the DAS (October 2021) have the constraints and opportunities plans, the plan at this early stage has identified a number of higher-grade category 'A' and 'B' trees to be removed on the southern slopes, seeks to retain some groups of tree buffers and not others without much detailed justification. This then goes on to only recognise the east-west building lines not the north-south building lines, only identifies two views out from the Cathedral site and does not account for others inside and along the site boundaries looking in. As a site on a hill in a prominent location further investigation of the constraints and opportunities would have better informed the initial masterplanning work for the proposed scheme. This does not appear to have been influenced by the work in the LVA (December 2022) as the DAS addendum (December 2022) has no update to this.
- 12447 Returning to considerations of policy the context and identity of the site suggest this is a very special and unique place and any development needs to be very sensitive to strike the right balance in providing a high-quality sense of place whilst preserving the setting of the Cathedral as a heritage asset, its wider setting and the enjoyment of the informal grounds. The site allocation for approximately 100 new homes would have led to the change in character as there would be a change in the grain, scale and form of buildings built on the site compared to surrounding suburban, residential development and therefore, how the site would be experienced by those using the open spaces. However, this always has to be balanced with any public benefits and achieving the site allocation policy requirements. The topography of the site and architecture of the Cathedral offers bespoke opportunities for innovation and individuality. This has been paramount for the Council in guiding discussions and seeking to secure improvements to the proposals with the applicant, and in particular, in respect of identifying appropriate design parameters.
- 12448 The amended plans are a response to some of the matters such as building lines, maintaining a tranquillity in the Eastern Meadows, retaining views outwards as much of possible and reducing the impact of the scale and mass of the buildings.
- 12449 Overall, it is concluded that the development following the amendment has not fully taken account of the local context and identity of the site and surrounding areas to provide a sensitive and informed design response that would enhance the surrounding area through the landscape approach and provide an attractive and distinctive built

form. Accordingly, the application would fail to comply with policy D1 of the LPSS, policy D4 of the LPDMP, policies G1 and G5 of the saved Local Plan 2003, and Chapter 12 of the NPPF.

125 Slope stability and engineering solution

1251 The suitability for developing the site, considering the ground conditions and risks from land instability, is required to be addressed with site investigation information and there is an onus on the developer to deliver a safe site under paragraphs 183-184 of the NPPF. The PPG states the planning system has an important role in considering land stability and sets out the issues to be considered and include in a slope stability risk assessment report and land stability risk assessment report at paragraphs: 007 Reference ID: 45-007-20140306 and 008 Reference ID: 45-008-20140306.

1252 The proposed development would require significant reprofiling of the slopes with areas of cut and fill as it is not proposed to import any additional inert material for the work. The homes on the Eastern Meadows and Western Parcel would work more with the slope however, engineering would still be required even with the stepped house designs for the gardens and to set the buildings down. The Eastern Slopes would involve a more comprehensive change with distinct levels for the buildings and roads, including a podium level.

1253 The applicant has submitted Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report, Flood Risk Assessment (FRA), Preliminary Slope Stability Assessment and Summary Technical Appraisal prepared between July 2014 to January 2017. This was all then reviewed by Geo-Environmental who produced the technical note dated 25.02.2022.

1254 The investigative works carried out included desk top studies, exploratory holes, testing to inform a preliminary slope stability assessment, some modelling of slope angles and soil sampling and testing.

1255 Stag Hill has slope angles that range from 6 degrees to 20 degrees and the proposed development would take place downslope. The ground conditions comprise predominantly clay and landslides were checked and identified outside the site boundary, although there could be unrecorded landslides.

1256 Current drainage measures are limited and water drains down the slope and pools at the bottom resulting in boggy conditions in the winter. Attenuation with on-site storage crates has been proposed, however, this would require measures to prevent storm water leaking in around the edges, which in the long term could increase the risk.

1257 Due to the ground conditions, piled foundations would be required with suspended ground floor slabs and the identification of numerous sub-horizontal to horizontal shear planes which could lead to landslides. This would require further technical assessment for the construction phase and final design of the development.

1258 The slope stability assessment found that the current slopes were the 'maximum safe

angle' and further steepening would lead to instability. Additional modelling and detailed stability analysis would be required. It also found that to ensure that the development was not compromised, the water table needed to be lowered as this would improve stability.

1259 Ground anchors are being considered, which would require ground water management to be installed at the construction phase. A consequence of this would be deeper cut backs for the foundations and retaining structures. This would have the benefit of improving stability at an earlier stage, reducing the need for as many temporary supports.

125.10 The next stage of investigation and assessment would comprise the following, which could be secured by planning condition:

- trial pits;
- deep boreholes with dual monitoring well installations and groundwater monitoring;
- geotechnical laboratory testing to inform the assessment for and design of foundations, roads, retaining walls, slope stability and buried concrete;
- soil sample testing;
- slope stability modelling; and
- Ground Investigation Report

125.11 Further clarification was sought from the applicant including matters raised by Friends of Stag Hill (FOSH), and they submitted 'Response to Additional Slope Stability Comments – August 2022' on 04.08.2022, in summary:

- Mitigation measures including the detailed design details can be secured by a pre-commencement condition;
- The recommendations would be taken forward to ensure the submitted scheme would be delivered and any amendments following the detailed design would be the subject to further consideration and approval;
- Tree removal would include retaining structures or mitigation where it is necessary to ensure no impact on slope stability or in a phased way;
- Likely that retaining walls would be put in on a permanent basis to avoid unnecessary temporary ground works;
- Two dew ponds at the bottom of the southern slope rather than on the slopes due to the steep slope;
- Surface water would discharge to the greenfield rate, which is an improvement on the existing situation;
- Ground water flooding risks would be reduced by a reduction in impermeable area and onsite storage;
- Collaboration between architects, landscape architects, heritage consultant, drainage engineers, lighting engineers, transport consultants, ecological consultants, arboricultural consultants, structural engineers, MEP engineers, civil engineers including geotechnical input, sustainability consultants and Vivid Homes;
- Compliance with the Construction (Design and Management) Regulations 2015 (CDM 2015) from the Health and Safety Executive;

- 125.12 The landscaping plans show that on the south-west side, the terracing would have predominately 70 degree gabion basket retaining walls to the rear gardens, extending to heights in excess of 3m. These walls are shown to employ ground anchors to enhance stability. The Western Parcel, in part follows the slopes of the existing site, other parts of this parcel would have terracing with solid retaining walls within the properties themselves, together with further gabion basket retaining walls.
- 125.13 All of the technical information was independently reviewed by Cooper & Withycombe, engineering consultants, they have confirmed that the work to date is comprehensive and the risks have been identified by the applicant, in accordance with the NPPF and PPG. The mitigation measures, further detailed design work and assessments are the next stage.
- 125.14 The proposed development would accord with the requirements in the NPPF and guidance in the PPG. The details submitted show that the initial investigative work has identified the risks to slope instability from the development and construction phase and has included necessary mitigation. It would be appropriate that additional intrusive site investigations as identified could suitably be secured by pre-commencement conditions. This would comply with policy P4 of the LPSS and policy P13 of the LPDMP to manage surface water and groundwater.
- 126 Access, highway safety and capacity
- 126.1 Paragraph 105 of the NPPF requires significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 111 explains that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 126.2 Paragraph 112 states development should give priority to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitate access to high quality public transport, with, inter alia, facilities that encourage public transport use. In allocating the site in the LPSS the sustainability of the location in terms of patterns of movement were regarded as acceptable in principle and policy A15 requires pedestrian connectivity to support this.
- 126.3 Policy ID3 of the LPSS says that new development will be expected to contribute to the delivery of an integrated, accessible and safe transport system, maximising the use of sustainable transport modes, and establishing a set of steps for development to take into account in order to achieve this objective. The Sustainable Movement Corridor (SMC) forms part of the Infrastructure Delivery Plan (IDP) so would provide priority pathway through the urban area of Guildford for buses, pedestrians and cyclists, linked by existing roads. Ridgemount and Alresford Road would be a part of the SMC.
- 126.4 Policy ID10 of the LPDMP seeks to facilitate the comprehensive cycle network and figure A2 shows that Ridgemount and Alresford Road are part of the primary route for

this and there would be a need to provide infrastructure to support this. Policy ID11 sits alongside the draft Parking SPD, for a balance between parking spaces, promoting sustainable alternatives and a more efficient use of land.

- 1265 A further document which is a material consideration is the Local Transport Plan (LTP4), 2022-2032 produced by the County Highways Authority (CHA). This identifies policy areas to deliver the CHA's objectives of 'avoid travel', 'shift travel mode' and 'improve energy and operational efficiency of travel', the latter covering 'efficient network management' as a policy area.
- 1266 A transport package suitable for the scale of development which focuses on provision of sustainable transport options for future occupiers is required. By providing access and infrastructure to support and encourage alternative modes of transport, thereby reducing the reliance on the private vehicle. Which in turn would manage car trips from this site onto the highway network and improve air quality.
- 1267 During the course of the application further matters were raised by the CHA in a letter dated 10.02.2023, regarding the provision of a car club, pedestrian safety, car parking space sizes, manoeuvrability, cycle storage and access and appliance access. The responses were provided from i-Transport in document, Ref: JCB/MS/ITL14217-011 TN dated 14.02.2023.

Access and internal road layout

- 1268 A transport assessment (TA) addendum 30.11.2022 has been prepared by i-Transport and submitted as part of the amended application scheme. The updated proposed access strategy for vehicles, cycles and pedestrians is described in the addendum and summarised below:
- A priority junction at the western end of Alresford Road, serving as an exit only for the Western Parcel of the site;
 - A more centrally located ingress for the western parcel;
 - The two-way priority junction at the Cathedral Close junction, which would serve the majority of the development; and
 - A private drive leading off the Cathedral upper car park (accessed via Stag Hill) to serve five homes for Cathedral staff.
 - An east-west cycle connection from Alresford Road through the site up to the eastern boundary with the university.

None of the roads in the site would be offered for adoption to the CHA.

- 1269 Cathedral Close currently has a gradient of circa 1:8 and the proposal would have shallower gradients of 1:15 for the western access and 1:12 for the eastern access. These accesses would be shared use for cyclists and pedestrians and the Manual for Streets (MfS), ideally requires the gradient to be no more than 1:20, with point 6.3.27 of MfS further clarifying that 'topography and other circumstances may make this difficult to achieve'. This is the case here and all measures have been taken to make

this safe and useable and the challenges of the topography were known when the site was allocated.

- 126.10 As noted above, the Western Parcel would have a separate entry and exit meaning that vehicles would travel in one direction (west) through the parcel on a new road which would run parallel to Alresford Road. The entry would be close to Stag Hill and the exit would be adjacent to Benbrick Road. While the plans illustrate that the access through the Western Parcel would be of tarmac construction, the middle section would have a paved raised table which would slow traffic, this would also create a legible access into the small area of open space which is proposed. The CHA has raised no objections to this arrangement.
- 126.11 Pedestrian access to this parcel would be gained from Alresford Road or to the rear from the Cathedral grounds. A pavement would provide entry into the site. However, this would then give way to a shared space where pedestrians, vehicles and other road users would all navigate their way through. Given the low vehicle speeds on this part of the site, which could be controlled by the raised table in the middle, no objections are raised to this arrangement.
- 126.12 The access into the Eastern Slopes of the site would be taken from Ridgemount further to the west and the existing western Cathedral Close access would be closed and amended to a pedestrian access. This would be the only vehicular access into this part of the site and would be two-way. The road would be a backward C shape, wrapping around the perimeter of residential units. The road would end in a cul-de-sac to the north-east of Block K. Access into the underground parking area would also be accessed from this road, the entry to which would be located between Blocks A and B.
- 126.13 Pedestrians would access the Eastern Slopes either from Ridgemount via a pavement which would follow the same route as the access road, or the access point where Cathedral Close currently is. Pedestrians could also access this parcel from the existing gate to the north of Scholars Walk, via the university or from the west through Cathedral grounds. No objections have been raised by the CHA with regard to either the vehicular or pedestrian access arrangements into this parcel of the development.
- 126.14 The proposed five clergy housing units along the northern boundary of the site would be accessed through the existing Cathedral car park. Given the limited number of movements associated with these units, this arrangement is deemed to be acceptable. Pedestrian access to these units could be gained from Ridgemount through the largest parcel or via the Cathedral grounds or through the pedestrian gate to the north of Scholars Walk.
- 126.15 A number of third-party representations refer to an alternative vehicular access from Stag Hill, as this would then negate the need for new access points onto Alresford Road and Ridgemount and a resulting reduction in traffic. Firstly, it must be noted that the scheme refused under 15/P/02284 was not refused due to highways safety matters arising from the proposed access arrangements, which were also to be from Ridgemount and Alresford Road. That scheme generated a greater number of car trips, and the access arrangements were acceptable in terms of highways safety and

capacity. The proposed scheme has a lower number of trips (one-third less), so there would be highway capacity. The junctions have been designed with the CHA and have been the subject of a road safety audit, so are safe.

- 12616 Providing an access to all of the units through the Cathedral land from Stagg Hill would require significant land level changes to parts of the site very close to the Cathedral building. This in turn would, have a negative impact on the setting of the heritage asset. In addition to this, there would be further concerns regarding the removal of more trees, the loss of open space etc. As such, an access through the site serving all of the proposed residential units is not a suitable alternative.
- 12617 In terms of access for cyclists, the applicant proposes a route through the site which would link through the university (north of Scholars Walk), across the site and onto The Chase. From this route cyclists would be able to access the various parcels of the development, or otherwise, they could still be accessed from Ridgemount and Alresford Road. Even with the additional traffic flows on Alresford Road and Ridgemount this would continue to be lightly trafficked road with slow speeds due to the narrow width of the road The Sustainable Movement Corridor (SMC) along Alresford Road and Ridgemount would provide a safe and suitable route for the majority cyclists to cycle on the carriageway in accordance with relevance guidance including LTN1/20.

Highway safety and capacity

- 12618 The submitted TA (dated October 2021) has undertaken a detailed assessment of traffic generation which included manual classified counts (MCC) and queue length surveys undertaken on 12.09.2019, between the hours of 07:00-10:00 and 16:00-19:00. Automatic Travel Counts (ATC) surveys were also undertaken at a number of locations, between 05.09.2019 and 19 .09.2019.
- 12619 The baseline inputs were based on multi-modal trip rates for 30 private houses and 94 private flats, rather than taking the affordable homes into account (which generate fewer trips and the Cathedral housing which would generate no/ few trips as these would be live/work homes). Also, the current traffic levels were based on pre-COVID-19 pandemic data when there was less working from home, than there currently is. Therefore, the modelling would air on the side of caution, to account for a worst case scenario.
- 12620 The modelling was then carried out on the roundabouts at the A3, Guildford Park Road and priority junctions including Benbrick Road and The Chase. This was checked by the CHA and National Highways, who found the methodology and results were sound.
- 12621 An estimated 741 daily trips are expected. Based on mode shares derived from census data (reference table 3.3 of TA) 415 of these trips would be by train, bus, cycle or walking.
- 12622 In terms of vehicular movements, the existing traffic flows on Alresford Road and Ridgemount are approximately two vehicles per minute. Speed surveys show that most

vehicles travel below the 30mph speed limit. As such, it is a lightly trafficked and slow speed route without any existing highways safety issue. The proposed vehicle trip rates have been provided at table 6.3 of the original TA. Traffic generated from the development would result in approximately 20 vehicular movements per hour (vph) on Alresford Road and Ridgemount, which is one vehicle every three minutes. This level of increase would not be noticeable. It would also ensure that the SMC along Alresford Road and Ridgemount would remain safe for cyclists to use the carriageway.

- 12623 The previously refused planning application, 15/P/02284, which proposed 134 dwellings would have seen a higher increase of vehicle trips associated with the site as there were more houses than flats, so resulted in 60-70 vehicles per hour at the morning and evening peak times. The current scheme would see a decrease in vehicle movements when compared to the 2015 application, with an expected 40 vehicles per hour only at peak times (see table 6.4, TA October 2021).
- 12624 The increase in vehicle movements would not have an adverse impact on the highway network as there would be satisfactory capacity to accommodate this.

Sustainable transport

- 12625 The proposed development is located in a sustainable location, as shown in the submitted site accessibility plan referenced ITB14217 Figure 5.1 (TA October 2021) prepared by i-Transport. The site benefits from access to alternative modes of transport to the private vehicle, including public bus routes. The University of Surrey, Guildford Cathedral, Royal Surrey County Hospital, and Guildford town centre are easily within walking / cycling distance of the site. Guildford railway station is easily accessible offering future occupiers with sustainable links further afield. A Framework Travel Plan (FTP) has been prepared (ref: JCB/MS/ITL14217-003D). This sets out a strategy to facilitate and encourage travel by walking, cycling and public transport. The FTP has been prepared in accordance with SCC's Travel Plan Guidance and would help ensure that residents take up opportunities for sustainable travel.
- 12626 A number of amendments have been made during the course of the application to improve on-site cycle infrastructure, for ease of access to cycles and cycle storage, as well as the need for larger / increased storage for adaptive and other cycle parking (i.e. trailer bikes, cargo bikes and disabled cycles). The amendments to the scheme include reducing the number of doors between buildings and cycle stores, electric doors to cycle stores, Sheffield stands with better clearance, level access to cycle stores with appropriate signage provided and space for charging e-bikes. The TA Addendum (reference ITL14217-008A, 30.11.2022) provides this updated cycle scheme. The scheme would include two-tier bike racks, to ensure that these are useable, a condition to require these to be of an assisted design, would be appropriate.
- 12627 There would be a stepped access particularly on the Eastern Slopes which would be harder to negotiate for those with mobility issues or differing abilities. The response to highways matters from i-Transport dated 14.02.2023, states that lifts would not be possible, however, the accessible homes are on the ground floor and the shallower gradients are available, just on a longer route. It would be beneficial to see ramps along

the stairs to make the site easier to travel through. This could be secured by condition.

12628 Along with the enhancement to cycle parking provision and improved access to bikes, the latest amendments to the scheme have introduced an east-west cycle connection from Alresford Road to the eastern boundary, which seeks to enable a future link across university land towards Yorkie’s Bridge. A technical note ‘Cycle Route Contribution Calculations’ referenced ITL14217 and dated 20.02.2023 proposes a financial contribution of £130,632.00 via Section 106 agreement, towards the implementation of a new direct cycle route through the University of Surrey land between the application site and Yorkie’s Bridge.

12629 In line with County’s Vehicular and Cycle Parking guidance and policy ID11 of the LPDMP, homes would be provided with electric vehicle fast-charging points which would provide a sustainable mode of travel to / from the site. Additionally, the provision of e-bike charging points within the site would allow residents and visitors to travel to the site by a sustainable mode of travel. Given the topography of the area and the increased popularity of e-bikes, charging points would further encourage this mode of travel and would reflect the objectives of Surrey County Council’s Local Transport Plan (LTP4) 2022 and could be secured by condition.

12630 The proposal includes for the provision of two designated electric vehicle car club spaces and associated charging equipment within the site, as well as free membership of the car club for two years for each household. Both of which have been negotiated as part of discussions with the CHA and would be secured through a S106 legal agreement.

12631 The FTP has a provision for sustainable travel vouchers of £150 for the first resident of each household which, could be put towards either a season ticket or cycles / cycling equipment, as the residents prefer. The FTP would be secured by condition and the monitoring cost would be required as a S106 legal agreement.

Parking provision

12632 The site is outside the ‘Guildford Town Centre’ boundary set out on the Policies Map of the LPSS and ‘suburban’ areas are defined as areas outside the town centre. This site is therefore, ‘suburban’ for the purposes of the parking requirements.

12633 The parking requirement in the draft Parking SPD (2022) and Surrey CC guidance are as follows (table 1):

	<u>GBC Draft SPD (2022)</u>	<u>Surrey CC guidance</u>
1 bed	1x 23 = 23	1x 23 = 23
2 bed	1x 66 = 66	1x 66 = 66
3+ bed	1.5x 35 = 52.5	2x 35 = 70
Visitor spaces		
Car club spaces		1
TOTAL	141.5	160

12634 The proposal would provide 159 spaces:

- 1x spaces per flat = 95
- 2x spaces per house = 60
- 2x visitor spaces = 2
- 2x car club spaces = 2

The car club spaces were agreed late in the determination process and therefore, the spaces are not shown on the submitted plans, and are undefined. Therefore, a condition would be required for details of these two spaces.

12635 The proposed provision of 159 car parking spaces, would be one space below the County guidance, which is a maximum standard and exceed the draft SPD by 17.5 spaces. The draft SPD (2022) proposes a lower maximum standard than the County guidance. Therefore, as the sustainable measures are not all in place a greater provision closer aligned with the County guidance would be suitable in this instance.

12636 The parking would be arranged as follows (table 2):

	On-plot	Garage	On street	Podium	Off-plot	Undefined
Total	43	7	33	66	8	2

Spaces would be provided in next to entrances, not visible from the road in the podium level, along the road side in a more traditional manner and in a parking court for the clergy housing.

12637 In the event, that the seven garages were not used for car parking, the remaining onsite parking provision of 150 spaces (excluding the car club spaces) would still be adequate and exceed the requirements in the SPD. Given, that this would result in the loss of a space for the houses, which would continue to have at least one other space and access to the onsite car club and sustainable transport measures. This would provide alternatives to the two car households, for a modal shift and to have only one car in the household.

12638 Most of the houses would have on-plot parking for short carrying distances, any on-street parking would be very close and was done to provide gaps, open spaces and account for the topography. The flats would have podium car parking accessible by stair cores or the ramps on foot, this would be secure and covered, whilst serving to accommodate the car parking in a more discrete way to ensure the scheme would not be parking dominated. The on-street parking would follow typical urban on-street spaces on the road in front of homes. For the urban grain on the Eastern Slopes this would be acceptable. There would be three spaces on the slope and further for the apartments, whilst this would not be ideal, as this would serve the flats which are less likely to be occupied by families this would be satisfactory in this instance.

12639 Details were requested for the turning for the parking spaces in the south-west corner of the Eastern Slopes and the undercroft parking spaces at the end of the parking aisles. The swept paths at Appendix B in the i-Transport response dated 14.02.2023 confirm that vehicles can enter and exit parking spaces in forward gear. Whilst this

would require multiple manoeuvres, given this would be in an undercroft area and not on the public highway, this would not pose a highway safety risk. This also accords with Manual for Streets guidance (ref: paragraph 8.5.53), “Where space is limited it may not be possible to provide for vehicles to get into the spaces in one movement. Some back and fore manoeuvring may be required. This is likely to be acceptable where traffic volumes and speeds are low.”

- 12640 It is noted that residents have raised concerns about overspill parking into the surrounding area. An overnight parking survey was carried out on 17.09.2019 (during term-time) and is in the Appendix E of the TA (October 2021), and on the surrounding roads the current level of on street parking was an average of 9% of available spaces being used, therefore, this is currently not an area experiencing parking congestion. Even if at times on street car parking does take place there is capacity and no evidence has been produced to contradict the parking survey.
- 12641 It is noted that the surrounding roads all include controlled parking zones (CPZs) and as the Council’s Parking Team are responsible for managing the CPZs, they have the authority to decline parking permits for owners/ occupiers of the proposed development on these surrounding roads. As such, this would prevent overspill parking and new residents using existing on-street parking spaces.
- 12642 Discussions have been held with Guilford Borough Council's Parking Team regarding the proposed on-street parking amendments. The Parking Team have confirmed that the loss of parking is to be reallocated and the disabled bay is being retained and, as such, are comfortable with the proposals. The passing places are being reduced from 15m to 10m but based on the number of bays being reduced this is considered reasonable.
- 12643 Car parking spaces should be a minimum of 2.4m by 4.8m. The proposed parking spaces measure 2.4m x 4.8m in accordance with the SPD.
- 12644 Disabled parking spaces should measure 5.0m x 3.6m. A total of 6 disabled parking bays are provided in the podium car park. The response to highways matters from i-Transport dated 14.02.2023, states that the effective length of all spaces is 5m because there is a 0.2m buffer between the parking space and wall. The disabled bays have a 1.2m hatched strip to facilitate access, and therefore provide a width of 3.6m. Two of the disabled spaces share a hatched stop, however, this is considered acceptable by the CHA and in accordance with Traffic Advisory Leaflet 5/95, Figure 4.
- 12645 The cycle parking requirement in the draft Parking SPD (2022) and Surrey CC guidance are as follows (table 3):

	<u>GBC Draft SPD (2022)</u>	<u>Surrey CC guidance</u>
1 bed flat	1x 23 = 23	1x 23 = 23
2 bed flat	1x 66 = 66	1x 66 = 66
3 bed flat/house	2x 14 = 28	2x 35 = 70
4+ bed house	2.5x 21 = 52.5	
TOTAL	169.5	159

12646 The proposal would provide 192 cycle parking spaces as follows (table 4):

	Level 00 (Podium)	Level 01	Level 02	Shed/ garages	Visitor
Total	68	28	8	60	28

12647 Excluding the visitor spaces there would be 164 spaces for the new homes, with one space for the apartments and two spaces for the houses in shed/garages. This would be between the two requirements and the provision of spaces for eight cargo bikes distributed in the bikes stores for the apartments would be a welcome addition to support using bikes for shopping trips etc. This would ensure that all the occupiers would have access to secure and covered cycle storage. No details of garden storage have been provided, so this shall be required by condition to ensure that this would be covered and secure.

12648 The details of the cycle parking including arrangements for accessing the cycle stores on the Eastern Slopes is provided at paragraphs 3.6.4 – 3.6.9 of the TA Addendum (30.11.2022). The stores would be close to entrances for ease of use and natural surveillance. The maximum number of doors the user would have go through would be two and all cycle stores are to be fitted with automatic doors / shutters as appropriate, have level access and 1.8m aisles to support ease of use. There would be two tier racks to maximise space, however, these can discourage use, so a condition for assisted two tier racks would be appropriate.

12649 In addition to this, there would be 28 visitor, Sheffield stands, in three locations around the Eastern Slopes. Whilst these would not be covered, as they would not be for overnight and longer-term use this would be acceptable and enable visitors to have sustainable travel options as well.

Off-site Highway Improvement Works

12650 Along with the enhancement to cycle parking provision and improved access to bikes, the latest amendments to the scheme have introduced an east-west cycle connection from Alresford Road to the eastern boundary, which seeks to enable a future link across university land towards Yorkie’s Bridge. A technical note ‘Cycle Route Contribution Calculations’ referenced ITL14217 and dated 20.02.2023 proposes a financial contribution of £130,632.00 via Section 106 agreement, towards the implementation of a new direct cycle route through the University of Surrey land between the application site and Yorkie’s Bridge.

12651 In terms of the improvements to the wider highway network it is noted that the CHA has requested contributions towards a number of projects. These include an improved crossing point at The Chase/St Johns to provide a safer route for pedestrians travelling to/from the site. The enhancement and improvement of two nearby bus stops in vicinity of the site, to include bus stop poles, accessible kerbing, timetable cases, bus shelters and the provision of RTPI (Real Time Passenger Information) displays would encourage travel by public transport rather than use of the private motor vehicle. The

contribution of £40,000 would go towards measures to prevent rat-running on adjoining roads by any vehicles accessing the new development. The contribution of £7,000 would go towards speed survey studies in the vicinity of the site which would allow for the exploration of further 20mph speed limit reductions in other roads close to the site. The improvements to Footpath 6 would give future occupiers an alternative route to the town centre or university.

- 12652 It is not considered that the development would have a severe impact on the Sustainable Movement Corridor (SMC). The proposed 20mph speed limit would also go towards a safer street environment. In addition to this, a number of S106 contributions could be secured which would provide a number of highway improvements within the vicinity of the site.

Refuse strategy

- 12653 I-Transport produced a Waste Collection Strategy Note (ref: JCB/BB/ITL14217-010A TN, dated 18.01.2023) drawing references ITB14217-GA-033 Rev B and 37 Rev B show a swept path analysis based on a large refuse. There would be satisfactory waste storage within 5m of the kerbside for houses on the Western Parcel, For the remaining homes, the bins could be taken to the kerbside along hardstanding routes to the access road during collection and only the bins from Blocks J/K and I (the Cathedral Block) would require a refuse collection point, to be used by the management company on collection days. The Cathedral homes would be serviced under a commercial collection arrangement and further details of this could be secured by condition. Operational and Technical Services (Waste and Recycling Team) have raised no objection to the refuse strategy, as it responds positively to previous concerns that were raised.

- 12654 It is noted that the Friends of Stag Hill (FOSH) have submitted a highways technical note (dated 07.04.2022) prepared by Motion (a highways consultancy). Responses are provided below, including comments from the CHA:

- Parking – the shortfall would be against the 2006 Parking SPD's maximum parking standard. Although this would be acceptable due to the sustainable location and the package of sustainable transport measures
- Gradient - Cathedral Close currently has a gradient of circa 1:8 and the proposal would provide a betterment on this with gradients of 1:15 for the western access and 1:12 for the eastern access. To be in accordance with Manual for Streets (MfS), pedestrian and cycle routes should ideally be no more than 1:20, with point 6.3.27 of MfS further clarifying that 'topography and other circumstances may make this difficult to achieve'.
- Impact on SMC – existing traffic flows on Alresford Road and Ridgemount are a maximum of around two vehicles per minute with low speeds, (assisted by its narrowness), so it is lightly trafficked with slow moving vehicles. The proposed development would result in one vehicle movement every three minutes at the peak hours and disperse north and south. This level of increase would not be significant. So the SMC route would remain safe and suitable for the majority of cyclists and so segregation would not be necessary. Notwithstanding this, a contribution of £40,000 is proposed towards improvements to local roads (which could be invested in measures

- to reduce rat-running)
- Alternative access from Stag Hill – a road built through the Cathedral land from the west this would require greater engineering due to the gradients and this would have associated impacts on the heritage asset, landscape, trees and open space. This would also depart from Maufe’s vision for the site and could have an impact on VP15 in the Town Centre Views SPD.

12655 Overall, it is considered that the proposal would not have a harmful impact on highway safety and capacity in the area and considering the comments received from the CHA the proposal is deemed to be acceptable in this regard. The proposed development would accord with the objectives of policy ID3 of the LPSS, policies ID10 and ID11 of the LPDMP and the NPPF. There would be a genuine choice of transport modes and there would not be a severe impact on highway safety, or the residual cumulative impacts on the road network.

127 Flooding and drainage

127.1 Paragraph 167 of the NPPF requires that development should not increase flood risk elsewhere and at paragraph 169 major schemes should incorporate sustainable drainage systems (SuDS). In accordance with these requirements, policy P4 of the LPSS requires that development proposals demonstrate that land drainage will be adequate and not result in an increase in surface water run-off. Emerging LPDMP policy P13 deals with sustainable surface water management and sets out the requirements for all development, including major schemes. Development proposals are required to follow the discharge hierarchy and prioritise the use of Natural Flood Management (NFM) and Sustainable Drainage Systems (SuDS).

1272 An updated Flood Risk Assessment (FRA) and Surface Water Drainage Strategy prepared by RSK has been provided following amendments to the scheme, document reference 680783-R1(0)-FRA (revision 2) dated November 2022.

1273 Geotechnical investigations were undertaken at the application site in July 2014 and October 2015, as part of a previous planning application for the site. The reports submitted with the current application, follows the findings of those investigations. The key points related to flood risk are noted at paragraph 2.1.5.2 of the FRA.

Flooding and the main watercourse

1274 The Environment Agency (EA) responsible for publishing flood zone map, shows that the site lies within Flood Zone 1, land assessed as having a low flowing risk (less than 1 in 1,000 annual probability of flooding from rivers or the sea). The Strategic Flood Risk Assessment (SFRA) states that the primary source of flooding within Guildford is from fluvial (river) flooding from the River Wey and its tributaries.

1275 Fluvial flooding is likely to increase as a result of climate change. No model re-runs have been undertaken as part of this site-specific FRA, however, the impact upon the site should be negligible given its location within Flood Zone 1. The supplied EA data

represents the best available and up-to-date data for flood risk at the site. The overall risk of fluvial flooding is considered to be very low.

- 1276 The EA's surface water flood map shows that the site is at a 'very low' risk of flooding from surface water sources. The Surface Water Management Plan (SWMP) does not identify the site as within a surface water flooding hotspot.

Drainage

- 1277 There are areas at low risk (1 in 1000 years) of surface water flooding identified to the east of the lodge buildings and at the end of Alresford Road where it meets The Chase.
- 1278 The proposed development would lead to an increase in impermeable surfaces from roofs and hardstanding. Any increase in impermeable area, may lead to associated increase in surface water run-off rates and volumes, and has the potential to increase the downstream flood risk due to overloading of sewers, water courses, culverts and other drainage infrastructure.
- 1279 Given the steep topography of the site, development layout and existing root protection areas (RPAs), the applicant does not consider that the use of above-ground sustainable drainage features is achievable. From the information available from the site investigation, infiltration was also not considered by the applicant to be a viable option as part of the drainage strategy. After further clarification in the RSK letter dated 22.03.2022 the Lead Local Flood Authority (LLFA) are now satisfied with this conclusion.
- 127.10 Instead, the proposed drainage strategy for the site include a combination of permeable paving and attenuation including modular storage crates, which has been designed to provide sufficient attenuation to retain the 1 in 100 (plus 40% climate change event) while discharging at the agreed greenfield rates. The LLFA do not object to the proposal and request, should planning permission be granted, that conditions are applied to ensure that the approved scheme is properly implemented and maintained throughout the lifetime of the development. Thames Water have not raised any objection.

Groundwater

- 127.11 The SFRA states that groundwater flooding can be locally significant. However, the County wetspot database and EA flood risk incident databases do not attribute any recorded flooding incidents to groundwater.
- 127.12 Whilst the proposed development would not include full basements, there are extensive retaining walls that are integrated into new residential buildings and a podium level that are partially subterranean. These structures would interact with shallow perched groundwater, however, land drainage associated with these structures would minimise the impact on groundwater levels. The risk of flooding from this source is therefore considered to be very low. During construction, there is potential for changes to occur to the water quality and quantity within surface water and groundwater bodies.

However, through the effective implementation of a Construction Environmental Management Plan (CEMP) and early installation of surface water mitigation and ground anchors for slope stability, so that these temporary impacts would be mitigated against.

- 127.13 Due to the slope stability matters and engineering required, the management of groundwater is very important to ensure that over time this not compromised. The proposed water storage crates have the potential to be a source of this. Therefore, it would be appropriate to have a condition to required details of measures to reduce and eliminate leaks in and around the storage crates.
- 127.14 Chapter 14 of the NPPF requires that consideration be given both to risk to the site, and to risk elsewhere caused by the proposed development. Based on the understanding of the site setting and the proposed development, it would be constructed and operated safely and would not increase flood risk elsewhere. This is supported by the views of statutory consultees. The proposal would be in accordance with policy P4 of the LPSS, P13 of the emerging LPDMP and the NPPF.

128 Air Quality

- 128.1 Para. 181 of the NPPF requires opportunities to improve air quality or mitigate impacts should be identified. Policy ID3 at para 4.6.31 of the LPSS recognises that well-designed developments may actively help to enhance air quality and reduce overall emissions, therefore reducing possible health impacts. Policy P11 of the LPDMP, seeks for proposals to improve air quality and reduce the effects of poor air quality, not have adverse effects, include an Air Quality Assessment (AQA) with avoidance and mitigation measures as necessary.
- 128.2 The deterioration of air quality is intrinsically linked the use of fossil fuels and therefore traffic movements from the exhaust emissions and domestic heating associated with the building of new homes. Policy P11 takes forward the essential need for new development to avoid creating, or contributing to, poor air quality levels both within and outside the Borough boundary.
- 128.3 An AQA report has been submitted as part of this application, this has considered road traffic emissions during the operational stage of the development. The report is in accordance with the AQM guidance. The council's Environmental Health Officer has reviewed the data and is satisfied that the suitability of the site in terms of air quality and the impact of the development on surrounding receptors has been properly assessed. The AQA report concludes that the exposure to the named pollutants in both the new residential units and existing housing, is determined to be 'negligible'. The highest predicted increase for nitrogen dioxide at any existing receptor within the AQMA is 0.13 µg/m³. The annual mean objective level is 40 µg/m³.
- 128.4 In response to concerns raised by third parties and amenity groups, a supplementary Technical Note was submitted by the applicant dated 08.02.2023. The impact on air quality from construction traffic were reviewed and these were below the criteria set out by the Institute of Air Quality Management (IAQM), so were not included in the

report. This methodology was agreed by the Environmental Health Officer.

- 1285 The construction works would engender dust, and the impact has been assessed (although there are no formal standards or criteria for nuisance caused by deposited particles). Mitigation measure identified in the AQA follow best practice to manage this potential risk, further details could be secured as part of a condition for a Construction Environment Management Plan (CEMP).
- 1286 Delivery vehicles would have to use Alresford Road and Ridgemount Road. Existing traffic data from granted planning permission have been included in the modelling to see how this would change (the baseline data was from 2019 to ensure that the traffic levels were more representative compared to those in 2020-21 during the COVID-19 pandemic). The pollutant receptors along these roads have been predicted to be well below the air quality objective. So, there would be no adverse impact on human health.
- 1287 Whilst the Local Authority must be conscious of any development that affects air quality, the Environmental Health Officer is satisfied that the report has demonstrated that the site is being developed within the guidelines currently in place. Subject to the imposition of EV charging facilities to the required standard set by SCC, the development is reasonable in terms of air quality impact.
- 1288 Once the site is occupied there would be renewable energy sources to meet the energy demands. With no gas-fired boilers there would be no emissions.
- 1289 There would not be a materially harmful impact on air quality in accordance with Policy ID3 of the LPSS, Policy P11 of the LPDMP and the NPPF and conditions would mitigate and manage the impact from construction works and traffic movements.

129 Housing mix and type

Housing mix

- 1291 It is important to note that policy H1(1) of the LPSS is not intended to be applied in a prescriptive manner. It is a broad assessment of the needs required over the plan period and should be used to guide development proposals. However, in applying the mix consideration needs to be given to site specific matters, namely the site’s size, characteristics and location, which together would shape the appropriate mix on particular sites.

1292 Total housing mix (table 5):

<u>Total Housing mix</u>	<u>No.</u>	<u>SHMA % req</u>	<u>Provided %</u>
1 bed	23	20%	19%
2 bed	66	30%	53%
3 bed	14	35%	11%
4 bed	20	15%	17%
5 bed	1		
Total	124		

1293 Proposed market housing mix (table 6):

Market mix	No.	SHMA % req	Provided %
1 bed flat	2	10%	3.0%
2 bed flat	42	30%	62.7%
3 bed flat	4		
3 bed house	3	40%	10.4%
4 bed house	16	20%	23.9%
Total	67		
Houses	19	28%	
Flats	28	72%	

1294 Proposed affordable housing mix, including 13 Cathedral homes (table 7):

Affordable mix	No.	SHMA % req	Provided %
1 bed flat	21	40%	36.8%
2 bed flat	24	30%	42.1%
3 bed flat	1		
3 bed house	6	25%	12.3%
4 bed house	4		
5 bed house	1	5%	8.8%
Total	57		
Houses	11	19%	
Flats	46	81%	

1295 Four of the houses on the western parcel had a room above the ground floor and due to its size and location could also be used as bedrooms, rather than the stated used including lounges and studies. Therefore, this has been included as a bedroom and accounted for as in the revised schedule of accommodation provided by the applicant.

1296 Overall, the housing mix would comprise a greater mix of two bed homes and less three bed homes. This is mainly due to the apartments comprising 75% of the housing typology which tend to comprise smaller bed homes. As this site is in a sustainable location on the edge of the town centre this provision would be suitable

1297 Due to the replacement housing for Cathedral staff and lower density homes on the Eastern Meadows and Western Parcel there would be a greater proportion of four and one five bed homes, to be sensitive to the setting of the grade II* listed Cathedral. Given this context, the greater number of larger homes would be justified.

1298 There would be two, one bed market flats, when SHMA guidance suggests 20% so 6/7 one bed market homes. Whilst a greater number of smaller homes are expected to be delivered in these locations by the town and transport hubs. There would continue to be housing choice and so this would meet some of the demand for one bed flats.

Accessible homes

1299 Proposed accessible homes (table 8):

	1 Bed	2 Bed	3 Bed	4 Bed	Total	Req. policy H1(4)
Accessible M4 (2)	4	15			19	12.4
Adapted M4 (3)	2	4			6	6.2

129.10 H1(4) requires 15% of new residential development (on sites of 25 homes or more) to meet the Building Regulations ‘accessible and adaptable dwellings’ M4(2) or ‘wheelchair user dwellings’ M4(3) standard to help meet future housing stock needs identified accommodation needs. The proposal would meet this requirement with 5% M4(3) - within Building Regulations (6 homes) and exceed the 10% M4(2) - within Building Regulations (19 homes).

Affordable housing

129.11 46% of the homes proposed would comprise a form of affordable housing:

- 13 ‘keyworker’ homes tied to the Cathedral for staff and clergy
- 31 affordable rent homes – (70% of non-Cathedral staff homes)
- 13 shared ownership homes – (30% of non-Cathedral staff homes)

The affordable housing provision exceeds the requirement specified by Policy H2(2) of 40%.

There would be a 70%/30% split between affordable rent and shared ownership housing (excluding the Cathedral staff homes) as required by policy H2(4).

129.12 The Council’s Housing Development Lead is satisfied that the 13 homes to be made available by Cathedral staff are capable of being regarded as affordable housing, under the terms of Tied Housing, by the Church of England. This would support the Cathedral to attract and retain staff in modern, well-maintained accommodation.

129.13 The housing mix would depart slightly from the SHMA, however, no objection has been raised by the Council’s Housing Development Lead, as the scheme responds to the unique nature of the site and the housing opportunities.

129.14 There is a greater need for two-bedroom housing on this edge of town centre location than three-bedroom homes, so this would be acceptable, in this instance. Also, there are a greater number of larger four-bedroom homes, as these would replace the seven homes in Cathedral Close and there is a need for the Cathedral staff to have family homes with specific room requirements (including a separate space to see visitors).

129.15 It is recognised that a greater proportion of the overall affordable homes would be delivered as flats rather than houses. Consequently, result in clustering with a concentration of affordable housing on the Eastern Slopes. The housing type and clustering has been assessed by the Council’s Housing Development Lead. They have raised no objection and would deliver socially inclusive housing.

129.16 Policy H2 does not have a requirement for social rent (where rents are linked to local incomes, making these the most affordable homes as the rents are significantly lower than private rents). The proposal does not include any social rent homes and the

Council's Housing Development Lead has not identified a specific need on this site. This would require a subsidy from Homes England to deliver and as this funding is not in place and the proposal meets the requirements of the policy, it would be unreasonable to require that this is provided on this site.

Custom/self-build housing

12917 LPSS policy H1(9) states that on developments over 100 units 5% of the total homes shall be available for sale as self-build and custom housebuilding. In this case that would amount to 6.2 of the new homes to deliver a wide choice of accommodation.

12918 The applicant would not provide any self-build and custom homes, due to the sensitive nature of the site due to the heritage assets, topography and hilltop location. In this case, the lack of this form of housing, although contrary to policy, is acceptable as certainty is needed on the design and appearance of the buildings on this sensitive site.

First homes

12919 Policy H8 of the LPDMP has an expectation for discounted market sale housing, this would be for a minimum of 25% of affordable homes, where this could be provided.

12920 The applicant has stated that this has not been incorporated into the design and viability which have been in progress since 2019. They affirm that the shared ownership homes would provide an affordable option for those wanting to get on the property ladder.

12921 In this case, there would not be an adverse impact on the choice of affordable housing options, which would be in accordance with policy H2 of the LPSS. There is also the housing for Cathedral staff which comprises a number of larger bedroom homes, to meet their needs. The affordable house typologies on this scheme would be less suitable for first homes which, given the price cap, is more likely to comprise of one bed homes.

12922 This policy offers flexibility on the delivery of this form of discounted housing and in this case is not required to make the scheme acceptable.

12923 As a result, whilst not strictly complying with the SHMA, the overall mix and typology of homes would be appropriate given the location and provide a range of housing choices for this location given the sensitive setting. It is concluded that the application would meet the requirements of policies H1 and H2 of the LPSS and Chapter 5 of the NPPF. This affordable housing would be secured by way of a S106 legal agreement.

1210 Landscape and visual impact

1210.1 Paragraph 130 c) of the NPPF seeks to ensure that developments are "sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such

as increased densities).” At paragraph 174 the ways in which development should contribute to and enhance the natural and local environments are set out. Paragraph 176 is concerned with conserving and enhancing Areas of Outstanding Natural Beauty (AONBs).

- 12102 Policy D1(4) of the LPSS requires a response and reinforcement of landscape setting and paragraph 4.5.9 explains that “The relationship of the built environment to the landscape must be taken into account and the transition from urban to rural character will need to be reflected in the design of new development with the green approaches to settlements respected.” Policy D4(3) of the LPDMP requires proposals to respond to matters including views and natural features, then at paragraph 5.9 states that the use of Accurate Visual Representations (AVRs) and digital models are expected for this type of application.
- 12103 The Town Centre Views SPD identifies a number of important views, of particular relevance is viewpoint 15 (within the site) and viewpoints 3, 4, 6, 8 and 11 where the Cathedral is a landmark.
- 12104 The applicant has agreed viewpoints with the council and has produced a Vu.City model that has been reviewed.
- 12105 The site is not within a designated landscape and the area is underlain by the rural character area E1: Warnborough Wooded Rolling Claylands. There is a spine of green open space formed by the main A3 and its slip road physically links areas from the Cathedral, Stag Hill and the University of Surrey to the Royal Surrey County Hospital – this includes pedestrian links.
- 12106 The Landscape and Visual Appraisal (LVA) (December 2022) was updated and revised following feedback, this revised version has been reviewed. This has an assessment of landscape and townscape effects, visual effects and cumulative effect. This is based on 31 viewpoints comprising existing and proposed photomontages in summer and in winter.
- 12107 The Council have instructed an independent specialist (Hankinson Duckett Associates (HDA)) to review this and assess the likely significant impact on the surrounding townscape/landscape including the Surrey Hills Area of Outstanding Natural Beauty (AONB) to the south. They are satisfied that the LVA accurately described the baseline situation in terms of landscape character, features and existing visibility. The assessment of landscape and visual sensitivity is comprehensive.
- 12108 Six of the viewpoints used within the LVA and additional verified views correspond with ‘important views’, as set out within the SPD. These include (table 9):

<u>LVA viewpoint (VP)</u>	<u>Corresponding SPD viewpoint reference</u>	<u>Sensitivity assessment provided within the LVA for the viewpoint.</u>
13 PROW FP7	6	High (The Mount) / Medium (FP7)
15 Bright Hill	8	High
16 Pewley Hill	4	High

22 Stoke Park	3	High
25 Stag Hill (within the site)	15	Medium
17 Castle Motte	11	High

- 12109 The photomontage for VP11 (from Mountside), shows an improvement in distant views with successful mitigation. The use of climbing plants on the elevations of the apartment buildings would be a positive measure, as this would help to soften and break up the massing of the built form in distant views.
- 1210.10 The proposed development of the eastern meadows would be pulled back to the north and south. Development within this area remains sensitive to the existing landscape context and topography and would have residual adverse effects on one of the 'important views' (VP15) set out within the SPD; as reflected within the submitted LVA as Major adverse for visual receptor V11 (Stag Hill), which is considered to be significant. There would be harm to the views from Stag Hill, with the Major adverse effect stated, which is considered to be significant. The outlook from this location has been improved, however, not to the extent that it would change the assessment. In addition to this, the presence of domestic gardens and buildings in close proximity of this viewpoint, would change the way that it is experienced from an undeveloped informal space that lends itself to longer dwell times and a tranquil setting to one that would be afflicted by the domestic intrusion, with the associated lighting and noise as well as perceived and actual overlooking. This would cause this area to become a space that people would walk through quickly rather than spend time enjoying, greatly diminishing the value of this important viewpoint in the townscape.
- 1210.11 The assessment records a number of Moderate adverse landscape effects, with one Moderate / Major adverse effect regarding landscape receptor L2 – University of Surrey. Whilst this is accepted this has to be balanced with the potential benefits of the proposed reinstatement of the western avenue processional route (outside the site) on the character of L2. These proposals represent a benefit to the character of landscape receptor L2.
- 1210.12 Two further 'important views' (representative viewpoints 13 – footpath 7 from The Mount and 17 – castle motte) would experience Moderate Adverse effects as a result of the proposals. The reduction in some of the building heights to the south-west and addition of climbing plants would assist to maintain the 'green collar' surrounding the Cathedral. The assessment of Moderate beneficial effects for V4 – the Cathedral is agreed due to the tree planting proposed to the western approach.
- 1210.13 The assessment concludes that there would be Moderate adverse visual effects on views from the Mount (V8), within the Surrey Hills AONB as a result of the proposed development and that there are predicted Moderate adverse landscape effects on landscape receptor at the Chalk Ridge (L6), of the AONB. Both judgements are fair and proportionate and indicate that there would be adverse effects on the setting to the AONB as a result of the proposed development. The changes to the scheme have improved the mitigation with regards to the setting of the AONB.

1210.14 The submitted design would harm the landscape character and visual experience of the site to the east but would benefit the landscape character and visual amenity of the approach to the Cathedral to the west. The proposals would still result in Moderate adverse landscape and visual effects concerning the setting of the Surrey Hills AONB, as seen from the Mount (V8). However, the reduction in building heights and increased planting within the site would reduce the visual prominence of the proposals from the AONB and the proposals would continue to be seen in the context of existing development. Therefore, the harm would exist and has been mitigated as far as possible and this would be acceptable.

1210.15 The proposed lighting scheme shall be assessed below, however, the limited use of lighting columns would reduce the impact and ensure the Cathedral is the dominant feature. This is a site surrounded by the urban settlement and would be seen in that context. Therefore, this change in relationships would be acceptable, subject to a condition to ensure that suitable low-level lighting would be installed to respect the setting of the Cathedral.

1210.16 The proposed development, despite the amendments to the built form on the southern side of the Eastern Meadows would result in harm to an 'important view', viewpoint 15, Stag Hill (looking south east) as set out within the SPD in contravention with policy S3 of the LPSS, however the proposals would not block views of the Cathedral in line with policy A15(2). There would be benefits in terms of Green Infrastructure in line with Policy ID4. The proposed landscape scheme conforms with items 4-6 of policy A15.

1210.17 Therefore, the development on the Eastern Meadows would have a harmful impact on the outward view from viewpoint 15 in the Guildford Town Centre Views SPD and would fail to comply with the objectives of policy S3, D1(4) of the LPSS, policy D4(3) of the LPDMP and the NPPF. The proposals as submitted would have both adverse and beneficial effects on landscape character and visual amenity. The recorded residual landscape and visual harm should be considered within the overall planning balance for the scheme.

1211 Characteristic of well-designed places

1211.1 Local Plan Policy D1 requires new development to achieve high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set.

1211.2 Having regard to the NPPF at paragraph 124 it is necessary, in the context of making effective use of land to consider, inter alia, the desirability of maintaining the prevailing character and setting of the area or of promoting regeneration and change. The National Design Guide (NDG) is also a material consideration. The NDG uses ten different characteristics to illustrate the Government's priorities for well-designed places. These characteristics include understanding and responding to site's context and its identity or character.

1211.3 The scheme has been reviewed by Paul Fineberg (architect and urban designer, Paul Fineberg Architect), Amanda Reynolds (architect and urban designer, AR Urbanism)

and the Council's Principal Urban Design Officer. The assessment below is based on their comments of the proposals.

Design and Layout

Eastern meadow

- 12114 This is unique and important space that would be highly compromised by the proposed housing. To the north the proposed clergy housing redefines the northern edge of the wide viewpoint, reducing the size of the space significantly and 'domesticating' it with both windows and patios of the new houses that would overlook the meadow, as well as residential gardens backing onto the open area. The clergy housing would compromise the public use of this space, also adding light spill and removing the meadow's secluded qualities.
- 12115 This location of the clergy housing – the 'work/live' buildings of the Cathedral staff – accessed through a parking area and down a 'rural lane' seems completely inappropriate for their function. Expecting parishioners and other visitors to navigate through to the rear of the Cathedral to use the clergy's services, while other services are all located appropriately to the front as part of the western courtyard envisaged by Maufe. This would cause a conflict and confusion between the largely leisure reasons for most current visitors to the meadow with the work of the church.
- 12116 A more appropriate location for this work/live function would be adjacent to the northern Cathedral arrival area, along with the existing ancillary structures – preferably as part of a redevelopment of this area, or alternatively, along with the other clergy housing, as part of the overall residential proposal, perhaps in a distinct cloister grouping. It is acknowledged that this suggested northern area is not within the site allocation, it is within the control of the Cathedral and therefore should be considered as a potential location for Cathedral-related uses, including housing, particularly where there is a 'work' component as a part of the residential use.
- 12117 Of even greater impact on the Eastern Meadow area would be the proposed housing to its southern side - north of the new access lane to the flatted blocks. In views from the meadow, the homes would appear as two storeys, with the top floor partially within the roof space. The main living rooms and courtyard gardens would open out onto the meadow, forming a positive frontage. These houses would also back their gardens onto the meadow space, further reducing its publicly accessible area while also domesticating and privatising what would be left of the open space. A further aspect of the negative impact here would be the intrusion of these houses, along with the easternmost ends of the flatted blocks, into the south-eastern view towards the town centre. As can be seen in the LVA View Point 25 pages 198 to 202 looking towards the town from this position, the view would be highly compromised by the proposed houses and would completely lose its open, semi-rural qualities. Fewer people would be likely to use this area in the way it is currently used, and the new residents would be likely to feel a sense of intrusion if they did so, with the resultant tendency to add tall fencing around garden spaces, further detracting from the meadow qualities of the open space, through a potential default privatisation of this space through the

introduction of domestic buildings and gardens.

- 1211.8 The DAS rehearses the important relation and compatibility of public and private space, noting under “Cathedral Morphology”, contrasting principles of enclosure and openness of spatial layout of other Cathedral complexes (DAS, page 78). However, it then does not explain which aspect of these design principles are employed in the design of housing that would relate well to the Cathedral and the wider site situation. These principles are unexamined, and the resulting relationship and difference of use of the private houses positioned within the setting of the monumentally scaled public building is unconvincing.
- 1211.9 Currently the view to the east and south-east from the eastern meadows includes the silhouette/north elevation of the existing easternmost clergy house on Cathedral Close through some dense planting. This house is two storeys in height and although those proposed would also be this height from the meadow side, the proposal would bring the built form much higher up the hillside, intruding further into the field of view. The current view of the town centre looking east and south east from the eastern meadows, without housing defining it, would be unobtainable from anywhere near the oak tree and viewers would need to descend lower down the hill, towards the access lane, at which point the view starts to be obscured anyway by growth lower down the hill. The view and the magic that is experienced from seeing this vista would be lost.

Southern slopes

- 1211.10 The layout in this area would be somewhat confused to the north with two unrelated typologies sitting uncomfortably across the proposed access street from each other. The houses on the north side of the close would be poorly located given their impact on the meadow and views out. They are a different typology to the apartment blocks so, do not integrate as successfully and appear as an alien addition. The amended plan for this area reduces the number of houses although, this would not go far enough, nor does it consider the townscape character or cross-section of the street proposed in this area.
- 1211.11 Front door access to the houses and to the apartment blocks would be from the lane which circles the new blocks, rising up the hillside, with landscaped parallel parking along the apartment blocks frontage. The four northernmost houses (two, semi-detached blocks) are set back considerably from the street edge with parking spaces in front of them, while the terrace of three houses adjacent front the street more closely with both garages and parallel street parking provided. There appear to be pavements both sides of the overly generous carriageway. Overall, this approach creates a very poor townscape experience, with the lower parts of the route following the ‘semi-rural lane’ pattern of built form (apartment blocks) one side and hedgerows/planting on the other, while upon arrival at the upper level this would open out into an unnecessarily wide and car-dominated suburban street, which dominates the view towards the Cathedral (see CGI page 31, DAS Addendum).
- 1211.12 The other three houses, would be set further forward to the street, would have garages beneath and parallel parking in front of the block. These houses would have a more

appropriate relationship to the street in townscape terms, however as previously stated, they project too far east into the town centre view from the meadow above. The width of the close, building to building, is approximately 22.0m and 16.0m – 22.0m would be an overly wide space standard for the character of a minor lane to cul-de-sac. Consequently, the generous space could well attract informal car parking by visitors, residents who chose to not use their garages for parking and encourage additional car ownership.

- 1211.13 In this context, following the street cross-section pattern, dense planting should be added – a new hedgerow referencing the earlier one alongside the farm as noted on the summary plan (DAS page 51). This would also retain and enhance the meadow's secluded qualities.
- 1211.14 The top of the central steps between the apartment blocks should be an important point at which the visitor experience switches from ascending through a relatively enclosed, intimate, green and stepped townscape, into a more open public space with a dramatic 'arrival view' of the Cathedral to the upper north-west. Instead, the housing to the north of this area would impede views towards the Cathedral and the calm experience of this space, where you would want to move through quickly, rather than dwell.
- 1211.15 The design approach for the main apartment blocks on the steep slopes would be an effective use of the available land (cf: Swiss hillside housing design in C20th), even though this approach would require significant engineering input.
- 1211.16 The stepped path provides an alternative route to the access road. The route would have natural surveillance from the rooms of the apartments and be lit by integrated low-level lighting. The steps incorporate landings with seating forming small 'pocket park' spaces. The south facing aspect and presence of benches would make these are attractive areas and contribute to the making these spaces that would be active and functional, not just a thoroughfare.
- 1211.17 The split-level, layered approach to this arrangement is walkable with pedestrian entrances to the buildings directly from the street, access through the buildings to the communal gardens and also direct access from the street to the gardens. This would allow for pedestrian permeability including those with accessibility issues. As the accessible, adaptable and wheelchair user dwellings would be in the ground floor apartments, to provide access to the communal gardens and service areas from street level.
- 1211.18 The DAS addendum states that 90% of these homes would have dual aspect outlooks, of which 48% would have triple aspect outlooks. This would ensure that access to daylight and sunlight would be at an acceptable level.
- 1211.19 While the location of the access to the parking removes much of an obvious disturbance (vehicle presence and noise) from the upper slope environment, as the undercroft entrance/exit openings would be located near the access into the site, thus heavily reducing vehicle use beyond the entry area.

121120 This suggests that all the rest of the access street, rising up the hillside to the east, could be re-prioritised as shared surface, with pedestrian/cycle priority and removing the footpath on at least one side of the road if not both, this would require consultation with the County Highways Authority. However, would be a way of creating a more organic street hierarchy.

Western parcel

121121 The development proposed on the long slope parallel to Alresford Road would have visual impacts on the southern approach space, as well as on views in and out of that area towards the Cathedral.

121122 A considerable amount of open green space on the Alresford Road slopes area would be lost however, some of the qualities of this space would be retained in a smaller area to the north of the proposed houses. The proposal shows a row of houses located on a new access lane to the north of the existing hedgerow along the street boundary. The proposal follows the cross-section typology of housing one side and hedgerow the other, mirroring the existing housing to the south with the new buildings stepping further up the hill in relation to the existing hedgerow and the new access lane. In this context, this would be the most appropriate approach and would reduce any impacts on the existing housing.

121123 The houses in this location could potentially use a stepping hillside design more effectively – lower ground floors could back into the slope and/or gardens to the north could be stepped to reduce levels of retaining and lift rear sections of the north-facing gardens towards a greater amount of light and sun. The roof terraces, would benefit from the sun, although further design consideration should have been given to screening potentially visible paraphernalia, particularly in views from within the Cathedral grounds.

121124 The presently clearly defined semi-rural edge boundary to the south would be essentially lost, as by reducing the area of the pastoral landscape setting of the Cathedral to place new housing, a special design needs to be demonstrated.

121125 All views north or north-east into the site from Alresford Road necessarily look into dense green planting at present and at the eastern end of the slope these also include the Cathedral rising above the trees and hedgerow, as can be seen in LVIA View Point 6 page 144 and 145. In the interests of preserving and enhancing the green landscape setting of the Cathedral, this part of the development should emphasise its semi-rural context and better frame the views, while also enhancing the existing hedgerow planting and improving pedestrian access into the site.

121126 Along Alresford Road there are northern views that would look naturally through the new breaks in the hedgerow line, which would consist of the two proposed vehicle/pedestrian access points, one at each end of the new lane, and one central pedestrian access point in line with Old Court Road to the south.

121127 In order to retain and enhance a clear understanding of both the Cathedral's green

setting and the semi-rural street, these views should look directly into greenery and clear pedestrian legibility for wayfinding. As currently proposed, the house placements would provide short visual termination to these views, while the westernmost housing and parking arrangement would also block any possible pedestrian connection onto the hillside at this point.

121128 There would be a small central public space proposed, approximately at the centre on the axis from Old Court Road to the south of this space. A view north (through the trees) and pedestrian path from Alresford Rd into the open space at this point should be provided and would provide an attractive new public connection into the Cathedral grounds.

121129 A significant group of trees (including tree 262) which project north from the main hedgerow line is also to be removed from this area, this is regrettable as this would have provided a visual green centre and provide an organic, meandering feel compared to the more linear layout along with enhanced access to the cross-hillside pedestrian route.

121130 The proposed housing would be seen through the trees from the top of the steps by the Cathedral in winter views, as would the housing to the east, (see LVIA View Point 24 page 197 and 199), which to some extent would be unavoidable, however this should be minimised at the closest points to the southern approach slope. The eastern end house intrudes strongly into the Cathedral setting views from both Alresford Rd looking north-east and from the Cathedral looking south, and this house should be removed.

121131 The two western-most houses, would be unacceptable as this would be visually dominant from the entrance view north and would impede pedestrian access. They are also be a visual distraction in the important western approach view, sitting in an open grassed area just beyond the existing grand oak tree. These houses should also be removed and any development on this slope, so should be pulled back towards the east to where the slope of the hillside starts to turn towards the west.

Building design and appearance

Clergy Houses to the north

121132 These would be work/live buildings; however they have been designed to express a completely residential character. The standard of design relating to form, brickwork and detailing is attractive although this would not necessarily appropriate for their function and location, as this relates the buildings more to the idea of a grand suburban tradition, which has no connection to the Cathedral style or experience, than to their work function, Cathedral style or to local Guildford vernacular housing.

121133 The proposed parking arrangement comprises garages and open surface spaces, when there is also a large parking area immediately adjacent to the clergy housing which suggests that two parking spaces per house would not be necessary if some of these spaces could be utilised.

- 1211.34 In terms of materials and detailing, the scale and form of the buildings (main gable and terrace over ancillary lower structure), and the brick design and detailing results in attractive housing, with a largely single brick type used effectively. The narrow gaps between houses seem to add less value to the built form and would be less economical than terrace rows. The design of each house as a partly three / partly two storey building would still create a satisfying rhythm if the houses were to form a single terrace.
- 1211.35 The chimneys shown are 'real', serving fireplaces shown in the living rooms. However, the energy source is not known given that there would be no gas fired boilers. However, there are measures under Building Regulations to ensure that this would be suitable. Whilst chimneys are a traditional feature of Surrey homes as the least visually prominent buildings in the site, their value on these buildings is less well reasoned.
- 1211.36 Full height windows and vertical detailing within this southern area is described in the DAS addendum as providing echoes of, 'the verticality of the Cathedral's openings and fenestration'. Bays have been introduced, which would help define individual plot widths.
- 1211.37 While the brick detailing is carefully considered and attractive, the use of exposed gutters and rainwater pipes would seem to undermine the high-quality aspiration, and these could be usefully designed out.

Apartment blocks

- 1211.38 The concept layout for these buildings is appropriate, the stepping nature of the plan forms and heights of blocks has been effective. The central steps up the slope would also be effective, however the views up as the route kinks to the east should be checked for clarity of wayfinding, while the blocks which relate to each other diagonally across the centre of the steps seem to be too close together to comfortably allow this space to feel public.
- 1211.39 The heights of some of the taller blocks has been reduced. Blocks F-K are the most sensitive in long views in the submitted scheme and particularly the ones along the north and higher up the hill. The reduction in one storey in blocks H and I is therefore welcomed and reduces somewhat the "top heavy" impact. This would mitigate the negative impacts in both long and close views, although the extent of the buildings to the east in plan would still be intruding into views to and from the Eastern Meadow and should be re-structured in plan and form to reduce its eastern extent.
- 1211.40 The roof forms vary between flat and pitched and while the Cathedral itself reads as if it has a flat roof (behind the parapet), the proposal buildings are domestic and should express more relevant residential forms. Surrounding homes do not have a flat roofed style, and although local student housing blocks of flats do have simple flat roofs, these are not appropriate forms to be emulating considering the setting.
- 1211.41 The apartment blocks have been designed to read like the traditional layers of houses along the slopes in old Guildford, as well as the newer, more recent houses in the

foreground, and the proposed variation of heights, block sizes and inset balconies do work together along with the given topography to provide an appealingly stepped townscape to a certain extent.

- 121142 The disposition, form, profile and rigid large block based design is unexplained in its design concept relation either to the Cathedral, and / or the local and wider site context. For example, the apartment building general arrangement, form, and mix of flat and pitched roof profile as well as details including window design and proportion do not appear derived from, and thus contradict the stated aim of architecture principles identified in the DAS, page 120. This refers to the “simple flat-topped tower”, “low pitched roofs” and “vertically proportioned windows span the building height”. What is presented appears random in its relation to context. Steps could be taken to improve this and achieve the ambition described.
- 121143 The majority of the roof forms proposed seem to be flat with fewer gables shown, to the overall detriment of the architectural aesthetic. See LVIA View Point 1 page 136 and 137, when these are read in conjunction with local gable forms and the clean lines of the Cathedral tower. The proposal does not reflect local forms and there is a balance to be had with copying existing suburban architecture, although the greater use of gable elements would reference the local context.
- 121144 Although the planning statement asserts, point 7.42. “the apartment buildings have been broken down to a series of smaller elements articulated at roof level”, these individual blocks nevertheless would aggregate in too-strong grouped form, that would be prominently aligned west to east with Stag Hill. The apartment block form would impose quite strongly on views of the Cathedral crowning the hill, as shown in image render views from the south or south east (9.18 VP11 and 9.25 VP17). It is acknowledged that the development would compete and to an extent diminish the appreciation of the symbolic nature of the Cathedral. However, in allocating the site for this number of new homes, there was always going to be an increase scale and built form on this, on the previously developed part of the site and whilst there would be a significant change as a consequence of the site allocation. The approach has not been thoroughly explained to show relatable referenced to the existing context and identity.
- 121145 For the lower forms currently shown with flat standing seam metal cladding on both roofs and walls, these could have had pitched roofs without increasing the tallest blocks or overall height, instead introducing more interest, complexity and greater reflection of local character to the structure. The materials used would need to reflect local roof and wall materials.
- 121146 Projecting balconies disturb the closed stepped forms and undermining the ‘hill town’ form created by the overall apartment development (see VP1 as above). These should be redesigned as inset spaces, where facing the street, if possible, particularly to the south.
- 121147 The materials shown add an unnecessary layer of complication to a proposal with a complex form and structure. A simplification of the cladding materials would help the overall view impacts. Four brick types would be too broad and the brick colours seem

to depart significantly from the calm red brick of the Cathedral. Using fewer (just two or maybe three in small areas) brick types/colours would make the development simpler and allow the forms to stand out more.

1211.48 The standing seam metal roof/wall cladding has been apparently chosen to reflect the copper of the Cathedral roof, however the Cathedral roof is largely invisible from ground level and a small element in longer views. At present the bright green oxidised roofs of the 1960s clergy housing stand out very strongly in distant views, distracting from the Cathedral itself. The metal to be used on the proposed apartment complex has not been stated in the DAS and is unlikely to be copper (too expensive).

1211.49 The overall design impression given by the standing seam cladding, while not in itself an unattractive material, is that it is not appropriate for such an important heritage site where the focus of views and immediate context should be on the Cathedral itself. The flat roofed blocks express an industrial look while the gabled forms reflect aspects of 1970s architecture, which is not particularly relevant in this context.

1211.50 Together with the multi-coloured brickwork and projecting balconies, there is too much variety in terms of finishes and the overall image would be more effective if it were calmer and simpler, allowing the stepping forms and subtler colour shifts to express the architectural vision.

Houses on the western parcel

1211.51 The layout of generally paired houses is a logical reflection of those opposite on the other side of the hedgerow. The mix of lower flat roofs (with terraces) and gables facing different directions is a good mix of forms, although not particularly related to those locally. There is no logic or explanation provided for the two clergy houses at the eastern end to be detached.

1211.52 Whilst new housing was deemed acceptable through the site allocation it would have to relate well to other parts of the development, yet the proposed houses appear starkly unrelated to their context of existing neighbourhood homes in terms of form, profile, setting, sectional relationship of dominance across Alresford Road and detailed design expression. Steps should have been taken to address this to rebalance the impact of proposals on existing neighbourhood houses.

1211.53 Parking for these houses is provided mostly to the sides of the semi-detached blocks with just a few spaces on the street. This seems to be a significant waste of the limited amount of space along the length of the north side of the street, by occupying it with cars. If more parking was provided on the lane in landscaped parallel parking locations (as proposed in limited locations currently), the houses could be accommodated closer together with less space between the proposed semis. There would be about 6.0m between them as there are generally stacked car parks to two houses - assuming 3.0m each. The glimpses of the Cathedral would be seen both between semis and over the lower two storey elements (as now) as the view is upward and there could be the potential to regain some of the removed houses.

1211.54 The existing housing is largely finished in white render, which is not a recommended finish (due to long term maintenance, discoloration and use of silicone), therefore, the use of brick cladding is welcome. However, as with the apartment blocks there seem to be too many brick types used and there is also a concentration of intricate detail which seems unnecessarily complicated. The two most relevant brick types here seem to be the red multi and stone-coloured brick and if the houses were restricted to these two, they would express a calmer image.

Streets and Parking

1211.55 The proposed streets to the western and eastern slopes are set out as minor lanes, however they both appear to be wider than necessary, considering the small amount of vehicular traffic they would carry. The carriageways would be approximately 5.0m wide plus parking generally on one side or both. Footpaths are shown on one or both sides of the eastern slopes housing, whereas the amount of traffic would suggest that pedestrian-priority shared spaces would be comfortable (beyond the access/egress points for the larger area of housing) and a maximum of one footpath/side would be required.

1211.56 The advantage taken of the topography to provide an easily accessed single undercroft parking area for most of the apartments would be a positive and very useful solution to a significant amount of the parking provision in this area. The balance of the parking should be carefully designed in a landscaped on-street context. Parallel parking, with tree planting controlling spaces and numbers is a positive way of providing street parking particularly if these spaces are unallocated. They can then be flexible spaces and be used by visitors when not in residents' occupation, thus removing the need for special visitor parking.

1211.57 Integral garages may well not be used to park cars, even when transparent shutters are used. This is partly because the spaces are too small to be easily used and with the current ever-increasing size of cars (SUVs etc), this problem is worsening rather than improving.

1211.58 Most people want to park on the street outside/close to their house and on a road with low levels of traffic such as this site there is a risk of informal parking on the verges and footways. The width of the roads would encourage this practice, which would have a detrimental impact on other highway users, including pedestrians, cyclists and those using pushchairs. Narrower carriageways reduce informal parking as drivers recognise that they cannot park without blocking the road. The Western Parcel may not need footpaths as the vehicle numbers would be low enough for shared surface, subject to agreement with the CHA.

1211.59 Also, providing controlled parking along the street edge also stops informal parking in these locations as they cannot double park. Street-based parking also provides for more flexible use of parking as some cars would always be 'out', allowing spaces to be available for deliveries and visitors etc. There would always be the potential for a bit of temporary informal parking with drop-off/pick-ups (like taxis or deliveries), although this would be less problematic than longer term visitors or second/third cars

belonging to residents.

1211.60 Pedestrian connections through the site need to be carefully thought about and enhanced in the context of the overall loss of open space. There is the potential for good access and routes through the site, along with improved wayfinding, however this currently needs further thought, particularly in terms of access into the Eastern Meadow and Western slopes from the south.

Bin and cycle storage

1211.61 The houses in the Eastern Meadows and Western Parcel would have bin/recycling storage within separate compounds adjacent to the access road and to the back of driveways within integral structures. Detailed elevations and hardstanding surface plans shall be required to ensure that these would not be unduly prominent in the street scene.

1211.62 For the Eastern Slopes cycle and bin storage would be located within the building envelope with direct access to cycle stores from the street. There would be natural surveillance and would be close to access points for ease of use. Locating these within a buried 'undercroft' is a good response to the slope and the sensitive context.

Solar panels

1211.63 Solar panels would be slimline and where on the pitched roof slope would be fitted to the west facing roof plain so they would be unlikely to be prominent in views from the surrounding area.

1211.64 The remaining solar array would be on flat roof areas on a angles frame, due to the higher parapet wall to accommodate the green/brown roof, they would not be prominent from street level and withing the grounds of the Cathedral, although from wider views in the town may be seen. As these are becoming a more common feature this would not be detrimental. Further details on the profile of these have been provided and could be secured by condition.

1211.65 The council have sought advice from two architects and urban designers and the Council's Principal Urban Design Officer. Below is a summary of the scheme against the ten 10 characteristics set out by the National Design Guide (NDG). The scheme fails to fully address the constraints and opportunities.

1211.66 The proposals would deliver in terms of these NDG characteristics:

- accessible and easy to move around – subject to conditions and financial and planning obligations for servicing, highway safety and sustainable travel options, would be safe and accessible
- mixed and integrated uses – mix of tenures and housing types, all of consistent design quality and well related external amenity
- functional, healthy and sustainable homes –provide a good internal environment
- efficient and resilient use of resources – measures to conserve land, water, energy and

materials

- made to last – well performing external materials and management of communal spaces

121167 The proposals would not achieve these NDG characteristics:

- enhance the surroundings – the DAS does not show a sound understanding of this special site and the design response would not integrate into its surrounding
- attractive and distinctive – collectively and individually would not have a positive and coherent identity, that would inspire a sense of pride and delight for the new and existing community that would suit its unique context
- enhanced and optimised for nature – whilst the proposal would create new and interconnected public spaces, enhances existing natural features and manages water, the eastern meadow would be completely changed with tree loss and a degree of formality
- a coherent pattern of development – the choice of building types, forms and scale of buildings and how they interact with public spaces and the highway. Also, how the pattern of streets relates to the built form along their length
- Inclusive public spaces – existing areas of parkland would not remain inclusive

121168 The proposals have been assessed in terms of placemaking and design grounds to not exhibit the characteristics of well-designed places, and therefore fails to comply with policies D1 and A15 of the LPSS, policy D4 of the LPDMP, the design code in G5 of the saved GBLP, guidance in the Guildford Landscape Character Assessment and the National Design Guide (NDG) and NPPF.

1212 Impact on the setting of heritage assets

12121 Heritage Assets are defined in Annex 1 of the NPPF, relevant to this application, they include listed buildings, the setting of listed buildings, monuments and locally listed buildings.

12122 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that ‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

12123 The case law concerning the duties in the Act are summarised in Appendix 1 to the Judgment of Holgate J in the Save Stonehenge case at paragraphs 4 to 9 (see R (Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport [2021] EWHC 2161 (Admin)). The Barnwell judgement (Barnwell Manor Wind Energy Ltd v Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137) makes clear that “preserving” means “doing no harm” and that decision makers should give “considerable importance and weight” to the desirability of preserving listed buildings and the setting of listed buildings, and the character and appearance of conservation areas. A finding of harm to the setting of a listed building, or to the character or appearance of a conservation area gives rise to a strong statutory presumption against

planning permission being granted.

- 12124 NPPF Chapter 16 sets out the framework for decision making in planning applications relating to heritage assets and this section of the report takes account of the relevant considerations in these paragraphs. Paragraph 195 sets out that ‘local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.
- 12125 Paragraph 197 sets out the requirements of the three matters that should be considered regarding sustaining and enhancing the significance of heritage assets; the contribution to sustainable communities and making a positive contribution to local character and distinctiveness.
- 12126 Paragraph 199 of the NPPF says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 12127 Paragraph 200 says 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’.
- 12128 Paragraph 201 relates to where a development would lead to ‘substantial harm’ to a designated heritage asset. Recent judicial authority on the meaning of substantial harm can be found in *The London Historic Parks and Gardens Trust v The Minister for Housing* [2022] EWHC 829 (Admin), particularly at paragraphs 32 to 54, to which Officers have had regard. In this case, neither Historic England nor the Council’s Heritage Consultant consider there to be any instances of substantial harm.
- 12129 Paragraph 202 requires that where a development proposal would 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.
- 121210 Site allocation policy A15 required development to be “sensitive to the setting of the Grade II* listed building (Guildford Cathedral).” This would also include protection of views to and from the heritage asset where they contribute to significance or the ability to appreciate significance.
- 121211 Policy D3 of the LPSS is consistent with the NPPF and requires ‘development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the borough’s heritage assets and their settings and make a positive contribution to local character and distinctiveness will be supported.’

121212 Policy D16 of the LPDMP follows on from policy D2 and requires an evidence-based heritage statement. At paragraph 5.270 defines “Setting” and the ability to appreciate and experience the significance from its surrounds and at paragraph 5.401 the understanding of significance and how the setting contributes to this is crucial. Relevant considerations for the impact on significant are provided at paragraph 5.283 and include:

- Changes to historic layout
- Intrusion into/disturbance of key views to and from the building/site
- Impact on the relationships between buildings

121213 The policy D16 identifies a balanced approach to changes to historic environments “for them to be sensitively sustained and managed through development, adaptation, active use, and repair” and should not be “at odds with the historic environment and an asset’s significance.

121214 Policy D20, specifically covers non-designated heritage assets and its setting.

121215 Saved Policy HE4 of the GBLP is concerned with the setting of a listed building, however, this does not reflect the NPPF paragraph 202 balancing exercise. Saved Policy HE10 states that planning permission will not be granted for development which would harm the setting of a conservation area, or views into or out of that area. Again, this policy must be applied in the context of NPPF paragraph 202. Given that the Saved Policies listed above do not conform with the need to balance as set out in the NPPF, these policies are afforded limited weight.

121216 The PPG at Paragraph: 013 Reference ID: 18a-013-20190723 refers to the need to consider the implications of cumulative change when assessing any application which may affect the setting of a heritage asset. In this case, the sale of plots of land from the original Cathedral estate since the 1960s.

121217 The applicant has submitted a Statement of significance and Heritage Impact Assessment (SoSHIA) which includes Appendix 9: Commentary on the Maufe ‘Masterplan’ and the Setting of the Cathedral written by John Bailey of Thomas Ford & Partners (2015) and, these have been reviewed by Dr Nigel Barker-Mills of Barker-Mills Conservation, acting as the heritage consultant to advise the Council on this application.

121218 One initial concern raised with the approach of the Statement of significance and Heritage Impact Assessment (SoSHIA) statement at paragraph 1.8 which states, “Indeed, as also explained in this report, because of this ‘blur’ between ‘heritage’ and ‘landscape’ issues there is probably little, if anything, to be gained from drawing too firm a distinction between the two.” In response the Council’s Heritage consultant advised that the distinction between the two is that heritage issues with regard to setting have a statutory duty attached to them, which is not the case for landscape issues in this case and therefore it is important and necessary, to be clear and distinct between the two when identifying and considering impact as part of the planning

balance. A more appropriate approach would be for a firm distinction between the two and the landscape proposals should be developed using a good understanding of the original landscape design where it survives.

121219 The SoSHIA commences with the historical background and description of the development of the Cathedral, which draws upon both primary and secondary sources. The concluding part of this section of the report considers the qualities of the open spaces around the Cathedral including views across through and from the site. The approach is reliant upon the analysis in the landscape assessment and is entirely descriptive. It is solely concerned with views, and it does not contain any analysis of other aspects of the experience of the spaces. These aspects include environmental conditions, for example noise, tranquillity, etc. Functional/intellectual associations and patterns of use and their contribution, from a heritage perspective, as part of the setting of the listed Cathedral are also relevant but not considered. The commentary does identify how in closer views the Cathedral is now less visible despite the original design intention of appearing dominant over a wider area.

121220 The identification of significance is stated to be provided in detail in Sections 4 and 5 of the SoSHIA. However, it appears to be an assessment of the significance of the setting itself, rather than what it contributes to the heritage significance of the listed building.

121221 There appears to be a confusion between positive contributors to the heritage asset (the Cathedral) and positive contributors to the significance of the setting. It is self-evident that all views of the Cathedral enable an appreciation of its architecture, be that partial or more comprehensive, and designed or fortuitous. It is certainly true that not all views will be equal in importance, but it does not seem credible to take as an approach that being able to see the Cathedral is not a positive element of setting that contributes to the ability to appreciate the significance of the heritage asset.

121222 Section 4 of the SoSHIA does not provide a description of the key attributes of the asset itself (that is the Cathedral) which forms Step 2 of the Historic England GPA3: The Setting of Heritage Assets. It is therefore difficult to establish how the applicant has then subsequently approached the contribution of the setting to those attributes.

121223 Section 5 assesses the proposals, identifies what are described as the heritage issues and identifies the level of heritage harm but only in binary terms. The analysis appears to describe the evolution of the scheme following earlier advice (largely from Historic England) but without a clear focus on how those amendments have minimised the impacts.

The heritage assets

121224 The designated and non-designated heritage assets comprise:

- Cathedral Church of the Holy Spirit (Guildford Cathedral) – Grade II* listed;
- Guildford Castle (tower and shell keeps) - Grade I listed and a Scheduled Monument
- Jellicoe Roof Garden - Grade II* listed park and garden

- Church of Holy Trinity - Grade I listed; and
- Two lodges to the south – locally listed;

These would experience harm to their significance by the proposal. That harm would be “indirect”, in that this would arise from the impact of the proposal upon the contribution made by setting to the significance, or ability to appreciate the heritage significance of those assets.

121225 The Council’s heritage consultant has undertaken a high-level analysis using the stepped approach set out in the Historic England GPA3: The Setting of Heritage Assets which, whilst not the only way to approach consideration of setting, represents best practice.

Assessment of heritage significance

121226 This is an assessment of the contribution of setting to significance, or the ability to appreciate significance. For that to be identified it has to first address the key attributes of the heritage asset itself. Once this has been done the contribution of the setting to that significance can be identified.

Cathedral Church of the Holy Spirit (Guildford Cathedral) – Grade II* listed

121227 Section 9.4 ‘Context and Identity’ of this report provides details that are relevant to the significance of the Cathedral, under The Revised Principles of Selection for Listed Buildings sets out in the general principles for listing buildings and indicates that:

- from 1850 to 1945, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary;
- careful selection is required for buildings from the period after 1945, another watershed for architecture.

121228 A summary of the heritage significance of the Cathedral:

- Historical Interest - illustrating the evolution and reorganisation of Winchester Diocese as part of population growth in the south east – Guildford was one of three dioceses replacing the original one;
- Historic (community) Interest – related to land ownership and parcels donated by Lord Onslow; the current family still live in Guildford and own land locally (Clandon Park);
- Historic (community) interest – ‘buy a brick’ scheme that provided funding to complete the Cathedral post-WW2;
- Architectural Interest – An example of the longevity of the Gothic style in the English tradition of ecclesiastical architecture;
- Architectural Interest - The manifestation of the Gothic style in relation to European tradition – influenced in this case by examples both at Albi in the South of France, a Cathedral constructed in brick, and Maufe’s interest in combining the freshness of Swedish design with English tradition;
- Architectural Interest - Position of the Cathedral within oeuvre of Maufe. The Cathedral

is regarded as his masterpiece and was widely admired at the time. Other Surrey Buildings include All Saints Weston Green; the Air Force Memorial Egham Runnymede; Magna Carter Memorial Runnymede 1957 and the RAF Shelter at Brookwood Cemetery. The majority are listed and/or in Registered Landscapes;

- Architectural Interest - in particular the confident and considered use of proportion, mass, volume and line for architectural expression including obvious symbolism in terms of siting and plan form;
- Architectural Interest - Designed prominence of the silhouette, and within that the tower, which because of mature planting is the most widely visible element of the composition today;
- Historic and architectural Interest - designed for approach by car and therefore its role as part of the wider, Inter-war expansion of Guildford;
- Historic and architectural interest - discrete arrival sequences of distinctly and intentionally different character and carefully controlled. That from the west more open and expansive, that from the south pedestrian and deliberately evoking the pilgrimage tradition;
- Artistic Interest - Primarily in the careful and sparse use of sculptural and engraved decoration employing contemporary design approaches; and
- Artistic Interest - the Cathedral is historically illustrated from the south and the west, only occasionally from the east. Very few, if any, illustrations of the north. Artistic (cultural) interest also includes the iconic scene in the Omen, an acclaimed film of 1976 which uses the topography and architectural drama of the Cathedral when approached from the west to great artistic effect.

121229 These associations add to an understanding and appreciation of significance and, unless they can be physically experienced, development is unlikely to erode them. The intangible associations include those with the University of Surrey which is on land sold by the Cathedral in 1960s. Associations exist with other Onslow land including in particular Onslow village which was an immediately pre-existing garden city expansion of the town. Pedestrian routes cross the Cathedral site from north to south physically link both of these areas in a manner not originally envisaged by the architect.

121230 There is an intellectual association with the church of Holy Trinity which acted as the proto-Cathedral until the present building could be built, that adds to the historic interest of both assets. The tangible connection between the two is represented by views from the eastern field on Stag Hill. There is also both an historic association with the existing clergy housing in Cathedral Close and a tangible element of the functional connection with the private approach from the south east and up the hill.

121231 Intangible associations between the ex-Prime Minister of Canada, Viscount Bennett and his donation are recorded by a ledger stone on the Cathedral itself. Appendix 9 (Illustration A) page 3 indicates that plots of land were acquired in the 1940s in two phases from Lord Onslow; there is little doubt that this land was purchased using donations including that from Viscount Bennett, although there is no definitive plan of the land acquisition. In commemoration of this and Viscount's work during WW2 to strengthen collaboration between the UK and Canada a ledger stone is laid into the Cathedral. The stone laid refers to "the gift of the land" and the intention of the acquisition is to "commemorate the association between Canada and the Diocese of

Guildford in two World Wars.” The Cathedral state that there are no legal conditions or restrictions imposed on the gift, nevertheless, it is abundantly clear that the land was intended for the public good and in commemoration of wartime associations. It is regarded by the Vimy Foundation and the War Memorials Trust as, effectively, a war memorial and in the view of the Council’s heritage consultant, it is hard to argue against that description.

121232 There is further evidence available for the intended purpose of the land within the Cathedral Archives and the Friends of Stag Hill (FOSH) have made specific reference to extracts from letters exchanged between the Cathedral and the donor, Viscount Bennett in their letter dated 02.03.2023. The Council have not been provided with copies of these original documents and they are not referenced in either the DAS or the SoSHIA produced by the applicant. At this time, there is no reason to believe that the extracts provided are either incorrect or have been taken out of context to change their meaning, although copies would be useful to confirm this. On the basis of the information currently provided, it was not envisaged by Viscount Bennett that the land he was enabling the Diocese to acquire was for the purpose of development.

121233 The gift of the land by Viscount Bennett sits within a rich ecclesiastical tradition and is of historic interest. It is part of a C20th version of that tradition, which included in this case the public ‘buy a brick’ scheme and the contribution of the land Lord Onslow. The association of the land with Viscount Bennett and its intended purpose of providing a setting for the Cathedral and a commemoration of historic associations in two world wars contributes to the historic interest of the Cathedral. It enabled the architect’s vision as illustrated in his plans and sketches, of a mighty ecclesiastical monument astride the hill with open space around it, to be realised and appreciated from what was intended to be publicly accessible land.

121234 Whilst the applicant has provided evidence that the donation was made anonymously and there is no letter in the copies of documents submitted to show Viscount Bennett’s wishes for the purpose of the land, however, his letter to the Bishop dated 26.03.1943 confirms agreement to the memorandum 23.03.1943, which does not explicitly state that the land around the Cathedral should be free from development. Although, there was a clear intention by the Bishop, to recognise the war time relationship with Canada, in his approaches for the donation in a letter dated 06.10.1942.

121235 There are also the associations with the architect of the Cathedral, Edward Maufe and his role as architect to the Imperial War Graves Commission.

121236 Views of a heritage asset are not all equal and their contribution therefore needs to be assessed based upon how they contribute to or enable an appreciation of the intended architectural effect and impact of the Cathedral, the intended original character of the setting and landscaping and then, the evidently different existing character of the parts of the setting. Within this framework views from the west and south to and from the approaches make the most significant contribution, with long distance views from the east and south also making major contributions. In particular, long-distance views that enable the whole or majority of the silhouette of the Cathedral to be seen atop its hill are particularly valuable. Those views to the east of the Cathedral, both to and from it

were intended for both aesthetic and functional/symbolic reasons, providing a visual connection between the Cathedral, the predominant ecclesiastical building of Guildford with the historically pre-dominant secular building of the town, the Castle.

Guildford Castle (tower and shell keeps)

121237 Guildford Castle was deliberately sited to dominate the town and control a crossing point of the River Wey. The motte, on which the first timber palisade was placed was raised 7 metres above the surrounding land, which was already elevated above the river. Parts of the near-circular shell keep which encircled the top of the motte survive. Guildford is a particularly unusual survival, having been converted to both a shell keep and a tower keep, and with elements from each of its constructional phases existing. The castle is embedded in an historic urban context and experienced as part of an obviously historic county town.

121238 A summary of the heritage significance:

- Architectural Interest - an unusual example of a military building typology illustrating changing ideas in construction on one site;
- Architectural/technological Interest - the choice of site elevated above the river and further enhanced by constructing the motte;
- Architectural Interest - Masonry materials sourced locally that would have been in stark contrast to other buildings in the town when the shell, and then the tower keeps replaced the timber palisade;
- Architectural/artistic Interest - internal decoration including fireplaces;
- Historic Interest - a building intimately associated with a major event in English history, the Norman invasion;
- Historic Interest - A favourite royal palace and the principal building of the town in the medieval period; and
- Historic Interest - the subsequent private and civic uses of the structure in the C17th to C19th.

121239 The intangible associations between the castle and Stag Hill include the historic use of the latter site as a royal park or hunting when Guildford Castle was a favoured royal residence in the C13th. From the eastern end of Stag Hill, the topography of the historic town is clearly revealed, including the relationship of the Castle with the High Street and the Holy Trinity, although the original clarity of the view has been affected by vegetation and later, modern development.

121240 The best way to appreciate this strategic siting and intended dominance of the monument and listed building is looking at views from the castle and its motte out to the north, west and south. The visual prominence of the important ecclesiastical buildings of Guildford is particularly noticeable with the stone towers of St Mary's (pre-Conquest) and St Nicholas rising above the tile and slate below and linking visually to the mighty brick tower of the Cathedral on its hill beyond.

Church of Holy Trinity - Grade I listed

121241 The original medieval church stood on the same site and whilst possibly a Norman foundation it is documented that the “living” was granted by Henry I to Merton Priory in the C12th. The new church was designed by James Horne of London and built between 1749-1763. The Palladian style design was similar to Horne’s church of St Catherine Coleman in Fenchurch Street London.

121242 The intangible associations are from when in use as the proto-Cathedral in the 1920s the Weston Chapel at Holy Trinity was the location for the meeting to select the first Bishop of the new diocese of Guildford.

Two lodges to the Cathedral

121243 These were part of the original design as proposed by Maufe. How far he influenced the detailed design and final appearance of the buildings is not clear, although it is unlikely that he had much direct input. The lodges were in use by the 1950s and remain in the ownership of the Cathedral.

121244 The materials and general appearance of the lodges have some affinity with the Cathedral and their role as part of the processional arrangements for pedestrians approaching from the south is of both architectural and historic significance. The lodges are therefore at least to be regarded as non-designated heritage assets in terms of the NPPF.

121245 The lodges are positioned deliberately at angle framing a semi-circular enclosure off the Alresford Road. The lodges flank the central arched iron gate and steps that mark the beginning of the pedestrian approach to the south side of the Cathedral. The primary visual relationship is with the Cathedral that visually dominates, despite being in the background and elevated above the gateway.

121246 The primary intangible associations are with the Cathedral, and the approach, although it is not obvious externally that they are occupied by Cathedral staff. The lodges are appreciated as detached from the road.

121247 The views of the lodges from the south framing the gateway at the foot of the processional route illustrate their designed siting and intended relationship with the Cathedral above. This has survived the subsequent changes to the setting of the principal listed building since its construction. When looking east from the western half of the southern slopes the side of the lodge is appreciable and the link formed by the processional route as it climbs the hill can also be experienced.

Assessment of the impact to the heritage assets

Cathedral Church of the Holy Spirit (Guildford Cathedral) – Grade II* listed

121248 The harm to the Cathedral relates both to its significance and the understanding of its historic and, to a lesser extent, its architectural interest as a building deliberately sited on a prominent and green ridge at the edge of the town; as well as affecting the contribution made by the setting to appreciating that interest. The demolition of the earlier, planned, clergy housing and deanery which make a positive contribution to

understanding how the site functioned from shortly after the completion of the Cathedral also remains. This harm relates primarily to historic interest and a record of the buildings to be demolished would be a proportionate response. This could be secured by condition.

121249 Eastern Meadow - Although these are distinct character areas within the setting and these are different in terms of their appearance, both provide tranquil spaces that reinforce an understanding of the physically separate nature of the Cathedral, with the intentional visual connections to the historic town. The eastern gardens were identified by Maufe as not to be built upon, but the eastern field is beyond that annotation. The current character and experience of the spaces would be transformed by the proposed development.

121250 The amendments have sought to reduce the previous formality of the proposals and to increase the width of the retained open space by setting back development on the south side. The revised position and stepped building typology would reduce the apparent mass of as seen from the open space. However, the currently semi-rural, isolated character of the space and the sense of separation would be lost through overlooking and the introduction of domestic activity, including light spillage, as demonstrated in CGI views 1 and 2. The applicants do not accept that the space is currently well used (page 8 table 1.1), this is deemed to be incorrect. They also exaggerate the “negative” qualities, as the site photographs provided in the first version of the DAS reveal. This space is a sensitive one both historically and in terms of its contribution to appreciating the Cathedral.

121251 There is currently a visual and sense of separation between the meadow and the consecrated ground to the immediate east of the Cathedral. This would be weakened with the loss of trees and the walking routes. This would fail to sustain the significance of the listed building and would affect not just the field but also the associated gardens immediately east of the Cathedral reducing their contribution as contemplative and memorial spaces associated with the spiritual role of the principal building.

121252 An important amendment has been the re-positioning and change in mass of the homes along the southern side of the meadow. In particular at the eastern end as this would reduce the impact on the currently available views east and south from Stag Hill to the historic town centre. There would still be some visual distraction to an appreciation the Castle from this part of its setting arising from the new development, although the relationship between the Castle, Cathedral and Holy Trinity would still be legible. The intangible historic associations between these three hugely significant heritage assets which are illustrated by this intervisibility would therefore, now be sustained more effectively, albeit that harm would still be caused.

121253 The clergy housing – would be seen from within the car park although they would be sited on lower ground as the hill falls slightly towards the east. The change from a current wooded boundary to one with an access road and residential development in relatively close proximity to the listed building may be a concern in landscape terms. Although in terms of heritage, the impact on the contribution of this part of the setting to significance or ability to appreciate significance is neutral.

- 121254 Southern Slopes – this part of the setting would have the most appreciable impact upon the character and contribution of the setting, both in terms of how the sense of the land being associated with the Cathedral is understood and also in terms of visual prominence. The increased density, formal terracing and apartment typology would be out of character with the immediate context and the development extends right up the full extent of the hill.
- 121255 The current understanding of the relationship of the Cathedral with its topography and associated clergy housing would be lost entirely. The tower of the Cathedral becomes an isolated object with an arbitrary visual relationship with the development below. The harm whilst less than substantial in terms of the NPPF is clearly at the middle of the spectrum.
- 121256 The amendments have resulted in a reduction in the built form and provide for a more generous relationship between development and landscape. The removal of the upper road and reduction in the amount of re-profiling of the existing topography are also an improvement. The amendment would also remove part of the impact upon the silhouette of the Cathedral tower in VP1 as shown in the revised DAS addendum.
- 121257 However, the very significant change in character in this part of the setting of the Cathedral would remain apparent and particularly when approaching from the east along Ridgemount and Alresford Road. The wider section drawings also show that the dissonance between the profile of development and the topography of the hill remains and is particularly evident in this, the steepest part of the site.
- 121258 Western Parcel – Currently this part of the setting of the Cathedral offers limited views of the Cathedral itself because of the dense tree belt along the northern side, however, it does provide more expansive views south east and west which enables an understanding and appreciation of the topography that informed the site selection for the building. The rural character and experience of being somewhat separate from both the development to the south and the “busyness” of the formal western approaches, is probably the closest to what was historically the case for much of the later C20th. The decision to “leap” Alresford Road and bring development up the hillside inevitably radically changes the topography and associated character reducing the edge of town feel of the site. The intention to use gabion walling, native hedging and provide a Community Orchard are all commendable in principle, but nevertheless the transformation of what is important open undeveloped space would be readily appreciated.
- 121259 No amendment has been made in response to the concerns regarding the impact of the development upon the experience of the Cathedral from the critical, western, processional approach. Instead, additional landscaping has been proposed, the reasoning for the built form has been cited as the existing character of development to the south, outside of the cathedral site. However, this fails to understand the context of the site and the western approach. It is this character and its contribution to significance that has to be sustained, supported by statute, as part of the setting of the Cathedral and therefore the harm arising from the impact of the western end of

development on the western parcel of land has not been addressed.

121260 The impact of development upon the existing character of the setting and in particular the ability to experience the Cathedral in an undeveloped context would be significant. At present it is still possible to experience the Cathedral in a largely green and tranquil setting to the south west between the Alresford Road and the tree belt that runs along the south side of the western approaches. This last, relatively undisturbed, parcel of the setting would be developed for housing. Although a section of green space would remain, its character would be very different and the influence of the suburban nature of the new development would be extensive.

121261 Views - Not all views are of equal importance and those that make a particular contribution include where the composition within the view was a fundamental aspect of the design or function of the heritage asset - for example the western approach. A distinctive feature of the physical surroundings of the Cathedral is the contrast between long distance views from the west and south, to and from the approaches, which make the most significant contribution and the more glimpsed views of the Cathedral from its immediate setting. The close views are typically of the central tower and only occasionally is the whole of the southern elevation visible from the immediate south.

121262 Appendix 8 of the SoSHIA provides a further heritage viewpoint analysis based on verified views prepared as part of the Landscape and Visual Assessment (LVA) Addendum prepared by Macgregor Smith. The purpose of this appendix appears to be to try and provide a discrete heritage analysis of impact as distinct from landscape impact. The views included in this appendix only show the existing night time condition and not the night time condition following development. The effects of light spillage are therefore not shown and without that evidence it is difficult to assess the credibility of the conclusions on impact. In the vast majority of the assessment the approach is to provide a very short description of the baseline or existing view with no explanation of how this contributes to significance or ability to appreciate significance. Therefore, the relative importance of the view in terms of its contribution as part of the setting. When harm is identified it is categorised as less than substantial, but without any indication of where on the scale that sits; apart from View 24, where harm is identified but even the level of that harm is not indicated. It is assumed that in light of the conclusion of the heritage statement that there is less than substantial harm overall, it is the same conclusion with regard to this view.

121263 From the south, below and along Alresford Road, the views of the Cathedral that are currently available would be affected by the roof scape of the new housing. At the moment one can appreciate the Cathedral as a monumental structure, including elements of its volume, mass and silhouette as it appears in glimpses between and behind vegetation. The DAS addendum provides illustrations of what are described as Cathedral Glimpses (5) in connection with the Western Parcel of development (pages 64 and 65) which shows that in relation to views 3, 4 and 5 there would be some loss of visibility of the Cathedral. This represents harm to the contribution made by the setting to the Cathedral and erodes the ability to appreciate its architectural volumes.

121264 Two, more formal verified views are particularly important. The first is VP1 looking west

along Scholars Walk at the junction with Ridgemount (Appendix 1 Heritage Viewpoint Analysis pages 6 and 7). Currently, in winter, the roof of the chancel and the tower can be seen. The proposal would reduce the degree of visual obstruction, although not entirely remove this and the visual prominence of the new development in this view has also been reduced. However, the ability to read the tower with the lower section of the Cathedral would still be lost which would cause harm.

121265 In the summer condition, the Cathedral tower alone can be seen against the sky with a green foreground and the contrast enhances the visual prominence of the building. As part of the proposed development much of the green foreground would be removed to be replaced by views of the upper storeys and roof lines of parts of the Eastern Slopes development (page 9). Although the development would appear subservient in this view, the contrast between green vegetation and built form would be permanently lost and a roof gable range cuts across the lower section of the south side of the tower. This would represent less than substantial harm, in the ability to appreciate the architectural scale of the Cathedral; albeit that the impact has been slightly reduced by the amendments.

121266 The second, VP6 Old Court Road/Alresford Road junction looking north east is one of the few places where it is possible to get a better sense of the scale of the whole Cathedral because the west end gable is visible in winter views and can be seen in relation to the central tower. In summer this relationship is almost entirely obscured by trees. Although the view was not designed as a “set piece” and is not part of one of the formal approaches to the Cathedral. Furthermore, due to changes to the setting of the Cathedral that have happened over time, that dramatic and open relationship has become lost, so that this is one of the few remaining places where the scale of the building can still be discerned in relatively close proximity to the site beyond Stag Hill itself.

121267 The introduction of new development in the foreground of the view would be particularly prominent in winter and less so in summer. The visual prominence of the new development would distract from the Cathedral and would cause harm to an ability to appreciate its architecture and the relationship of the building to its site. The change to the winter view from this location represents one of the single-most harmful impacts on the visual appreciation of the Cathedral from its close setting.

121268 The third view of importance is that from the western approach to the Cathedral, described as a key “set piece” by the applicant (VP8 pages 16-19). The earlier assessment in the SOSHIA by the applicant pointed out the importance of protecting this view and the sense of the Cathedral as isolated and dominating the site. An ability to appreciate the sky gap between the tree belts behind the large Oak is the critical issue, particularly in winter. The sky gap would disappear to be replaced by the end of the western parcel of development in the view illustrated and therefore this key, set piece would not be protected. The degree to which the development could be appreciated as you pass along the processional route may well be reduced by the partial re-instatement of the formal planted avenue, however, the opportunity was not taken to set the western edge of the proposed development further back so that it would not be visible from this important approach.

- 121269 VP19 connects two heritage assets, the registered landscape designed by Sir Geoffrey Jellicoe on top of the House of Fraser building in Guildford High Street and the Cathedral dominating the top of Stag Hill. There is also an intellectual association between the two assets as Jellicoe was involved in plans for the extension of Guildford around the Cathedral site. The current appreciation of the Cathedral from this elevated location in the town centre has the building set above the green “collar” of vegetation immediately below it with the eastern meadow in front of the Cathedral. The development on the south eastern slopes would be visible in front of the Cathedral and reduce the sense of green space, although this would be down the slope and so be appreciated in relationship with the existing roofscape of development along Ridgemount. The development in the Eastern Meadow would have a greater impact, clearly eroding the expanse of green space and whilst this would still be below the Cathedral the sense of the Cathedral as a structure separate from the town and dominating the hill would be eroded. Whilst the development does not challenge the primacy of the Cathedral in this view, it would encroach and therefore represents a distraction. Rather than the impact being neutral, as identified in the Heritage Assessment, there would be some low-level harm to the ability to appreciate the Cathedral from the terraces of the roof garden.
- 121270 South Lodges - The views of the lodges from the south frame the gateway at the foot of the processional route. When looking east from the western half of the southern slopes the side of the lodge would be appreciable and the link formed by the processional route as it climbs the hill would also be experienced.
- 121271 The development would continue to be seen behind the western lodge and this would affect the appreciation of the current symmetrical arrangement in views from the south. In views south from the Cathedral itself looking down the slopes towards the lodges, the presence of the new development would be reduced by the strengthened planting.
- 121272 Southern Approaches - The edges of the eastern and western parcels of development have been deliberately aligned with the east and west ends of the Cathedral building lines. Currently, the undeveloped nature of these slopes adds strongly to the visual presence of the Cathedral and its sense of separation. The use of further landscaping to strengthen existing tree belts to the eastern boundary provides some mitigation. Further planting of the eastern edge of the western parcel would also be mitigation, particularly in the summer.
- 121273 However, the encroachment of development either side of the open space immediately adjacent to the pedestrian processional route would remain appreciable and in the long-distance view from The Mount the clarity between the Garden Village in the middle ground, backed by a green “belt” below the Cathedral, which provides the important visual separation would continue to be eroded. The green space would become more constrained, and its boundaries aligned with the built form of the Cathedral itself in a way not previously seen or indeed intended. In this view the space loses some of its generosity. The harm is less than substantial in terms of the NPPF and towards the lower end of the spectrum.

121274 Until the letter from FOSH dated 02.03.2023, no evidence had been put forward that part of the purpose of the gift was to ensure that open green space would be available and ensure that views of the Cathedral from the town and countryside would not be impeded by any buildings. Therefore, to provide “breathing space” for the new building; even if this was not legally covenanted. It is clear that greater emphasis needs to be placed on this role of the land and, therefore, how development in principle affects this function. It also needs to be seen in the context of the evidence that the architect, Maufe explicitly regarded the eastern meadow area as not to be built upon.

121275 In light of the evidence regarding the historic interest of parts of the land identified for development, the level of harm to the Cathedral is, would be greater than that previously attributed to the development. The change in character from open spaces providing a ‘green collar’ to protect and preserve the Cathedral, so that it would remain separate from encroaching development to residential development. Would not appear compatible with what is known about the intentions the Bishop in the middle of the last century when the land was acquired. Therefore, the proposal would be an insensitive treatment of land that commemorates wartime associations.

Conclusion on harm to the heritage assets

121276 The Cathedral of the Holy Spirit in Guildford is a heritage asset of more than special importance and is in the top circa 8% of buildings nationally. The key attributes of its architectural and historic interest relate to its spatial qualities evident in its design including, simple massing, silhouette and intentionally prominent siting, taking advantage of the local topography which was used to advantage in the controlled way the building is approached. The connections to the historic town of Guildford, tangible and intangible, are important aspects of its significance.

121277 The proposed residential development would cause less than substantial harm to the heritage significance of the Cathedral. This arises through indirect impacts upon the contribution made by the setting to the significance of the Cathedral and the ability to appreciate that significance. Although most of the impact could be expressed by reference to views, the impacts also include other aspects of setting that contribute to the particular characteristics of an ecclesiastical building. This includes the sense of tranquillity, areas of enclosure, and in this particular case, the sense of the edge of town location.

121278 The development represents a significant change and incursion into the setting of the Cathedral that would radically change its appearance and character, primarily along the southern slopes of the site adjoining Ridgemount and Alresford Road. The proposal is the latest and by far the most significant step in a process of erosion of setting and the disposal of elements of the historic curtilage of the listed building that started in the 1960s.

121279 The ability to appreciate these views of the Cathedral and its hilltop location, with the ‘green collar’ would be affected due to the extent and scale of development, so whilst the tower would remain prominent the rest of the building would be submerged into the residential development on the slopes and affect the views to see the Cathedral as

separate and visually dominant.

121280 Those previous disposals have already changed the character and contribution made by the setting to the ability to appreciate the Cathedral both in close and longer views. The PPG advises that cumulative change may need to be considered. In this case cumulative change has already taken place and this latest scheme should not be seen individually or in isolation from these earlier developments. It is recognised that there are circumstances where a number of small changes that are insignificant individually can together result in harmful change, including from other development proposals. That is not the case here, as each of the relevant developments are not insignificant but a direct consequence of the Cathedral selling land off and they range from the smaller scale Scholar's Walk to the large scale University of Surrey. Each has been assessed and have resulted in some harm to the heritage asset in question.

121281 The proposals are the latest and by far the largest in a process that has seen the setting of the Cathedral reduced and eroded. An approach which disposes of parts of the setting for development which causes harm has to be justified.

121282 Less than substantial harm is caused to the following assets:

- Guildford Castle - at the lowest end of that spectrum
- Cathedral of the Holy Spirit - middle of the spectrum
- Jellicoe Roof Garden – no harm
- Church of Holy Trinity – no harm
- Two lodges to the south – at the lowest end of that spectrum

Amendments to the Western Parcel that would preserve the visual dominance of the Cathedral from a key processional approach would reduce the harm further and conserving the eastern meadow area as undeveloped would also significantly reduce the identified harm.

121283 There would be less than substantial harm to Guildford Castle when seen from the view to from the eastern meadow to the south and east, this currently provides an expansive view of the town and allows key landmark building to be picked up. The development would result in a degree of visual distraction when looking towards Guildford Castle from the eastern meadows.

121284 Some very limited harm is also caused to the ability to appreciate the southern lodges, which are non-designated heritage assets. A balanced approach is required by the NPPF when considering this impact, based upon the scale of any harm or loss and the significance of the heritage asset affected. On that basis the harm is at the lowest end of the spectrum.

121285 The proposal would conflict with saved Policy HE4 in the GBLP and policy D16 of the LPDMP which relates to development that affects the setting of a listed building. It would also conflict with policy A15(3) of the LPSS, which requires the development to be sensitive to the setting of the Grade II* listed building (Guildford Cathedral) and would not protect views to and from the heritage asset. Whether there would be

compliance with policy D3 in the LPSS or with the NPPF would depend on whether the identified harm is outweighed by the public benefits. This is a matter to which shall be considered below.

Archaeology

121286 The application site is not within a locally defined County Site of Archaeological Importance or an Area of High Archaeological Potential.

121287 The application was supported by a desk-based archaeological assessment produced by the applicants' archaeological consultants, RPS, informed by all available sources including the Surrey Historic Environment Record, in order to provide a thorough overview of the archaeological potential of the site and surrounding area.

121288 The report identified a low archaeological potential at the study site for all pre-Post Medieval past periods of human activity at the study site, with a specific potential identified at the south east corner associated with an historic farmstead. Previous geotechnical works at the site have been archaeologically monitored and did not identify any archaeological finds or features. The steep sloping ground is likely to have been unsuitable for historic occupation. If present at the site, archaeological remains would most likely be of up to a local significance only. The proposed development is unlikely to impact upon any highly significant archaeological remains that might preclude development.

121289 The assessment includes the results of archaeological monitoring of trial pits excavated across the site. This work involved the monitoring of 21 trial pits located across the site revealed no evidence of archaeological deposits and confirmed that it is very unlikely that deposits suitable for archaeological survival are present.

121290 Therefore, the Country Archaeologist is satisfied that it is very unlikely that significant archaeological remains would be present on the site. So, any further archaeological investigations would not be required in his case.

1213 Impact on residential amenity

12131 Paragraph 130 f) of the NPPF requires "places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." One of the key characteristics in the National Design Guide (NDG) is, Homes and buildings – functional, healthy and sustainable for occupiers and the surrounds.

12132 These principles are taken forward in policy D1 of the LPSS, policy D5 of the LPDMP and saved policy G1(3), which requires protection from unneighbourly development, to avoid having an unacceptable impact on the living conditions of new properties in terms of privacy, overlooking, visual dominance, overbearing effects, access to sunlight and daylight, artificial lighting, noise, vibration, odour, fumes and dust. Policy D5 also requires all new build residential development, including flatted development, are expected to have direct access to an area of private outdoor amenity space.

- 12133 The proposed development would not have a frontage onto an existing road, however, homes on the Eastern Slopes and Western Parcel would face homes on the opposite side of Ridgemount and Alresford Road to the south. There is also residential development in Scholars Walk to the south east. There are the two cottages at the southern pedestrian access and the more recent development of homes along Scholars Walk to the south east. To the north are blocks of student accommodation following the topography of the land.
- 12134 The proposed homes would be on open space and the layout takes into account the need for connectivity and legibility so that pedestrian permeability, so that the site can continue this function for existing and new residents. Therefore, the relationship between public and private thresholds has to be sensitively considered.

Occupier amenity

- 12135 Policy H1(3) of the LPSS requires all new development to conform to the nationally described space standards (NDSS). It is noted that four flats would not meet the NDSS as some bedrooms were undersized. However, the applicant has now amended these bedrooms and has submitted a matrix showing the requirements and how their units compare. All the homes would either meet or exceed the total NDSS gross internal area (GIA) requirement, including the storage areas. So overall, there would be satisfactory space for storage furniture and circulation space.
- 12136 It is acknowledged that the site contains a large number of trees both around the perimeter of the site and within the area to be redeveloped. Dwellings on the Western Parcel would face the trees which align the northern side of Alresford Road. These would be separated from the proposed dwellings by the new access road and while the trees would result in some overshadowing of the front elevations of these dwellings, given the distance of separation, the impact would not be significant and would not materially reduce the amenity of these properties. The same arrangement exists for the apartment block on the Eastern Slopes. They would overlook a number of very large, mature trees, however, as above, they are separated from the front elevations of the apartments by the new access road. The trees would provide screening between the apartments and the properties on the other side of Ridgemount and would also provide an attractive outlook for the future residents. Any loss of light that the trees would cause, would not result in a poor living environment for the future residents. There are also a number of large trees which are located to the north of this parcel. Plots EM01-07 would be able to see these trees from their rear windows / outdoor areas, however, due to their orientation they would not cause any overshadowing issues.
- 12137 The ground floor flats with a private deck and openings to habitable rooms abutting would abut communal pocket parks, communal areas and entrances, so they do not directly face these publicly accessible areas. There is no provision of railings or privet hedges to create a private threshold, so that the occupiers could use this internal and external spaces with a degree of privacy. Therefore, it would be appropriate to required details of privacy measures by condition.

- 12138 The access ramps to the undercroft car park would have activity all day/night long, the configuration would result in bedrooms having a shared wall to these, the proximity to each other would restrict the occupant's ability to open windows. However, this would affect two bedrooms and to reduce headlight disturbance there would be a small projecting wall and to reduce the glazed area affected the windows would be two panes. As this would affect such a small proportion of the flats and measures have been taken to reduce the impact, this relationship would be acceptable.
- 12139 A review of the layout of the new units has been undertaken with regard to ensuring the proposed dwellings do not result in overlooking, privacy, or daylight / sunlight issues within the new development itself. The proposed layout ensures adequate separation distances between new units.
- 121310 The scale and configuration of the flatted blocks on the eastern slopes has been considered; where blocks are three and a half storeys they have been separated from neighbouring two / three storey blocks with the podium gardens. This would reduce any material overbearing impact to the flats in the adjacent smaller blocks.
- 121311 Windows of habitable rooms are largely offset from adjacent properties or there would be suitable distance. This ensures that there would be no significant overlooking. It is noted that this is an urban grain and scale of development, and the proposal has been assessed on the basis of an urban environment has a greater degree of mutual overlooking and smaller gaps between neighbouring properties.
- 121312 All the proposed dwellings are expected have access to private and / or communal outdoor space. Some of the proposed gardens and balconies are small, although all would be at least 4sqm, and some are north facing so would experience overshadowing much of the day. However, future occupiers without their own private amenity space would also have access to satisfactory outdoor amenity space when taking into account the site as a whole. The flats would have the woodland courtyard in close proximity, this has benches and pocket parks. It is acknowledged that there would be a absence of a covered area, however the surfaces would allow year round use and the overshadowing of this area from the buildings would also have the effect of creating a sense of privacy and enclosure to support the functions as communal amenity space. The application submission is supported by a landscaping scheme which shows new or improved amenity areas; namely the community orchard, woodland courtyards and the eastern meadow. The implementation of the proposed landscaping could be secured by condition.
- 121313 The eastern most house (HT-6) on the Western Parcel would be close to the existing sub-station on site. As there would be a separation distance of at least 18m there would be no loss of amenity from noise and vibration.
- 121314 It is noted that there are several areas within the site where new private gardens would abut areas of the Cathedral grounds which are open to the general public. These include the dwellings in the western parcel as well as units EM01-07 off Ridgemount. To ensure that the proposal does not result in littering of the public areas of the site

from the dwellings an Open Space Management Plan would need to be agreed and secured through conditions. The proximity of the dwellings to the public open space would also result in increased overlooking, noise from rear gardens and a loss of privacy to those who are using the public grounds. This could result in the owners/occupiers putting up additional screening measures and discouraging visitors from walking by these areas and enjoying the Cathedral grounds as they currently do, diminishing the value of public amenity space.

1213.15 In terms of car parking, it is acknowledged that the Eastern Slopes includes a number of on-street car parking spaces. While these spaces have the potential to cause disturbance and noise to the adjacent residential units it is noted that they would all be separated from the elevations of the dwellings by a pavement and a small buffer zone of hard and soft landscaping. As such, the on-street car parking spaces would not result in any harm to the amenity of the proposed units.

1213.16 As noted above the proposed units along the northern boundary of the site would be for the clergy. These five units have a similar layout and design to the market housing. The dwellings would also include a small south-facing area of private open space to the front. While it is acknowledged that the garden areas are very small, the clergy would have access to the rest of the Cathedral grounds. As such, the private area of open space is considered to be acceptable in this instance. The clergy housing would also have trees to their north, east and west. However, the distance of separation is such that there would be no impact on their internal amenity as a result.

1213.17 The buildings with more than three storeys would not have lifts, this would affect six of the flats. Whilst this would affect those with mobility condition, as this would relate to a small number of homes and there would accessible homes available on site, the lack of lifts would be acceptable.

Neighbouring amenity

Construction phase

1213.18 There may be potential for noise, vibration, dust and disruption during the construction phase. This would include the impacts of piling, which may be required during the construction process. Appropriate site-specific mitigation measures have been suggested as part of the Air Quality Assessment in relation to dust emissions. In addition, a Construction Environmental Management Plan (CEMP) could be secured by condition to adequately mitigate any of these impacts on existing occupiers.. The construction phase is temporary and can also be controlled under the statutory nuisance provisions of the Environmental Protection Act 1990 if necessary. This includes the impact from the proposed piling works.

Scholars Walk

1213.19 Numbers 1, 2, 12 and 14 Scholars Walk have a shared boundary with the application site. The separation distance from Blocks E and F to the shared boundary would be between 20m and 48m. Much of the existing vegetation would be retained, with

additional planting proposed (drawing no. 1248-005 P3 Landscape Plan). Therefore there would not be a harmful overbearing impact.

121320 The amended scheme has reduced the height and bulk of the most prominent elements of the apartment buildings on the eastern slopes. Block E would be the closest part of the development to 1 and 2 Scholars Walk. The block has been reconfigured as part of amended plans received in December 2022. The block is located at a diagonal to the rear of 1 Scholars Walk. At its nearest point Block E is located 20.55m from the shared boundary with 1 Scholars Walk, and 32.9m to the dwelling itself. Section B-B on drawing JTP_MP_XX_DR_A_1507 rev P2, shows that there would not be a direct line of sight and the boundary vegetation would provide a buffer to the screen the rear gardens from the activity in the buildings and the roadway. Therefore, whilst there would be an increase in the built form the gaps between buildings and the juxtaposition would reduce a material loss of amenity from overlooking, noise and disturbance.

121321 Block E would be situated on land which is higher than the dwellings in Scholars Walk. Its southern elevation would contain a number of windows and the south-eastern corner of the block would have inset balconies on two levels which would have openings facing east and south. While there is likely to be overlooking of some Scholars Walk properties, it is noted that the windows would be to the west of the Scholars Walk properties and as such, they would only offer oblique views of the surrounding properties. Given this, as well as the significant distance of separation and the boundary screening, the proposed windows in Block E would not result in such a loss of privacy to the Scholars Walk properties which would justify the refusal of the planning application. The proposed balconies would be relatively modest in size. The opening which faces south would be very narrow which would limit its use and potential for overlooking views. The opening in the side elevation would face south and as such, while views to the south would be possible, these would be at an oblique angle and as noted above would be a significant distance from the boundaries of the Scholars Walk dwellings.

121322 It is also acknowledged that Block E (in particular) would be visible from the rear gardens and windows of the Scholars Walk properties. Some residents have submitted images with their objections to illustrate this. While the new buildings would be visible from Scholars Walk, even taking into account the elevated position of the proposed blocks, they would not have any materially harmful overbearing impact or cause a loss of light. Therefore, in an urban environment, the design of Block E and its relationship with its existing residential neighbours would be acceptable.

121323 The existing vehicular access to Cathedral Close, currently abuts the shared boundary with 1 Scholars Walk, this would be replaced by a pedestrian access. The approach section would be to the east would be set back 5m from the shared boundary and the route up and down from t1 Scholars Walk would be approximately 9m where it would be adjacent to the rear garden and detached garage, this would be an improvement on the existing relationship. The main vehicular route to the eastern slopes would wind up the slope to the east along the shared boundary with properties in Scholars Walk. This would introduce additional vehicular movements with some increase in noise.

However, the shared boundary within Scholars Walk to the roadway would range between 12m to 26m. This gap and the intervening landscape buffer would reduce the impact of headlights and engine noise, even from an elevated position. It is acknowledged that there would be an increase in noise from the access, although this would not cause any material harm to the amenities of these neighbours.

Ridgemount and Alresford Road

121324 The proposed homes on the Eastern Slopes and Western Parcel of the development would face onto the existing linear development along Ridgemount and Alresford Road. Separation distances between building to buildings (as shown on Sections B – B, C – C and D - D on drawing JTP_MP_XX_DR_A_1506 and 1507 rev P2) would be approximately 40m-45m to the houses on Ridgemount and 28m to Alresford Road. Therefore, any harmful impacts with regards to overshadowing impacts, overbearing impacts and overlooking would not occur, even taking into account their elevated positions. The proposal also retains and enhance existing trees and hedgerows along both roads, with the new access route and development behind. This would provide some visual screening.

University of Surrey

121325 The clergy housing would be located close to the northern boundary of the site and on the other side of this boundary there are student housing units on the university campus. It is noted that the clergy housing would be separated from the closest building for the warden by at least 22m building to building and to nearest student accommodation 22m to 27m building to building, which would be a satisfactory distance of separation. In addition, it is noted that the boundary between the sites contains a large number of trees which act as a screen and the university buildings are set at a lower level. Furthermore, it is noted that the student housing is not occupied in the same manner as a typical residential home, so are more likely to be vacant outside of term times. Students also have the benefit of shared communal spaces within their buildings, as well as large areas of open space. While there may be some overlooking between the sites, this would not be materially harmful to the amenity of the student units. As such, the proposal is deemed to be acceptable in this regard. There may be some noise and disturbance when the student units are occupied, however, the university has management systems in place should there be a nuisance.

121326 Having regard to all of the above, it is concluded that viewed as a whole the development proposed would not give rise to unacceptable impacts on the living conditions of future occupiers of the development. For these reasons the development complies with the objectives of policy D1 of the LPSS, Policy D5 of the LPDMP, policy G1(3) of the saved GBLP and the NDG and NPPF.

1214 Impact on trees and vegetation

12141 Paragraphs 174(b) and 180(c) of the NPPF places great value on trees and woodland. Policy ID4 of the LPSS includes parks and open spaces, private gardens, agricultural fields and allotments, hedges, trees and woodlands, green roofs and walls,

watercourses, reservoirs and ponds. Policy NE5 of the saved Local Plan 2003 also seeks to protect trees, hedges and woodland. Policy P6/P7(6) of the LPDMP seeks to retain trees and new planting to connect and/or extend canopies and policy P8/P9(5) safeguards significant trees, requiring development proposals for sites that contain significant trees to incorporate them and their root structures and understorey in undeveloped land within the public realm, and to provide green linkages between them.

- 12142 The arboricultural quality of the site is that the trees are almost all of deciduous broad-leaved species and are mostly native or naturalised. There is a mix of self-seeded and planted specimens; the latter having been part of the landscaping of the site following completion of the Cathedral in the 1960s.
- 12143 An Arboricultural Impact Assessment prepared by SJA Trees reference 19340-01c and dated December 2022, has been submitted in support of the application. The tree survey and tree categorisation are as per the requirements of BS 5837:2012 Trees in Relation to Design, Demolition and Construction. The Council's Tree Officer agrees with the categorisation.
- 12144 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, would 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.

Tree removal

- 12145 The Tree Survey Schedule found at Appendix 2 of the Arboricultural Impact Assessment and accompanying Tree Removal Plan referenced 19340-051b detail the trees, groups of trees, shrub masses, and hedgerows growing within or immediately adjacent to the application site. The proposed development would require tree, as well as hedgerow, removal. The extent of the tree and hedgerow removal is shown in the TRP. This includes the removal of 69 individual trees (10 of which are category 'U'), 7 groups of trees and 2 hedgerows. No category 'A' trees or tree preservation order (TPO) trees are to be removed. The majority of the tree removal would take place within the site, leaving the boundary trees in situ, except for tree group nos. G101 and G108 which would be partially removed from the eastern slopes and western parcel respectively and part of G10 from the eastern boundary of the overall site. The retention of the majority of existing hedgerow and trees along the site boundaries, and in particular beside Ridgemount, would help maintain the wooded character apparent in parts of the site.
- 12146 This is a summary of the trees on the site with a visual amenity value:
- mature English Oak trees numbered 81, 82, 147, 230 and 231 (all TPO trees fronting Ridgemount / Alresford Road);
 - eight other Oaks numbered 41, 45, 47, 49-50, 111, 129, 262;

- one Ash no.305;
- Grey Poplars no. 46 and 142-146; and
- mixed deciduous groups of trees numbered G9, G104, G108 and G109 - located on the north and south boundaries of the site which provide effective screening and contribute to the green infrastructure of the site.

Whilst there are no category 'A' trees or TPO trees would be removed, there are a number of category B and C trees (nos. 46, 142-146, G108, 262 and 305) which make a positive contribution to the site that are proposed to be removed.

12147 The grey poplars nos. 142-146 have been assessed as category 'C' trees and are mature specimens which are tall in height and readily visible from some viewpoints. The AIA notes that these are a short-lived species, 60-100 years, and that nos. 142-146 are approximately 47 years old. The report also notes their potential susceptibility to wind damage due to the location and species. The loss is accepted however, regrettable as they do provide existing amenity value which would be lost as structural landscaping in a prominent location on the southern slopes by the pedestrian approach and new tree planted would not reach this maturity for many years.

12148 The semi-mature oak tree no.262 assessed as a category 'B' specimen is set slightly north of the remaining boundary trees along Alresford Road. Whilst not part of the boundary row of trees it still contributes positively in spatial terms. A small area of G108, adjacent to no.262, is also proposed to be removed. The loss of these trees, and in particular no.262 is regrettable. The applicant has responded in an email dated 22.02.2023 that given the lifespan and health of these trees along with the required layout changes to retain the trees, that would have highways impacts and likely other more significant tree losses along Alresford Road, the loss is justified. The AIA also provides justification at section 4.2 of the report, outlining the health, longevity and location of each specimen of value proposed to be removed.

12149 Most of the main arboricultural features of the site would be retained. The loss of the noted 'B' grade trees proposed to be removed is disappointing but would not be significantly noticeable in the overall sylvan character of the site. The proposed tree and hedgerow removal would be mitigated against with the tree planting scheme that has been proposed (drawing number 1248-010 rev P2). The Tree Officer is also satisfied that there would be appropriate separation between dwellings and retained trees and therefore future conflicts should not arise.

Tree Preservation Orders

121410 Five individual trees on site are covered by a tree preservation order (TPO). Guildford Borough Council Tree Preservation Order no. 1993 No. 8, T1-T5. They are identified in the tree survey as no. 81, 82, 147, 230 and 231. The trees are located alongside Alresford Road and Ridgemount.

121411 Concerns were raised with the previous application 15/P/02284 in relation to the proposed proximity of dwellings and gardens to TPO trees no.230 and 231 and the

significant pruning that would be required. The current application has a revised layout that locates built form further northward. The front elevation of the apartment blocks are no less than 12m from canopy extent of these trees to ensure that no pruning is required.

- 1214.12 The proposal would result in incursions into the root protection areas (RPAs) of no. 230 and 231. The incursion areas would not exceed the recommended percentage set out in paragraph 7.4.2.3 of BS 5837. Comprehensive tree protection measures, proposed in the AIA, these would be in place to ensure the protection of these TPO trees and ensured by condition.

Pruning

- 1214.13 The proposal would require the pruning of five English oak trees (nos. 48, 52, 53, 255 and 260) and one field maple (no. 307) to ensure that none of the proposed vehicular or pedestrian accesses would be impeded by tree canopies, with a margin for future growth, and to allow adequate working space during the construction period.
- 1214.14 The extent of the pruning proposed is found at Table 5.2 of the AIA. The works would comply with the recommendations of British Standard BS 3998:2010, Tree work – Recommendations. The pruning is assessed as being minor. The branches to be removed are small in size and the pruning works would be largely screened in views by retained trees and their canopies. The tree pruning would be visible in some areas of the site; however, the pruning would have a negligible effect on the appearance of the trees when viewed from outside the site itself

Tree Protection

- 1214.15 The Arboricultural Report indicates limited encroachment into the root protection area (RPA) of 17 trees and one group of trees that would be retained. The incursions into the RPAs of trees nos. 45, 47, 49, 51, 54, 230, 231, 247, 253, 307, 436 and G9 would be by proposed foundations, roads, footpaths or drainage solutions. Given the nature of these elements a degree of excavation would be required. The tree species impacted by encroachment into their RPAs have been identified as good to moderate at tolerating root pruning and disturbance (see Table 8 of the AIA) and suitable rooting areas would be available within the scheme. Soil and rooting environments within the RPAs could also be enhanced to promote improved root growth by de-compaction, aeration fertilisation or mulching. Paragraph 7.4.2.3 of BS 5837 recommends a 20% maximum incursion into currently unsurfaced ground. In all but three cases this recommendation is met with incursion areas extending to no more than 16% of individual RPAs.
- 1214.16 The AIA report states that to reduce any potential impacts on the trees noted above, excavation within these RPAs would be undertaken manually, under the direct control and supervision of an appointed arboricultural consultant, so that any over dig into the RPAs is avoided, and any roots encountered can be treated appropriately and in accordance with the outline Arboricultural Method Statement (AMS) (Appendix 1 of the

AIA) and relevant British Standard. The footpaths proposed would also be constructed entirely above the existing soil surface using a cellular confinement system as its subbase to minimise compaction and ensure adequate tree protection.

1214.17 The submitted outlined AMS explains how risks to trees would be managed on site. This includes pre-start meeting with the site manager and relevant contractors along with the Council's Tree Officer. The AMS makes clear that no site clearance, ground preparation or demolition would take place until tree protection fencing, ground protection and construction exclusion zones (CEZs) are in place. The erection of appropriate protective fencing and the installation of ground protection is shown on the TPP at Appendix 4 of the AIA and would be suitable to prevent other incursions into the RPAs of retained trees during construction. Consideration has also been given to the RPAs of the trees outside of the application site. Their protection would similarly be enforced by the erection of protective fencing to the same specification as onsite, prior to the commencement of construction, thereby safeguarding them from incursions by plant or machinery, storage or any other construction related activities which could have a detrimental effect on their root systems. The tree protection measures would reduce the risk to the trees during construction and can be safeguarded by condition.

1214.18 The Tree Officer is satisfied that the development proposals would be in accordance with the British Standard - BS5837:2012. Satisfactory protection would be provided to ensure all retained trees are *protected* throughout development in the form of barriers and/or ground protection and loss of most of the trees has been justified. As a whole it is considered that the proposal is in accordance with policy ID4 of the LPSS, P6/P7(6) and P8/9(5) of the LPDMP, policy NE5 of the saved GBLP and the NPPF.

1215 Impact on ecology and nature conservation

1215.1 Paragraph 180 of the NPPF sets out the principles that should be applied to habitats and biodiversity. One of the key characteristics in the National Design Guide (NDG) is, Nature – enhanced and optimised to contribute to the quality of a place. Policy ID4 of the LPSS seeks to contribute to biodiversity. Policy NE4 of the saved GBLP safeguards protected species.

1215.2 Policy P6/P7 of the LPDMP is for strategic delivery of biodiversity in new developments and policy P8/P9 relates to the protection of important habitats and species.

1215.3 The updated submission provides a Biodiversity Management Plan (February 2023), Biodiversity Calculations (Report) (February 2023) and Biodiversity Metric 3.0 Calculations (February 2023) prepared by ecologists Enims which have been assessed along with the previously submitted Preliminary Ecological Appraisal (Revision August 2021), Reptile Report (December 2019) and Final Bat Report (August 2021).

1215.4 No part of the site or the immediate surrounding area is covered by a statutory nature conservation designation. The application site does, however, lie within the 400 metre to 5 kilometre buffer of the Thames Basin Heath Special Protection Area.

Designated and protected species

- 12155 The bat report undertaken by Enims confirms the presence of an active bat roost within the site and that this roost would be subject to loss or disturbance as a result of development. A total of seven bat species were recorded during the activity surveys between October 2019 and July 2020.
- 12156 The reptile survey carried out in 2019 recorded no reptiles on site, however, previous targeted reptile surveys in 2014 provided evidence that the boundary grassland habitat at the site supported reptile species; namely the slow worm. A total of one slow worm was recorded over the course of the 2014 surveys. This was recorded as a single male at adult life stage. The recorded slow worm number in 2014 suggests a very low population of this species was present. Given the more recent findings of the 2019 survey, combined with the relative wider habitat isolation and regular mowing of the grassland within the Cathedral grounds, so it is unlikely that anything greater than a low population size would be present. Therefore, further mitigation measures are not required.
- 12157 Of concern to Surrey Wildlife Trust (SWT), is the data from 2019-2020 which should be considered out of date, or at the limit of validity. This is particularly important as one of the buildings has a high suitability as a bat roost. The applicant seeks to secure updated bat surveys as a planning condition. British Standards BS42020 states that the use of planning conditions to secure ecological surveys after planning permission has been granted should only be applied in exceptional circumstances. Such cases include (a) where original survey work will need to be repeated because the survey data might be out of date before commencement of development, (c) where adequate information is already available and further surveys would not make any material difference to the information provided to the decision-maker to determine the planning permission, but where further survey is required to satisfy other consent regimes i.e. an EPS licence and (d) to confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased or decreased within the site.
- 12158 SWT have confirmed that based on the assessment provided by Enims and in line with BS42020, that should planning permission be granted, the applicant should be required to submit the results of the updated bat survey as a planning condition; prior to applying to Natural England.

Habitat

- 12159 A habitat survey was carried out in 2019 and a Phase 1 habitat map of the application site is provided in Appendix A of the Preliminary Ecological Appraisal at Figure 3. This identified a number of habitats present within the site including semi-natural broadleaved woodland, plantation broadleaved woodland, dense scrub, scattered broadleaved trees, semi-improved grassland, amenity grassland / introduced shrub mosaic, hedgerows, buildings and hardstanding.

- 1215.10 The Preliminary Ecological Appraisal identified parcels of deciduous woodland habitat, as depicted in Figure 3 of Appendix A, albeit of poor species diversity. In the western parcel of the site a plantation broadleaved woodland has been identified, although this would not meet the criteria for a habitat of principal importance. It does still have value as suitable reptile habitat and has a screening function between the Cathedral and the southern area of the proposed development; it would be retained in the scheme. The semi-natural broadleaved woodland identified in the eastern meadows contains some mature oak trees of considerable value, including to reptiles, bats and nesting birds. The grassland and scrub habitats identified as present on site are common across the UK and are likely to exist locally in better quality and / or in larger areas. Nevertheless, on-site habitats of semi-improved grassland and scrub offer suitable foraging and dispersal habitats. The woodland habitats provide hibernation and refuge opportunities so although connectivity to the wider landscape is poor, the immediately surrounding garden habitats provide habitat for slow worm.
- 1215.11 The proposal would include the retention of the woodland areas in the western parcel and eastern meadows, as well as the scrub and tree habitat along the southern boundary of the site. A reduction of grassland habitat would occur which has the potential to reduce the food availability in the area, however, the retained habitat is proposed to be enhanced as shown in the Landscaping Plans 1248-201 Rev P2 to 1248-206 Rev P2 and detailed in the submitted Biodiversity Management Plan (February 2023). This includes, but is not limited to, ground flora planting, woodland creation, biodiversity roofs, orchard planting, new species rich hedgerows as well as underplant existing hedgerows, a dew pond / wet grassland, log piles, bee posts, nesting boxes and bat boxes. The variety of native plant species proposed would increase invertebrate biodiversity, which in turn should increase food availability for foraging bats.
- 1215.12 No land loss of statutory or non-statutory nature conservation sites would occur as a result of the development and no sites lie adjacent to the application site. The existing habitats themselves are unexceptional examples of their type and any loss is unlikely to have a significant impact on the species diversity of the local area.

Biodiversity net gain

- 1215.13 Paragraph 174(d) of the NPPF states that 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' should be a requirement of both plan making and decision taking.
- 1215.14 It is noted that biodiversity net gain (BNG) targets are being proposed at both a national and local level. Within Section 98 of the Environment Act 2021, there is provision for achieving a 10% Biodiversity Net Gain (BNG) within a development, with the particulars being covered under Schedule 14 of the Act. However, secondary legislation is required under Section 4(6) of Schedule 14 of the Act before the BNG requirement becomes a legal requirement; this has yet to be completed. Hence, currently there is

no legal requirement to demonstrate a 10% BNG.

1215.15 The local requirement of 20% currently carries full weight as part of policy P6/7 of the LPDMP. Parts of policy P6/7 were the subject of a main modification, and these were accepted following public consultation and the letter from the Local Plan Inspector dated 27.02.2023.

1215.16 Biodiversity calculations have been submitted with this application. This has demonstrated that through the proposed on-site improvements a net gain of 1.97% for habitat units and 100% for hedgerow units could be achieved. In addition to the quantifiable habitats included in the calculations provided in the Biodiversity Calculations Sheet (dated November 2022), the following enhancement habitats are also proposed (see Biodiversity Management Plan Appendix E):

- bat roost boxes
- bird nest boxes
- reptile hibernacula and invertebrate log piles
- nesting bricks.

1215.17 The proposal would also introduce extensive tree planting and other planting to enhance the existing hedgerows and the open spaces around the buildings (reference Landscaping Plans 1248-201 to 1248-206 Revision P2 prepared by Macgregor Smith Landscape Architecture). This would include native species, which would add to biodiversity value.

1215.18 A woodland habitat review was submitted by enis dated 10.020.2023. They have concluded that there is no habitat on site, which would qualify as being a Habitat of Principal Importance. The MAGIC Map does identify the presence of this habitat type on-site; however, it should be noted that Natural England do not ground truth all woodland habitat listed on the Priority Habitat Inventory. SWT have agreed that the use of Other Woodland; Broadleaved in the biodiversity metric calculation, to be suitable.

1215.19 The applicant has demonstrated that the proposal provides a measurable net gain in biodiversity, subject to the implementation of measures described within the Biodiversity Management Plan reference EN994-10. The development proposals would be in accordance with the Conservation of Habitats and Species Regulations 2017, Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and the Wildlife and Countryside Act 1981. This is in accordance with policy ID4 of the LPSS, policies P6/P7 and P8/P9 of the LPDMP and policy NE4 of the saved GBLP. As well as the National Design Guide (NDG) and NPPF. In this regard, however, the impact on the Thames Basin Heaths SPA, shall be assessed below.

1216 Landscape strategy and open space

1216.1 Paragraph 98 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health

and well-being of communities. This theme runs strongly through the National Design Guide (NDG) with cross-over between a number of the ten characteristics. Policy D1(7) of the LPSS requires linkages between green spaces and high-quality landscaping. Policy ID6 of the LPDMP is based on the Open Space, Sport and Recreation Assessment (OSSRA) 2017 which seeks to deliver a range of typologies of open space and proposes locally developed standards that aim to meet these identified needs.

Loss of public open space

- 12162 The application site (excluding the existing Cathedral Close) is Amenity Green Space under policy ID6. This category includes spaces open to free and spontaneous use by the public but are not laid out or managed for a specific function such as a park, playing field or recreation ground. This type of space is also not managed as natural or semi-natural habitat. Amenity Green Space can serve a variety of functions dependant on their size, shape and topography.
- 12163 The site is allocated for residential development, so the loss was accepted as part of this and policy A15(5) requires the “provision of sufficient integral green infrastructure to enable connectivity of spaces and habitats.” However, there would be a net loss of public open space on this site.

Landscaping

- 12164 The Landscape Design Statement (LDS, October 2021) outlines landscape proposals for the site, which include features such as woodland play, meadow, orchards, native tree planting and ‘woodland courtyards’. The scheme is broadly reflective of the guidance set out Guildford Landscape Character Assessment (GLCA) for Area 10A.
- 12165 The LDS also includes a framework for the wider Cathedral site, which illustrates opportunities to enhance the western approach in line with Maufe’s vision, this has now been confirmed and is shown on drawings 1248-030 rev P1 and 031 rev P1. This would ensure greater compliance with Policy A15 and an enhancement of the wider parkland.
- 12166 The LVA (Landscape and Visual Appraisal, December 2022) does not mention this benefit within the character analysis of landscape receptor L2 and the proposed changes are not identified on the submitted photomontages for VP8, which would have been helpful. The reinstatement of the avenue of trees along the western approach represents a substantial benefit to the landscape scheme and would go a considerable way to balancing the negative landscape effects currently recorded to the east of the Cathedral.
- 12167 In addition to the proposed informal mown paths, a north-south footpath link would provide a viewing point to enjoy framed views over the town. Further to the north, the path would form a link to the university, Cathedral administrative buildings and café, which lie outside of the application site area.
- 12168 On the Eastern Meadow boundary vegetation would be removed and a formal east-west geometry would be imposition. Whilst the central section of meadow would be

retained and enhanced with native meadow species and a mown path, the development would change the character of this area. However, one of the distinct areas of the meadow would be lost. The informal setting would be compromised by the arrangement of rear courtyards and increased activity. The large Oak tree would become more prominent however, the seclusion currently enjoyed would no longer exist.

- 12169 On the southern side of the meadow, the proposed dwellings would require the removal of boundary trees and shrubs. The vegetation contributes to the informal character and frame views out towards the town. Whilst additional boundary planting has been introduced, the building line pulled back and the scale of the buildings reduced (facing the meadow), the view point would still be interrupted and how the space is experienced.
- 121610 The Eastern Slopes would have woodland courtyards with variations in level, play equipment, flexible furniture and fixed benches and picnic tables would provide intimate semi-private space for the flatted development, which would complement the open parkland and wooded character of the wider Cathedral grounds. Play equipment and seating is well positioned to avoid conflict between internal and external uses. The proposed tree and shrub planting is appropriate to the woodland character; scale of the courtyards; and would provide seasonal interest and colour.
- 121611 The woodland courtyards would mainly serve those without private amenity, as well as provide a pleasant environment for social interactions. This area would experience overshadowing from the blocks of flats, therefore, for parts of the day the courtyards would be in shadow with only glimpses of sunlight through the gaps in the buildings. Whilst this would be on two levels, to break up the space, in the absence of any sunlight and daylight report, the overshadowing effect would make this a colder area and the sense of enclosure could affect its functionality. However, due to the limitations due to the engineering of this site this would be acceptable given the provision of balconies and the wider parkland available to use.
- 121612 The retention of the majority of existing hedgerow and trees alongside Ridgemount would help maintain the existing wooded character. The introduction of native meadow planting and a dew pond adjacent to the hedge line would form a semi-natural transition to the more formal edge of development. Natural play equipment within the woodland belt to the west would have the potential to add interest and open this area to greater activity. The success of these proposals would be reliant upon intervisibility to reduce the opportunities for anti-social behaviour. The application does detail for how this area would be designed and managed. This could be included in the landscape management strategy for the longer-term maintenance of planting, by condition.
- 121613 The landscape proposals for the Western Parcel include a pocket park, orchard and woodland walk. The informal orchard planting would provide a transition between the parkland landscape and the domestic character of the proposed dwellings. The pocket park would provide a communal focus and gathering point for this linear area of housing; and access to the wider parkland. The woodland walk, mown grass paths, natural play equipment and benches would add activity to the rear of Alresford Road.

The success of the woodland walk would be dependent upon how well this area is visually permeable. Insufficient surveillance and visual permeability could attract anti-social behaviour and make it an unsuitable location for children's play. The overall management and maintenance strategy, which could be secured by condition would be vital to the success of this area.

1216.14 There is no change to the proposed built form at the western most end of the Western Parcel, instead additional screening has been integrated into the revised proposals, helping to assimilate the proposed development into the landscape. There would be residual harm – as identified within the submitted LVA, however this would be slightly lower than in the previous version. There would still be an encroachment of the built form and screening treatments can have the impact of creating a barrier to hide development.

1216.15 The use of shade tolerant plant species is commended, although the inclusion of at least one additional shade tolerant tree species may be beneficial. This shall be secured by condition in the landscape management strategy.

1216.16 There are some discrepancies between the retained and proposed features and the proposed surface water drainage strategy, particularly with regards to the locations of proposed below-ground storage tanks. The applicant has indicated that the drainage attenuation tanks would be of sufficient depth to support new tree growth above them. However, as the landscaping scheme is an important element of the proposals and to ensure that they can be delivered a planning condition would be required for a range of tree pit details, to include tree planting above proposed underground storage tanks and within the courtyards of the development on the south-eastern slopes in particular.

1216.17 The proposal would engender an increase in artificial light, this would increase illumination levels, compared to the existing situation. The applicant has submitted an External Lighting Report (ARUP, Rev 02, November 2022). The use of low-level lighting options has been considered throughout the site, with the use of lighting in handrails, bollards, benches and planters.

1216.18 The roadways would have 6m and 5m high lighting columns, a rectangular side-throw optic and back shields have been recommended, to angle the light on the road surface and reduce light spill, this could be secured by condition. Some of the roads would be lightly trafficked and whilst the columns would be suitable along the Western Parcel and lower part of the Eastern Slopes they would be more prominent near the top of the Eastern Slopes where they would be visible from the Cathedral and meadow, therefore alternative lighting solutions would be suitable and further details would be required by condition.

Open Space

1216.19 Policy ID6 of the LPSS would supersede policy R2 of the save GLP when adopted. The open space standards for R2 are set out in the Planning Contributions SPD 2017, this is based on the superseded PPG17: Planning for Open Space, Sport and Recreation. As follows (based on an occupancy rate of 2.5 per home for the net

increase of 117 new homes, 292.5 additional people) and policy ID6 uses the occupancy rates in the latest census (table 10):

	Policy R2 requirement per 1,000 people	Policy R2 scheme requirement	Policy ID6 requirement per 1,000 people	Policy ID6 scheme requirement	Amount proposed on-site
Playing fields/sport pitches	1.6ha	0.47ha	1.35ha	0.33ha	0ha
Play space	0.8ha	0.23ha	0.08ha (0.05ha children's/ 0.03ha youth)	0.02ha (0.01ha children's/ 0.01ha youth)	0.02ha as LAPs
Amenity/Natural Green Space	0.4ha	0.12ha	1ha	0.22ha	1.8ha
Allotments	0ha	0ha	0.25ha	0.06ha	0ha
TOTAL	2.8ha	0.82ha	3.4ha	0.62ha	1.82ha

121620 Open space should be available for all year round recreational and amenity use. Some of this open space is included in the woodland areas, the applicant has included this as part of the children's play space provision, as it would be for informal, natural play. This would be more suitable for older children and is not fully accessible and compliant with design guidance for play space in the Council's Planning Contributions SPD, Appendix 5, and Play Strategy, Appendices B and C, therefore, it cannot be included in the onsite play space facilities.

121621 The undeveloped land to the north of the Western Parcel, the southern approach and meadows would remain informal and would be used for amenity space, whilst the woodland courtyards would create additional amenity space, this would exceed the requirement for the development and is a response to minimise the loss of public open space and for development to be sensitive to the setting of the Cathedral.

121622 There would be three local areas of play (LAPs) close to the proposed housing and whilst two would be in the woodland courtyards, due to their location they would have a sense of privacy. The other would be close to the community orchard, where there would be footpath links through the slope so would be more publicly accessible for use by the wider community.

121623 The LAPs would all have a range of timber, naturalistic equipment for younger children and the LAP in the community orchard would be enclosed by post and rail fencing. However, a greater variety of equipment would be beneficial, particularly where the play area is well contained, as well as more accessible play features. Each of the proposed LAPs are close to a property boundary, there would be gaps of at least 5m to properties and their private amenity areas. Except for the play area next to Block K, however, as this would be set at a lower level this would reduce any potential conflict.

121624 The SPD and Play Strategy Appendix B indicate minimum recommended sizes for these primary types of play space, with a minimum of 100 sqm (0.1 ha). The three

proposed LAPs would provide a total of 0.02 ha, making the activity area zone of each one less than the minimum standard. There is also guidance in the SPD and Play Strategy on other characteristics of LAPs like signs and guard rails which are not referred to in the POS Addendum or other submitted documents for all the LAPs. Therefore, further details of play areas and equipment would be required by condition, to satisfy the Parks Asset Development Officer.

121625 Due to the site constraints the absence of playing fields and youth facilities is accepted. Therefore, this would need to be provided offsite, to ensure that this shortfall would be met. The Council have identified projects in the locality that would allow for recreation opportunities for youths and adults as well.

121626 With the exception of playing fields (for which an off-site contribution is required), the total amount of open space proposed for the scheme would comply with the policy ID6 standards for the types of open space that are required under Policy R2 (i.e. compliant for play space and amenity/natural green space).

121627 Policy ID6 also requires allotment provision, and consideration of provision of community growing space (see policy para 6). It also requires for open space provided to be multifunctional and deliver a range of benefits (e.g. biodiversity, flood risk management, climate change) (policy paragraph 10). Some of the play space proposed in this scheme meets the requirement for multifunctionality through both its intended location and design by fulfilling the role of natural green space, providing biodiversity, as well as its primary role as play space.

121628 Policy ID6 states that open space should also be linked up as much as possible, providing footpaths and cycle routes where possible and be safe and secure for all community members (paragraph 10). The close proximity of the play areas (which are described as being a minute's walk from the majority of new residents) provides an element of safety for these spaces. There are also trails proposed through the areas of woodland and passing alongside the new homes, as well as linking to existing open space beyond the site itself.

Public realm & public art

121629 LPSS Policy D1(6) and LPDMP Policy D8 requires the creation of a high-quality public realm, this can include public art as well. The Public Art Strategy 2018-2023 seeks to deliver public art commissions. The Landscape Design Statement (LDS, October 2021) page 54 identifies proposed locations for initiative, however, does not propose a detailed scheme. The space could be safeguarded and these could be delivered by the developer and include community engagement. Further details would be secured by condition.

1217 Climate Change and Sustainability

1217.1 The NPPF emphasises the need to support the transition to a low carbon future in a changing climate and new developments are required to meet the requirements of paragraph 154 through suitable adaptation measures, including through the planning

of green infrastructure and reduce greenhouse gas emissions. Paragraph 157 then states new development should comply with local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 12172 Policy D2 of the LPSS requires new development to take sustainable design and construction principles into account, including by adapting to climate change, and reducing carbon emissions and Policies D2(3) and (11) requires sustainability and energy statements to be submitted, which the applicant have provided. The Council has adopted the Climate Change, Sustainable Design, Construction and Energy SPD in December 2020.
- 12173 Policies D12, D13 and D14 of the LPDMP carry full weight and build on policy D2. In the context of the Council declaring a climate emergency in July 2019 and the UK having a legally binding target of reducing all greenhouse gas emissions to net zero by 2050 with an interim target of 78% reduction against 1990 levels by 2035.
- 12174 Following adoption of the LPDMP D14: Carbon Emissions from Buildings (1), (2), (3), (4), would supersede D2: Climate Change, Sustainable Design, Construction and Energy (5), (6), (7), (9).

Energy

- 12175 A fabric first approach is required under Policy D12(1) in accordance with the energy hierarchy. Through the use of low energy design and energy efficient fabric. Then Policy D2(1), (5), (9) of the LPSS and Policy D14 of the LPDMP require measures for low and zero carbon and decentralised energy.
- 12176 It is acknowledged that the site adjoins a combined heating and power (CHP) distribution network. The density of the development and prevalence of apartments indicates a heat network could be feasible. However, the scheme proposes to meet the heating demands of the development through highly efficient electric technologies. Electricity generation has decarbonised to the point that electricity is considered to be around 35% lower in carbon than mains gas. Electricity is expected to decarbonise further and is projected to reach net zero carbon by 2035. This negates the benefit of the gas fired CHP network despite the high efficiency of CHP.
- 12177 The proposed u-values and air permeability are good, which demonstrate the fabric first approach has been followed. Conditions would be needed to ensure that these values would be equal to or better than those stated to achieve air tightness and fabric u-values.
- 12178 In addition to this, air source heat pumps (ASHPs) would be installed into all houses and exhaust air heat pumps into all apartments. Supplemented by 330 x 350W n photovoltaic panels on the flat roofs of the apartments (gently inclined on racks and orientated towards the south) and on non-prominent roofs of the houses.
- 12179 There would be no on-site carbon dioxide and nitrous oxides emissions. However, as

there is some uncertainty on the fuel for the fireplaces in the clergy houses a condition shall be required.

1217.10 All units will be fitted with 100% dedicated low energy/ LED light fittings; all kitchen appliances, where supplied will be A+ and A rated (washer dryers would, where fitted be to the highest available environmental standard).

1217.11 Each building would achieve in excess of 20% carbon reduction, with a site wide reduction of 58.90%, with individual units ranging between 43.16% and 81.48%, (based on electricity rather than gas which increases the Target Emission Rate (TER) baseline, therefore inflating the reduction figure).

Embodied carbon

1217.12 Efforts to minimise embodied carbon emissions is required to be demonstrated under Policy D12(2) of the LPDMP, due to the cumulative energy needed to grow/extract, transport and manufacture construction materials, the use of locally sources materials reduces this impact.

1217.13 The applicant confirms that Green Guide materials rated B-A+ would be prioritised in the specification. Local materials would be preferred with evaluation of suppliers. Wood to be certified and insulation to have zero ozone depleting potential.

1217.14 It would be appropriate to secure by condition details of the lowest embodied carbon ratings for the building materials where possible. Given that the site is in a sensitive location and high-quality materials would be required to respect the heritage assets.

Waste

1217.15 Policy D2(1)(b),(2) of the LPSS and Policy D12(4) of the LPDMP recognise that demolition and engineering works involve materials to be imported or exported from the site

1217.16 The applicant has indicated measures to ensure that over 80% of construction waste would be diverted from landfill. However, further details are required and a Site Waste Management Plan (SWMP) would be secured by condition.

Water efficiency

1217.17 New development is required to conserve water resources under Policy D2(1)(e) of the LPSS and Policy D12(6) of the LPDMP, due to water stress in the south east region.

1217.18 Water reducing bathroom appliances would be fitted and the daily water consumption per person would be less than 105 litres (excluding external water use) on the sample calculations, which would be the enhanced standard required by Building Regulations and an improvement on the 110 litre per person per day required by the policy.

1217.19 The policies and SPD support the use of water harvesting and grey water reuse systems, however, it is not a requirement. Gardens would have water butts for

rainwater harvesting. Grey water recycling was considered and discounted in the given the owner/occupier's resistance to the appearance of the recycled water and the cost of the systems would not currently make them a viable option. They have therefore not been included in the proposals.

121720 The proposals are in compliance with relevant policies relating to water efficiency and reuse and have gone as far as practically and viably possible to incorporate water efficiency measures taking into account the topographical and engineering challenges on this site. These measures should be considered alongside the numerous other sustainability measures which have been incorporated into the proposals.

Climate change adaption

121721 Policy D2(1)(c), (4) of the LPSS and Policy D13 of the LPDMP seek to apply the cooling hierarchy and passive heat control and managing surface water in new buildings and open spaces.

121722 This is a potential urban heat island area and there are a large number of south facing windows. All the dwellings would have to comply with the Part O (overheating) of the Building Regulations which, was introduced in June 2022, cross ventilation would be possible in dual and triple aspect flats and shading from south facing protruding balconies.

121723 However, many habitable rooms are south facing with no shutters, overhanging eaves or deeper depths of reveal are incorporated into the design of the buildings. So, to ensure that the homes are not at risk of overheating, an assessment (to comply with CIBSE TM59 or equivalently) would be required by condition.

121724 The Flood Risk Assessment (FRA) takes climate change into account in consideration of drainage requirements and includes rainwater butts.

Sustainable design and lifestyles

121725 Policy D2(1)(c), (e) of the LPSS seeks to ensure that there are sustainability measures to offer choices.

121726 Some information on sustainable design e.g. orientation and window design has been provided. Although, given that the site is highly constrained by shape and topography, the design options are limited, in this instance.

121727 The houses would have private gardens for drying clothes outside. Not all of the flats have a balcony that could be used, so this would not be available for all occupants and the open spaces have not been designed for this use. Given the topography and constraints of the site this would be acceptable, as it would affect predominantly the lower occupancy one and two bedroom flats rather than the family homes.

121728 In terms of travel, there would be a high provision of secure and covered cycle storage, sustainable travel vouchers, electric charging points for vehicles and bikes and two car

club spaces to encourage sustainable modes of travel to offer other ways to make short journey or to possibly live here without a motor vehicle.

1218 Contaminated land

12181 A Contamination Assessment (ref 132648/NBA/GEOL01 dated 23.09.2021, prepared by RSK Land and Development Engineering Ltd) has been submitted.

12182 The assessment is based on the submitted ground investigation reports: LEAP Environmental - Phase 1 and 2 Geo-environmental Site Investigation 2/10/2015 ref LP00593; and LEAP Environmental – Preliminary Slope Stability Assessment 25/11/2015 ref GD/15/LP1061.

12183 Testing was only within the area of Cathedral Close and included 7 samples tested, which produced 1 elevated arsenic concentration and 1 Benzo pyrene elevated concentration. The Contamination Assessment used the conceptual site model produced by LEAP and visual observations during the site investigation for the wider site. The assessment found a low likelihood of contamination being present and that significant remediation would not be required, except for the Cathedral Close area.

12184 Given that no samples were tested outside of Cathedral Close, confirmatory testing for the undeveloped areas of the site would be necessary. Further investigation works within Cathedral Close, once final ground levels are known, should also be undertaken as advised in the Contamination Assessment. Any remediation required shall be fully detailed to restore the site to a standard suitable for use, including works to address any unsuspected contamination. This could be secured by condition including a remediation strategy as required.

1219 Utility services

12191 Paragraph 114 of the NPPF supports the expansion of communications infrastructure and the improvement and provision of utility services is required under policy D1(11) for digital communications. The applicant has submitted a Foul Drainage & Utilities Assessment (133648-R1(5) dated November 2022 and prepared by RSK).

12192 The main telecommunication provider BT have underground network apparatus in Alresford Road and Ridgemount. A duct route traverses the site toward the Cathedral. The Foul Drainage & Utilities Assessment does not anticipate difficulties in providing telephone or broadband service from the existing BT network. Fibre to the Premise (FTTP) is required and there is capacity to cater for this, further details could be required by condition.

12193 The foul drainage assessment notes that there are no public sewers on site, instead that public sewer records from Thames Water show the nearest foul sewers are in the residential roads to the south of the site. The drainage map extract at Appendix E of the Foul Drainage and Utilities Assessment indicates that there is a private foul drainage network serving the existing dwellings in Cathedral Close. Another private foul sewer gravitates southward from the Cathedral building. In view of the topography

of the site, a gravity connection to the existing public sewers at manholes on Alresford Road and at the junction of Ridgemount and Cathedral Close have been proposed. Appendix G of the Foul Drainage and Utilities Assessment shows the main drainage routes proposed. Thames Water have confirmed that there is adequate capacity in the foul sewer network (check updated response)

12194 In terms of electricity, the Utilities Assessment notes that UKPN have confirmed that low voltage supplies for the Western Parcel could be taken from the existing sub-station in Alresford Road. However, to meet the additional electrical demand for the Eastern Slopes an offsite network reinforcement would be necessary, comprising an upgrade of the existing transformer in the aforementioned Alresford Road sub-station. The required payments for this would be a separate process with the statutory undertaker.

12195 Scotia Gas Networks (SGN) operate the gas network in the area, and there is a low-pressure network in the surrounding roads. The energy strategy for the new development would not require gas supplies.

1220 Economic and financial considerations

12201 Section 70(2)(b) of the Town and Country Planning Act 1990 (as amended) requires that a local planning authority must have regard to an economic or finance consideration where this is a material consideration.

New homes bonus

12202 Local finance considerations may include any grant or other financial assistance that has been, that would or that could be provided to the authority. This would include schemes such as the New Homes Bonus (NHB). The extent to which a local finance consideration is material to the application would be dependent on whether it could help to make the development acceptable in planning terms.

12203 If planning permission was granted the Council would receive additional NHB payments. However, the NHB would be paid on completions rather than permissions granted and given the length of the likely build process due to the engineering works, there is potential for the NHB scheme to change. However, given how long it has been place (since 2011) and no proposed consultations or indication that this would significantly change in the next five years. There is some confidence that monies would be received by the Council. Moreover, any NHB received is unlikely to be directly related to making the application acceptable in planning terms and accordingly should not be given weight in the planning balance.

Economic benefits

12204 The applicant has set this out at paragraph 9 of the 'Summary of Planning Benefit' dated 02.02.2022. This refers to construction jobs, then once occupied local spending and workforce potential for both the local economy and workers for the Cathedral.

12205 No financial values have been attributed to these. Although an increase in the local population during construction and the occupation would have some impact on local spending and activity in the economy.

1221 Other material considerations

1221.1 The proposed endowment would not be a local financial consideration, however. this would be a “other material considerations” under 12.20.1 Section 70(2)(b) of the Town and Country Planning Act 1990 (as amended).

Endowment

1221.2 The sale proceeds resulting from the disposal of two parts of the site for development (known as the ‘green land’ and ‘red land’) would generate an endowment for the Cathedral. The endowment income from the sale of the ‘green land’ would secure a financial contribution to the Cathedral that is proposed to be used for repair and maintenance works, and to support the long-term future preservation of the Cathedral, financially. The income for the ‘red land’ could be used for other charitable purposes. The future repair and maintenance works that are proposed to be funded by the income from the endowment cannot be secured as a planning obligation. The financial and regulatory framework that the Cathedral has to operate under to comply with the Charity Commission and Charities Act and the objectives of the Charitable Trust would control how the income from the endowment would be spent. Consequently, the endowment funds would have to comply with the following requirements:

- the capital land receipt would be endowed, meaning the monies received from the sale of the land would be invested for the long-term use of the Cathedral, providing a revenue stream in perpetuity;
- only to use the income derived from the endowment for a charitable purpose, (which may not be exclusive to the maintenance, repairing and improving of the Cathedral);
- not allowed to use the capital sum of the endowment to carry out all outstanding works for the next five years (amounting to £3,585.000) – the Cathedral would have to apply to the Charity Commissioners, to spend the capital at any time; and
- yields from the endowment would be made available on an annual basis to fund scheduled works for maintenance and repair.

1221.3 Therefore, the capital funds would not be available to use and would instead have to be invested. Only the income arising from this may be used over a number of years as part of the rolling programme of works, which are identified in the Quinquennial (QI) Report produced every five years for the care and repair of a church building.

1221.4 The operating deficit has been reduced despite difficult circumstances in the last two years and the hope is that a balanced budget can be achieved by 2026. This seems a realistic aspiration. Currently repairs for the Cathedral are funded from what is described as the “general fund” and the endowment is intended to relieve pressure on that fund.

1221.5 The QI report has to set out the urgent works required in the next 12 months, although

there are potentially associated costs of setting up for works etc. which would increase this figure. Any funds from an endowment would not be available within this initial 12 month period, so the assumption is that this work would be funded from existing resources.

1221.6 The Council would have no ability to exert influence over how the income from the endowment would be spent, as there would not be a S106 planning obligation in place and the income from the endowment has the potential to be directed to charitable purposes, other than repair and maintenance of the Cathedral.

1221.7 Over the next five years the endowment has the potential to meet between 23% to 33% of the cost of the works for the repair and maintenance works for the Cathedral.

1222 Thames Basin Heath Special Protection Area

1222.1 The application site is located within the 400m to 5km buffer zone the Thames Basin Heaths Special Protection Area (TBH SPA). This is a European designated site and is afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitats Regulations). The Habitat Regulations designate the Local Planning Authority as the Competent Authority for assessing the impact of development on European sites and must ascertain that the project would not have an adverse effect on the integrity of the site, alone or in combination with other plans and projects, either directly or indirectly, before granting permission.

1222.2 The TBH SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species: Dartford Warbler, Woodlark and Nightjars. The Conservation Objectives of the TBH SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features, the structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

1222.3 Natural England are currently advising that all residential development within 5km of the TBH SPA has the potential to impact on these species, either alone or in combination with other development, through increased recreational use of the sites by people. Natural England also advises that development within a 400m to 5km zone around the site is likely to be capable of being mitigated.

1222.4 The Council adopted the TBH SPA Avoidance Strategy in 2017. This seeks to provide a framework to secure mitigation against the impact of residential development and to allow development to take place where otherwise it would be restricted by the TBH SPA requirements. The Strategy advocates development providing or contributing to Suitable Alternative Natural Greenspace (SANG) to attract people away from the

TBHSPA, access management measures and monitoring of the TBH SPA to reduce the impact of people who visit the SPA, and habitat management of the TBH SPA which would improve the habitat for the ground nesting birds. On smaller sites the Strategy requires contributions to an off-site SANG. However, larger applications would be required to deliver bespoke SANG solutions. In addition to the provision of the SANG, the applicant would be liable to provide Strategic Access Management and Monitoring (SAMM) contributions in accordance with the avoidance strategy.

12225 In addition to this, the Appropriate Assessment has to assess other potential impacts referred to in application documents including the potential impact of cat predation, construction and operational noise impacts, surface and ground water impacts, and air quality impacts on the TBH SPA. It is concluded that these factors would not give rise to a likely significant adverse impact, either alone or in combination with other development. Natural England has raised no objection to the proposal on these grounds.

12226 Having regard to all of the above, it is considered that the impact of the development on the TBH SPA could be mitigated and that, should this mitigation be secured, it would be possible to conclude that the development would not have a likely significant adverse impact on the protected site. However, should this application be refused, a legal agreement would not be secured, and the development would fail to comply with the objectives of policy P5 of the LPSS, policies NE1 and NE4 of the saved GBLP saved policy NRM6 of the South East Plan 2009. For the same reasons the development complies with the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017, as amended.

1223 Legal Agreement Requirements

12231 Policies H2, ID1 and ID3 of the LPSS relate to the provision of affordable housing and infrastructure, saved Policy NE4 of the saved GBLP is concerned with species protection and in this regard is relevant to safeguarding of the habitat in the Thames Basin Heaths SPA. Whilst the regional strategy was revoked Saved Policy NRM6 of the South East Plan was saved as this was concerned with development near the Thames Basin Heaths SPA. Policy ID6 of the LPDMP relates to the need to provide or fund open space. The Planning Contributions SPD update, amplifies and provides guidance on how the Council apply the policies of the GBLP relating to planning contributions.

12232 A notional population for the proposal has been estimated of around 261 residents and a net increase of 117 new homes and 241 residents. This equates to a net population increase of 2.16% within the Onslow ward and 0.16% across Guildford Borough as a whole (based on the Census 2021). This would comprise a combination of new and existing local residents to this area.

12233 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 agreements to be:

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

12234 The following matters would be required to be secured to mitigate the impact of the development and to make the application acceptable in planning terms.

Affordable Housing

12235 To secure the on-site provision of affordable to comprise the tenure of 31 (70%) for affordable rent and 13 (30%) for shared/affordable ownership (30%) homes.

Cathedral staff accommodation

12236 There would be 13 homes tied to Cathedral to provide accommodation for the clergy of the Church of England, to replace the 7 houses in Cathedral Close. These have been accepted by the Council's Housing Development Lead as a form of affordable 'key worker' housing, as it is linked to a specific housing needed by the Cathedral to serve the community. To secure this and contribute to the on-site provision required by policy H2 of the LPSS.

SANG and SAMM

12237 The proposal would not deliver a SANG to mitigate the impact of the development, so a financial contribution (SAMM £95,948.99 and SANG £720,323.01) would be secured through a legal agreement, to mitigate the impact of this development in accordance with the avoidance strategy. At this time, a SANG has not been identified, therefore, a Grampian condition would be required to ensure that no development commences until the scheme as secured suitable SANG capacity.

12238 The proposal would be required to provide Strategic Access Management and Monitoring (SAMM) contributions. This would include the provision of wardens in the TBH SPA, off site access and public rights of way improvements and a package of education measures to inform the public of the fragility of the habitat. In accordance with the TBH SPA Avoidance Strategy.

Highway improvements

12239 Financial contributions have been sought to encourage the use of sustainable transport by improving bus stops, the onsite provision of a car club including two years' membership for occupants and a residential travel plan that would require monitoring, these would improve the travel options for people who would be living at the site and would mitigate the impacts of the scheme.

122310 Off-site highway works include contributions towards improvements footway/cycleway infrastructure which would encourage occupants of the site to access local facilities by these sustainable modes of transport. The highway improvements would comprise improved pedestrian crossing at The Chase/St Johns, mitigating traffic on local residential roads, speed survey studies within the vicinity of the site and works for the

upgrading, improvement and/or potential re-routing to Footpath 6 a public right of way (PROW) from Scholars Walk to the University site which would improve highway safety for all users.

1223.11 The proposed works would mitigate the impact of the scheme on the highways network and provide improved infrastructure to support the scheme.

Corporate Programmes

1223.12 There is a pedestrian/cycle access point on the eastern boundary that would provide access for a shorter route to Yorkie's Bridge and the northern end of the town centre. This shorter route would require land that is not in the applicant's ownership to deliver. Therefore, a financial contribution is sought for this be brought forward by the Council or the University of Surrey. This would improve connectivity and provide infrastructure improvements to support sustainable travel choices, to the Yorkie's Bridge section of the Sustainable Movement Corridor (SMC) and would mitigate the additional pedestrian and cycle movements associated with this development.

1223.13 Technical Note entitled "Cycle Route Contributions Calculation" dated 20.02.2023 estimates that there would be a net additional 138,684 non-vehicular trips per annum from the site. Considering the other non-car transport improvements requested by County Highways Authority, the net difference would amount to £130,632.

1223.14 The contribution would either be used for this new link to Yorkie's Bridge, improvements to walking and cycling connections between Yorkie's Bridge and town centre or the upgrade of footpath 6 to a bridleway.

Education

1223.15 It is expected the proposed development would yield approximately and additional 8 early years children, 17 primary pupils and 13 secondary pupils. There is not sufficient capacity within existing schools and the development must mitigate the impact of development on school places.

1223.16 The provision of education facilities to serve the needs of the development is required. Financial contributions would be sought for off-site works to increase capacity for places. Surrey County Council would use this at:

- early years - additional early years places, the location of which would be determined prior to commencement of the development
- primary years - additional places, the location of which would be determined prior to commencement of the development within a 3 mile radius
- secondary years - additional places, the location of which would be determined prior to commencement of the development within the 5-mile radius

1223.17 The capital projects have not been identified due to statutory consultation and notification processes, commercial sensitivity and political oversight. However, the funds would be used to deliver increased educational capacity, which is directly related

to the increase in new housing.

Healthcare

122318 There would be additional use of primary care facilities provided by GP practices. The net increase in households is linked to the number of GP consultations and takes into account age bands, visits and visit durations, this has then been used to calculate the additional GP rooms required and then multiplied by the build costs. The additional new residents would lead to up to 202 new patients. This would require a further 17.54sqm of additional floorspace.

122319 NHS Surrey Heartlands Integrated Care System (ICS) have requested a financial contribution towards delivering a new primary care facility in order to support meeting future need for primary healthcare in NW Guildford.

Policing

122320 The development would require additional policing, as the development would place an additional burden on local policing and would potentially lead to an increase in crime, on the application site or in the local area. Whilst the detailed design of the development can help minimise opportunities for crime through Secure by Design Principles, Surrey and Sussex Police have advised that additional infrastructure would be required to police the new homes. Accordingly, they have advised that the additional costs of policing the site should be secured through a legal agreement. This would include contributions to police officer start-up costs, police equipment and uniforms, training and recruitment, support staff start-up costs, training and recruitment, accommodation for staff and a police vehicle.

Open space

122321 The on-site provision of public open space would have to be provided and maintained to ensure that there would be opportunities for play and recreation. This shall be secured by legal agreement to ensure that it is maintained in perpetuity.

122322 There would be a shortfall in on-site play space and playing fields, required by policy R2 of the GBLP and the Planning Contributions SPD 2017. Therefore, an off-site financial contribution for sports grounds and playing space would be necessary in lieu of on-site provision for the net increase in people.

122323 The Council's Parks Asset Development Officer have confirmed that that the contribution of £172,270.59, based on the 2022/23 SPD tariff for playing fields/sport provision; would be used to improve facilities for a kick about/multi sports area at the Oval play space and pooled to replace one half of the Multi Use Games Area (MUGA) at Onslow Recreation Ground.

122324 For the additional play areas, given the on-site play space proposed, the contribution should be equivalent to an additional 0.05ha of on-site space, i.e., a fifth of the full amount of payment in lieu of appropriate on-site play space provision. This equates to

£28,068.00, based on the 2022/23 SPD tariff. This contribution would be used for the replacement and addition of play equipment at Oval play space and additional play equipment at Bannisters Field to increase its size.

122325 This would provide improved facilities to support the increase demands on play, sports and leisure activities for the growing community.

Landscaping

122326 Within the blue line of the application are the wider grounds of the Cathedral, it is proposed to have new tree planting along the western approach to the Cathedral to follow Maufe's original vision for the site, in accordance with drawing no. 1248-030 and 031 rev P1.

122327 This is required as a planning obligation as the application site for the housing would be in different ownership and/or management than the remainder of the grounds.

1224 Planning balancing exercise

The benefits

12241 For clarity, the following scale shall be applied when weighing the benefits from lowest to highest: limited, moderate, significant, substantial.

Five-year housing land supply

12242 The Council has a housing land supply of about 6.46 years. There is also no evidence that the deliverable sites in the supply would not come forward during this period. The application site is part of a site allocation in the LPSS, to deliver the identified need so the principle of development is not in question as this has been scrutinised through the plan-making process. Heritage constraints were identified as an issue by the LPSS Inspector and would require sensitive design and appropriate scale.

12243 It is to be noted that policy A15 uses the word "approximate" in reference to the number of houses the allocation is expected to deliver. . The number of homes in the allocation were derived from a capacity exercise, reflecting on the previously refused scheme for 134 homes. Whilst policy S2 establishes that the overall housing requirement is a minimum figure, the unchallenged evidence indicates that there is a considerable supply headroom across the whole trajectory.

12244 The proposed construction works would engender a considerable amount of engineering works due to the topography and clay subsoil. Furthermore, the housing would be delivered in phases as the five clergy houses in the Eastern Meadow, would have to be built first to allow the occupants of Cathedral Close to be decanted. Details of the implementation period are not known at this stage, however, there is potential that this could take more than five years. Nevertheless, it is not a necessity in terms of the supply or delivery of land in the short term, which does not depend on the application site, as set out in table 1 (page 11) of the Land Availability Assessment

(LAA) 2022. The fact that the site is not within the Council's five-year housing land supply does not mean that it would not be beneficial if it were to be delivered sooner. It is Government policy to boost the supply of housing, and the proposed delivery from the application site would be in accordance with this objective. Nevertheless, the Council has a favourable land supply position throughout the plan period. Given the proposed housing provision on this sustainable allocated land would be a benefit, **significant** weight would be attributed to this.

Affordable housing

12245 The proposed development would deliver the full policy level of affordable housing. The tenure split and housing mix would meet identified needs in accordance with the Strategic Housing Market Assessment Addendum (2017) and policies H1 and H2 of the LPSS. This would support in meeting an acute need for such housing within the Borough and that the situation is deteriorating year on year. The provision of 57 affordable homes, the 44 homes for affordable rent and shared ownership would be a benefit of **substantial** weight.

12246 The remaining 13 homes would be only available to the Cathedral for occupation by staff so that they can be housed within the community that they are serving. So, whilst meeting a need it is one associated with the operational needs of the Cathedral, rather than be available to the wider public. Therefore, this would carry **significant to moderate** weight. The weighting reflects the importance attributed to this policy compliant scheme, given that the delivery of affordable housing in the town centre and Guildford urban area has been in low supply.

Housing mix

12247 The housing mix, which would comprise 1, 2, 3 and 4 bedroomed homes, one five bedroom house, with houses and apartments. There would also be 25 accessible and adaptable dwellings, this would exceed the policy requirement of Accessible M4(2) homes. This would be a benefit of **moderate** weight.

Endowment

12248 The endowment income from the sale of the 'green land' would provide an income of £180,000 a year for the next five years and in perpetuity a varying amount. This would meet 23% of the costs for works related to repairs and maintenance to the Cathedral building for the next five years. However, the Cathedral would still have to find the remaining £2,685,000 (77%) of the funds for the works over the next five years. It should be noted, that the endowment would not be available to spend on the urgent works identified to be done in the next 12 months, so would be funded from other sources until the endowment had accrued an income, at least one year after receiving the capital from the land receipt. There would be a substantial funding shortfall and whilst a worthy contribution, this would not provide the high degree of financial security that would have been envisaged, as a result of the site allocation. The long-term endowment income for the maintenance of this landmark building for the nation and community it serves is given **moderate** weight.

1224.9 The remaining 'red land' would generate an income of £60,000 a year for the next five years and in perpetuity a varying amount. This income may be used for "a proper purpose of the Cathedral." However, whilst the Cathedral state that they would also use this income on the works for repairs and maintenance of the Cathedral. The Cathedral currently have a budget deficit. Therefore, as the funds are not specifically ring-fenced and in the absence of a S106 planning obligation the Council have no influence on this matter and the monies could be used for other purposes. Therefore, due to this degree of uncertainty on the use of the endowment income from the 'red land' for the maintenance of Cathedral, this is given **limited** weight.

S106 financial contributions

1224.10 There are various provisions that would be necessary to meet the needs of the development. These include the financial contributions in accordance with the TBH SPA Avoidance Strategy towards education, healthcare, policing and off-site open space. These would provide proportionate mitigation rather than benefits.

1224.11 There would be other provisions that would also offer some wider advantage to the established population. These would include off-site highway improvement works improved pedestrian crossing at The Chase/St Johns, mitigating traffic on local residential roads, speed survey studies within the vicinity of the site and works for the upgrading, improvement and/or potential re-routing to Footpath 6 a public right of way (PROW) from Scholars Walk to the university site and to improve connectivity. These would be benefits of **moderate** weight.

1224.12 The Sustainable Movement Corridor (SMC) is a council project to provide sustainable travel choices through the town and to new housing including the strategic sites. The financial contribution would be used to improve connectivity and provide infrastructure improvements, to support sustainable travel choices, to the Yorkie's Bridge section of the Sustainable Movement Corridor SMC. Whilst it would be necessary to provide highway improvements to support sustainable modes of travel, this would also provide a wider benefit by helping to enable delivery of this infrastructure project. It is a benefit afforded **moderate** weight.

Surface water management

1224.13 The existing site does not have much in the way of surface water attenuation and due to the clay sub soil, pools at the edge of the site. The proposed measures would manage the surface water and reduce the risk of flooding. This would be an improvement on the existing situation; however, the site is not identified as having a high risk of surface water flooding. The improvements are required to mitigate the increase in impermeable areas from the proposed development. So would provide proportionate mitigation rather than benefits.

On-site open space and landscaping

1224.14 The avenue of trees along the western approach route which were shown in the plans

of Maufe's original landscape concept, would be reintroduction with two formal lines of semi-mature trees (35-40cm girth). Whilst this is outside the red line of land in the applicant's control, the delivery of this can be secured through a planning obligation and would be proportionate and meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations. This would have a wider public benefit and **significant** heritage benefit in enhancing the setting of the listed building.

1224.15 The restoration of the southern approach, improving the lighting and surfaces for the pedestrian route would make it more visually prominent and attractive, as well as addressing the impact of lack of maintenance and disrepair that has occurred over time. This would benefit the wider public visiting the site. So would carry **moderate** weight.

1224.16 The applicant has agreed to deliver a public art strategy, this would enhance the public realm and add interest to the site, which would be located throughout the site on the amenity open space. This is afforded **moderate** weight.

Biodiversity net gain

1224.17 There would be a biodiversity net gain of 1.97% for habitat units and 100% for hedgerow units. The gains in terms of hedgerow units would represent an environmental benefit of **significant** weight.

1224.18 The proposal would introduce extensive tree planting and other planting to enhance the existing hedgerows and the open spaces around the buildings. This would include native and a drought tolerant species. This would add to biodiversity value and provide attractive amenity areas for the new homes. This would not be linked to biodiversity and is instead the green infrastructure required to mitigate the loss of Amenity Green Space, so would provide proportionate mitigation rather than benefits.

Climate Change and Sustainability

1224.19 The buildings would follow the energy hierarchy thereby achieving a site wide carbon reduction of 58.90% and have water efficiency measures. This would ensure that the buildings would have reduced energy and water consumption which would contribute in a small way to the wider demand for resources. This would be an environmental benefit, so this is given **moderate** weight. However, there is also a requirement under the changes to Parts G and L of the Building Regulations.

1224.20 The installation of air source heat pumps (ASHPs) and photovoltaic panels on roofs to provide energy would mean that there would be no on-site carbon dioxide and nitrous oxides emissions. This would have a wider environmental benefit in having no greater impact air quality, this is given **moderate** weight. This would also comply with Part L of the Building Regulations.

1224.21 The scheme would deliver electric charging points for all car parking and some cycle, measures to support the use of public transport and on-site and off-site cycle infrastructure, car club spaces and membership and safe and secure long term cycle

parking including cargo bikes. Whilst the benefits for this have not been qualified the facilities and onsite provisions would strongly support sustainable lifestyles and a modal shift from petrol and diesel motor vehicles to low/zero carbon emission choices and improve air quality. This would have both **moderate** social and environmental benefits.

Economic

122422 The development would generate employment during the construction period. Furthermore, there would be a reliance on associated goods and services that would help support local businesses and tradespeople. Whilst a modest proportion of the occupants (mostly those that would own/occupy the affordable housing, 57 homes or 110 people of the 262 (42%)) would be moving from within the boroughs not all would be from within this locality, so the new population would generate additional income that would increase spending in the local economy to support local shops and services. These are economic advantages of **moderate** weight.

New homes bonus

122423 The New Homes Bonus is intended to incentivise housing growth, at this time the income would not be ring fenced by the Council for projects that might benefit the local area. Council Tax may generate significant revenue, although this is necessary to deliver local services and infrastructure to support the new development. These are neutral factors in the planning balance. No weight is afforded to these matters.

The heritage balancing exercise

122424 There would be less than substantial harm to the significance of the heritage assets comprising the setting of the listed building and monument. This harm would be in the middle of the spectrum for the Cathedral and at the lowest end of that spectrum for Guildford Castle and the locally listed lodge buildings to the south.

122425 Paragraph 199 of the NPPF makes clear that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The importance of the asset is also relevant and the fact that the Cathedral is a Grade II* listed building and Guildford Castle is a Grade I listed building and a Scheduled Monument, so this has to be given due regard in terms of the harm to their significance.

122426 Great weight is afforded to the harm identified and it would be reasonable to take account of the nature of the scheme and the importance of the assets, as long as the principle of applying great weight is adhered to.

122427 The site is within the setting of the listed buildings and Scheduled Monument it is likely that any development would result in less than substantial harm to their significance. The principle of development is not in question as this is an allocated site. However, the allocation was not informed by any detailed site-specific heritage assessment for the local plan process. Although consideration was given to the heritage assessment

carried out by the Design and Conservation team during the previous application 15/P/02284 (by Linden Homes for 134 homes), which was submitted with a heritage statement (dated March 2015 prepared by Asset Heritage Consulting Ltd). The findings in the report on the Setting and Landscape (2007) by Jackie Taylor for Historic England were also considered. This site allocation was accepted by the Local Plan Inspector, who stated that approximately 100 homes could be delivered “sensitive design and appropriate scale.” It was always expected that a further detailed heritage assessment was expected to be undertaken when subsequent detailed proposals came forward as part of a planning application. One of the most important matters that has been raised through the public consultation exercise, as part of this application has been the historic interest of the land itself as commemorative or memorial spaces, and the intention of the land around the Cathedral as an integral element to the setting and significance to the heritage asset.

1224.28 Guidance in the Historic Environment PPG (Paragraph: 020 Reference ID: 18a-020-20190723) does seek to explain the concept of ‘public benefit’ stating that “public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.” It is acknowledged that the proposal does result in a number of public benefits, and these have been set out and discussed above at paragraphs 12.24.2 to 12.24.23.

1224.29 In accordance with paragraph 202 of the NPPF the harm identified shall be weighed against the public benefits. The package of public benefits overall can be afforded significant weight, as they are wide ranging and long-lasting. Of particular note would be the endowment, affordable housing and re-planting of trees along the western processional route. This would assist in meeting the works for repairs and maintenance costs to ensure that the Cathedral is preserved for the future. The wider public social, environmental and economic benefits would have a positive impact on the people that live, work or visit the area. Delivering a range of housing choices, on a site allocation in a sustainable location.

1224.30 However, these would be insufficient in this case to outweigh the degree of harm that would arise to the significance of the setting of this Grade II* listed. The exercise that has been undertaken under paragraph 202 of the NPPF is not an even balance and the great weight and importance attributed to the identified harm to the heritage assets tips in favour of their conservation, notwithstanding the public benefits. The scheme would therefore fail to accord with paragraph 199 of the Framework, and policies D3 and A15(3) of the LPSS and policy D16 of the LPDMP.

Final overall planning balancing exercise

1224.31 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions

to be taken in accordance with the development plan unless material considerations indicate otherwise. This requires a broad judgement regarding whether the development accords with the plan read as a whole. Paragraph 11 of the NPPF also states that 'plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means...approving development proposals that accord with an up-to-date development plan without delay'. While the proposal would comply with a number of policies within the plan, overall and taken as a whole, the development would fail to accord with the development plan. Therefore, the presumption is that the application should be refused.

1224.32 The other harm identified above must be considered and balanced against the other planning benefits of the proposal. As already set out above, paragraph 202 of the NPPF requires a balance of the heritage harm against the public benefits of the scheme. That balance has been carried out above, and the conclusion reached is that the public benefits of the scheme do not outweigh the heritage harm. However, the other harms resulting from the proposal must also be assessed, together with the heritage harm, and these should also be balanced against the benefits of the proposal. This final balancing exercise shall be carried out below.

1224.33 As before the weight to be afforded to each harms/ benefit, from lowest to highest: limited, moderate, significant, substantial. Then having attributed such weight, an overall judgement would then be required regarding the balance of harm vs benefit.

1224.34 As noted above, the less than substantial harm identified to designated heritage assets carries substantial (great) weight and considerable importance in the planning balance. Given the full analysis in relation to heritage harm above, that exercise is not here repeated, whilst other identified planning harms are considered below.

Landscape and visual impact

1224.35 The introduction of built form on the southern side of the Eastern Meadows would have residual adverse effects on one of the 'important views' (VP15) set out within the Town Centre Views SPD; as reflected within the submitted LVA (pages 198 and 199) as Major adverse for visual receptor V11 (Stag Hill), which is considered to be significant. There would be harm to the views from Stag Hill looking south east, with the Major adverse effect stated, which is considered to be **substantial**. As it would affect the ability to see the wide expanse of the vista of the town and pick out key landmarks identified in the SPD. The outlook from this location has been improved, however, not to the extent that it would change the assessment.

1224.36 The new homes and their private amenity areas would affect the ability to enjoy this space as a viewpoint, as fewer people would be likely to use this area in the way it is currently used. Also, the new residents would be likely to feel a sense of intrusion if they did so, with the resultant tendency to add tall fencing around garden spaces, further detracting from the meadow qualities of the open space, through a potential default privatisation of this space.

1224.37 22 visual receptors have been identified that would be sensitive to the proposed

development. Nine of these would experience a moderate adverse to major adverse effect. Consequently 13 of the 22 views would have a minor adverse or negligible effect. Therefore, harm has been identified to over 40% of the views, thereby reflecting the wide-reaching effect due to the increase in the built form, the reduction in the prominence of the Cathedral and its silhouette and the loss of the degree in separation created by the 'green collar'. The amendments to reduce the scale and mass of the tallest buildings, climbing plants and tree planting have softened the effects so that there would be moderate effects in the short term (year one) and long term (year 10). Development to deliver the site allocation would result in a degree of harm, therefore, this is afforded **moderate** weight.

Characteristic of well-designed places

- 122438 The development has been assessed against the 10 characteristics set out by the National Design Guide (NDG). The scheme fails to fully address the constraints and opportunities.
- 122439 The starting point is a full understanding the context of the surroundings and how they could be enhanced so that the existing community would be more accepting of the proposals for cohesion. The DAS contains details of the existing built development, land condition, topography, landscape, biodiversity, flood risk and movement. As a result, in some aspects the proposals have made been able to fulfil and contribute to these components of good design. However, where the scheme has fallen short, has been in responding positively to the existing built development, visual impact, views inwards and outwards and the use of the public space. So that the proposals would be able to integrate into the wider surroundings physically, socially and visually. There is a detailed record of the history of the site and how this has been shaped by local history, culture and heritage, however, the links created are weak so that the new development would not be regarded as the heritage of tomorrow. It is in these areas that the scheme has not met the objectives for placemaking in those characteristics of the NDG.
- 122440 The 'Identity' is one of the most important characteristics to this site, due to the Cathedral, the diocese and the amenity open space. This is the most sensitive site allocation in the LPSS, any development here has a duty to respect the special nature of this site and what makes it so distinctive. This includes its features, composition of the building, relationships between buildings, views, vistas and landmarks, roofscapes, scale and proportions of streets and buildings. Whilst it is possible to see the kernels of these matters being acknowledged in the DAS and in particular the LVA, the resulting scheme has a building form that jars with the Cathedral and surrounding residential development that local communities cannot identify with. Whilst there is scope to have a different scale and density and the three-character areas do provide variety, as you move through the site. The way in which this has been provided results in a scheme that does not overall provide the outstanding design quality required, for this unique site.
- 122441 Pages 48-49 of the DAS (October 2021) have the constraints and opportunities plans, this can be compared to 'Response to Issues Annotated Proposed Plan' produced by

consultant architect and urban designer, Amanda Reynolds (AR Urbanism) which has identified a far greater number of views, movement connections and landscaping features. Furthermore, this does not appear to have been influenced by the work in the LVA (December 2022) as the DAS addendum (December 2022) as the update to DAS does not reflect the assessment carried out in the LVA.

122442 As such the proposed development would result in harm to the parkland around the Cathedral and the way it functions, shaped by the quality of the landscape and views in and out of the site. As well as harm to the character of the area due to the visual prominent built form, due to the scale, layout and the lack of relatability.

122443 This shall be afforded **substantial** weight.

122444 The public benefits of the scheme and the weight attributed to them have been set out at paragraphs 12.24.2 to 12.24.23.

Overall planning harm v benefits balance

122445 The benefits of the proposal are wide ranging in relation to social, environmental and economic benefits and would be long lasting; particularly in relation to housing delivery, affordable housing provision and biodiversity net gain. The proposal would have a transformative impact on how the grounds of the Cathedral are experienced on site and seen from within the town given its dominant hilltop position, with the introduction of residential development in three parcels of land from two to three and a half storeys in flatted blocks and houses on the open amenity space, that forms a parkland setting. The land around the Cathedral has already experienced the cumulative effects of disposals of land for development. Consequently, the remaining land available that has been allocated for development is on the more sensitive parts of the site.

122446 The harm resulting from the proposal is to the heritage assets, the highly valued Grade II* listed Cathedral and Grade I listed Guildford Castle. As set out in the report above, the heritage harm is not outweighed by the public benefits of the proposal. The other harm would be the visual impact from the viewpoint on the eastern meadows looking towards the town and harm to the character of the open amenity space and character of the area from the visually prominent development due to its scale and layout.

122447 Overall, the benefits associated with the proposal do not outweigh the identified harm, including harm to the two designated heritage assets and result in other harm to viewpoints and vistas and the design approach, layout and appearance would not create an outstanding development in this special site allocation, that could be regarded as a heritage legacy for the future. The proposed development would not accord with the development plan read as a whole and other material considerations would weigh against the grant of planning permission, in accordance with section 38 of the Planning and Compulsory Purchase Act 2004 (as amended). The proposals would fail to comply with policies S3, D1, D3 and A15 of the Local Plan: Strategy and Sites (2019), policies D4 and D16 of the Guildford Borough Local Plan: Development Management Policies (2022). As such, the proposal is deemed to be unacceptable and is therefore recommended for refusal.

13. Conclusion.

- 131 The proposal would deliver 124 homes on this site allocation in the grounds of the Grade II* listed Guildford Cathedral on a visually prominent hilltop in the town. The existing seven homes in Cathedral Close would be demolished and replaced with new flats and housing on three parcels of land with different character areas. There would be vehicular accesses from Ridgemount and Alresford Road to serve all except the five clergy houses, which would be accessed from the existing car park adjacent to the northern boundary of the site. There would be pedestrian and cycling connectivity within the site and off the site as required by policy A15(1) and a large package of measures to support sustainable travel choices. There would be no gas fired boilers with a fabric first design and onsite renewable energy generation as a response to policies relation to sustainability and climate change and requirements under the new part L of the Building Regulations. Extensive tree planning would take place for connectivity of spaces as required by policy A15(6) including the restoration of an avenue of trees along the western approach.
- 132 The quantum of development would exceed the approximation in the site allocation. and is a highly sensitive location in terms of the impact on the significance of heritage assets and its visual prominence in the townscape and countryside beyond The site also has a viewpoint identified in the Guildford Town Centre Views SPD (2019), from where an expansive vista looking over the town can be appreciated.
- 133 The scheme was amended during the course of the application to address concerns raised by officer The main changes related to the change in the built form and arrangement along the southern edge of the Eastern Meadows and a reduction in the scale and mass of the tallest flatted blocks on the Eastern Slopes. There was also a positive response to on-site cycle infrastructure and accessibility and the provision of car club spaces and membership. These amendments have resulted in improvements; however, they did not overcome the harm that has been identified.
- 134 The proposal would result in less than substantial harm to the significance of heritage assets due the harm identified to the setting of the Grade II* listed Cathedral, ability to appreciate the two lodge buildings to the south and visual distraction to the view over the town and the landmark of Guildford Castle. Other harm related to unsuccessful placemaking due to the quantum of development, visually prominent development, layout, appearance and the harm to an important view point with a vista over the town and how this could be appreciated and enjoyed due to proximity of residential development. This would fail to comply with policies S3, D1, D3 and A15 of the LPSS, policies D4 and D16 of the LPDMP as well guidance in the Guildford Landscape Character Assessment and the National Design Guide and the NPPF.
- 135 A comprehensive balancing exercise which considers the benefits of the development has been carried out. These include (but not limited to), housing delivery, affordable housing and biodiversity net gain. The proposal would also enable the Cathedral to gain an endowment which would provide some financial security however, this would only meet less than a quarter of the cost of the works to the Cathedral for repairs and maintenance. The detailed assessment carried out has demonstrated that the harms

identified would not be outweighed by the identified benefits that the proposal would bring.

136 As a result, the recommendation is that planning permission should be refused.

137 Therefore, as a legal agreement has not been secured, it is necessary to include reasons for refusal in relation to a lack of mitigation in accordance with the Thames Basin Heaths SPA Avoidance Strategy and the mitigation required through planning obligations.

Report of the Guildford Design Review
Panel

Land to the south of Guildford Cathedral

18th May 2020

The design review panel

Reference number	1394/300420
Date	30 th April 2020
Meeting location	Online via Zoom
Panel members attending	Richard Portchmouth (Chair), Architecture, Urban Design Louise Goodison, Architecture, Historic Environment John Pegg, Landscape Architecture, Urban Design Kevin Radford, Architecture, Urban Design Kay Richardson, Historic Environment, Landscape Architecture
Panel manager	Sogand Babol, Design South East
Presenting team	Ian Fenn, JTP LLP Laura Stafford, JTP LLP Lily Tsolakidi, JTP LLP Rupert Grierson, Macgregor Smith Jamie Cusack, Macgregor Smith
Other attendees	Matt Evans, Macgregor Smith James Lacey, Vail Williams LLP Sarah Isherwood, Vail Williams LLP Paul Thomas, Vivid Homes Tim Asson, Asson Associates Kevin MacKenzie, Dalmore Land Nick Doggett, Asset Heritage Consulting Maria Vasileiou, Guildford Borough Council John Busher, Guildford Borough Council Louise Blaxall, Guildford Borough Council Rebecca Souter, Guildford Borough Council Paul Fineburg, Guildford Borough Council
Site visit	This review was carried out during the Covid-19 outbreak in 2020. Independent site study including desktop research prepared by Design South East and a digital walk-around (in a similar fashion to that which would have been conducted on-site) was carried out prior to the review.
Scope of the review	As an independent design review forum, the scope of this review was not restricted.

Panel interests Panel members did not indicate any conflicts of interest.

Confidentiality This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report.

The proposal

Site location	Land to the south of Guildford Cathedral, Alresford Road, Guildford, GU2 7UP
Site details	The site is formed of two parcels of land flanking the southern pedestrian path toward Guildford Cathedral from Stag Hill, across Alresford Road. The easterly parcel boundary extends to include the Garden of Remembrance to the east of the Cathedral.
Site context	The Cathedral is a Grade II* twentieth-century building and one of only three Church of England Cathedrals constructed in the twentieth century and the last Church of England Cathedral consecrated on a new site, in 1961. Designed by Sir Edward Maufe, the Cathedral marries Gothic tradition and twentieth-century construction techniques – it is the first modern Cathedral conceived and built with a simple aesthetic design and decoration, while notably innovating high level cast in-situ concrete. Onslow Village, a sloped suburb consisting of 1920's housing and beech hedged residential streets modelled on the ideas of the Garden City movement, lies to the south of Alresford Road.
Proposal	This is a proposal for up to 130 dwellings including affordable housing and associated landscape works. It is intended that the sale of 50% of these homes will provide financial endowment for essential repairs and maintenance of the Cathedral.
Local planning authority	Guildford Borough Council
Planning context	The site is allocated in the new Guildford Local Plan (2015-2034) for circa. 100 homes. Some additional expectations include improved pedestrian connectivity, retention of strategically important views of the Cathedral, sensitivity to the setting and a holistic approach to landscape. There are a number of protected Oak trees on the southern arrival gates and a public footpath through Scholars Walk terminating at the south-eastern corner of the site.
Planning history	There is a historic scheme for 134 dwellings proposed by Linden Homes which was refused at committee, with the key reason cited as the poor quality of the proposal, which was considered to be out of character with and harmful to the immediate context. The application is a material planning consideration, but the new applicant team and

authority have agreed to approach the site anew in pre-application discussions.

Planning authority perspective

The authority seeks the panels view on whether or not the proposal protects and improves the Cathedral setting, if strategic and important views are being respected, if connectivity with the wider town is improved, and if the new line of trees and treatments on the southern route are a barrier to views towards the wider town and the Hog's Back. The authority's view is that in the original Maufe vision for the Cathedral, the authentic experience of arriving was on the west by vehicle, and the south by foot.

Engagement

Stakeholder engagement identified a desire to ease traffic and congestion to the south and improve biodiversity.

Summary

This special and sensitive site requires an extraordinary level of dialogue, investigation, understanding, vision and rigour. The applicant team have begun to rise to this need through their work, which demonstrates sensitivity and clarity of conceptual thinking.

A good start has been made and there is confidence in the team. However, there are elements of the proposal that require a fundamental rethink owing partly to the depth of conceptual considerations involved.

Key recommendations

1. This site is in a unique and transitional position sitting between the Cathedral and wider town, which predicates how a proposal here must be designed. Where a development can sit and the scale, mass, and form of buildings must be delicately balanced to mediate between the two starkly differing contexts. A reduction in the total number of dwellings will be needed to achieve this balance.
2. The appropriateness of any buildings to the east of the Cathedral is questioned and considered a challenge to the setting. A formal, plateaued landscape is at odds with our interpretation of Maufe's original intent in terminating the formal east-west axis on the east through the rounded apse of the Cathedral. The East Lawn should be left as an open, informal and sloped landscape.
3. The proposal for Eastern Slopes appears to compete with that of the Cathedral both in plan and longer views. Development in this location should be reduced in density and refined to fit with the topography to fulfil an aspiration for an organic development and the need to create a transition in scale towards the town.
4. It is important that the Western parcel relates better to the community of Onslow south of Alresford Road. Development here could be placed further south, replacing the hedgerow, to help minimise cut and fill, which would otherwise harm the landscape and setting to the north.
5. The opportunity of renewing Maufe's original intent of a "green skirt" around the Western Approach and connecting with the University in the north should be explored as should the reversion of the north-western carpark into a green space, or alternatively its screening.
6. The symbolism and narrative of the Cathedral building itself should be understood in more depth to reflect on how its qualities could enrich the architectural proposal.

Detailed comments and recommendations

1. Landscape, orientation and connectivity

- 1.1. While the importance of the avenue approaches to the Cathedral from the west and south is well-documented and sacrosanct, it should be noted that the eastern aspect of the Cathedral, as seen from the town across an informal, open and hilly landscape, is considered to be of similar importance. This is evidenced in the presence of the Cross on this side of the building and the historic watercolour illustration which depicts the Cathedral upon a hillside of the valley within which the town sits. The character of openness from this orientation must, therefore, be maintained to preserve the integrity of the Cathedral's setting.
- 1.2. The Cathedral sits on a clay outcrop of the chalk ridge that carries one of the earliest pathways known in southern England. The building is located on a bluff, overlooking the valley of the river Wey carving its route through the North Downs. This strategic crossing accounts for the origins of the town of Guildford. The relationship between the town and the Cathedral is still a work in progress that any design proposals need to address. The seven values presented by the Cathedral in the review, and particularly "connection" are considered of key importance. More work is needed to ensure the proposal relates to Guildford, the wider town and beyond in an appropriate manner. Key Recommendation 1 suggests one approach that addresses this concern. The southern slopes and steps are part of a wider contextual pilgrimage journey. This narrative and route must be fully understood and respected in the proposal.
- 1.3. We question the suitability of remodelling land immediately to the east and the principle of development here. In addition, we suspect that study of the boundaries of sacred spaces within the Cathedral's setting would support the view that the east is not a suitable place for positioning new buildings, as they could interfere with the way the building is understood and valued socially.
- 1.4. The presence of well-developed vegetation and canopy cover on what was once intended to remain open grassy hills is recognised. However, we feel that the addition of more trees and vegetation exacerbates this change in character, to the detriment of the open landscape character. We support the selective thinning of vegetation on the east whilst maintaining the ecological value of this landscape. The avenue of lime trees on the west is welcomed, however it is preferred that the tree planting starts slightly further east of the junction to enable a better landscape connection between the southern community and university.
- 1.5. The proposed zig-zag wheelchair accessible southern route will likely result in a visually intrusive outcome due to the extent of the earthworks required to

accommodate the path, effectively infilling the existing open slope and ascent to the Cathedral. We recognise the importance of the southern route, however, the team are invited to consider a more enjoyable and shallower accessible route from the south-east maintaining the 'pilgrimage' route as originally implemented. A less forboding and more natural ascent via an alternative and additional route from the south east with a gentler gradient would arguably be more user friendly for those who are less mobile.

- 1.6. The opportunity of adhering to Maufe's original intent with a "green skirt" around the Western Approach and connecting with the University in the north should be explored. The gable end of the education centre is visually prominent, this can be played down by screening, the conversion of the north western car park to green space and composing the new avenue to draw the eye to the Cathedral instead.

2. Landscape, water, biodiversity and ecology

- 2.1. The hedgerow to the south of the Western Approach parcel does not appear to be of significant ecological value but is being retained in its entirety with development pushed further north into the hillside. The retained hedge appears as a weak median strip separating 4 lanes of traffic. This approach should be reconsidered. It is more important that the western proposal has a strong visual and social relationship with Onslow south of Alresford Road. Development here could be drawn onto Alresford Road. In addition, a satisfactory response to the rear of the properties should be addressed in a revised proposal. We welcome commitments made for physical improvements to Alresford Road.
- 2.2. Existing ecological corridors and connections are interrupted by the removal of trees and introduction of a road to the north of the East Lawn. This should be reviewed, with the ecological link maintained. This may be achieved at upper levels through careful planting and detailing.
- 2.3. The proposal could make better use of water to contribute to a sense of place and for amenity, for example, by being designed into and around the southern path. A comprehensive strategy should be developed that moves away from engineered tanking solutions, using rain gardens more effectively for slowing and maximising the value of water.
- 2.4. A review of the Eastern Slopes proposal should look to remove parking structures and increase the landscape value of the site. The resulting detailed design proposal should justify that a landscape priority east-west corridor through the Eastern Slopes is possible given the proposed deck area.

3. Form and architectural language

- 3.1. The role of the Cathedral architecture and its relationship with the site context could be elaborated upon. It has a prominent, intelligible but layered massing with many intended perspectives and symbolic features linked with their orientation. The building and its heritage should be interrogated with more depth and responses to these unique qualities outlined.
- 3.2. Care should be taken to ensure the flank elevations and gables of buildings are carefully designed and work coherently with the ascent up the southern route and in longer views, particularly from the south and east.

4. Community

- 4.1. Engagement with the communities of Stag Hill and Onslow Village are needed to inform the design process of this scheme. Visual, physical, social and symbolic connections with Stag Hill should be developed in partnership between the Cathedral and Council. The relationship with Onslow Village should be strengthened.
- 4.2. While not necessarily within the scope of this project, policy and streetscape improvements for the Royal Processional route taken down the High Street and over the Town Bridge might be a consideration for the Council, in order to influence and futureproof any forthcoming design proposals on Stag Hill.

5. Materials and detailing

- 5.1. The approach to materials and detailing was not discussed in great detail at this review. Our advice is consistent with paragraph 130 of the National Planning Policy Framework (2018), which states: *“Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”*
- 5.2. In order to be consistent with this national policy, the applicant team and local authority should note Design South East’s general guidance on material quality and detail. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.

6. Energy strategy

- 6.1. The approach to energy efficiency was not discussed in great detail at this review. We welcome elaboration on the strategy at subsequent discussions with the authority or panel.
- 6.2. Our guidance is that at the planning application stage the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations. Design South East reserves the right to make the contents of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available and we expect the local authority to include it in the case documents.

Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions.

The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

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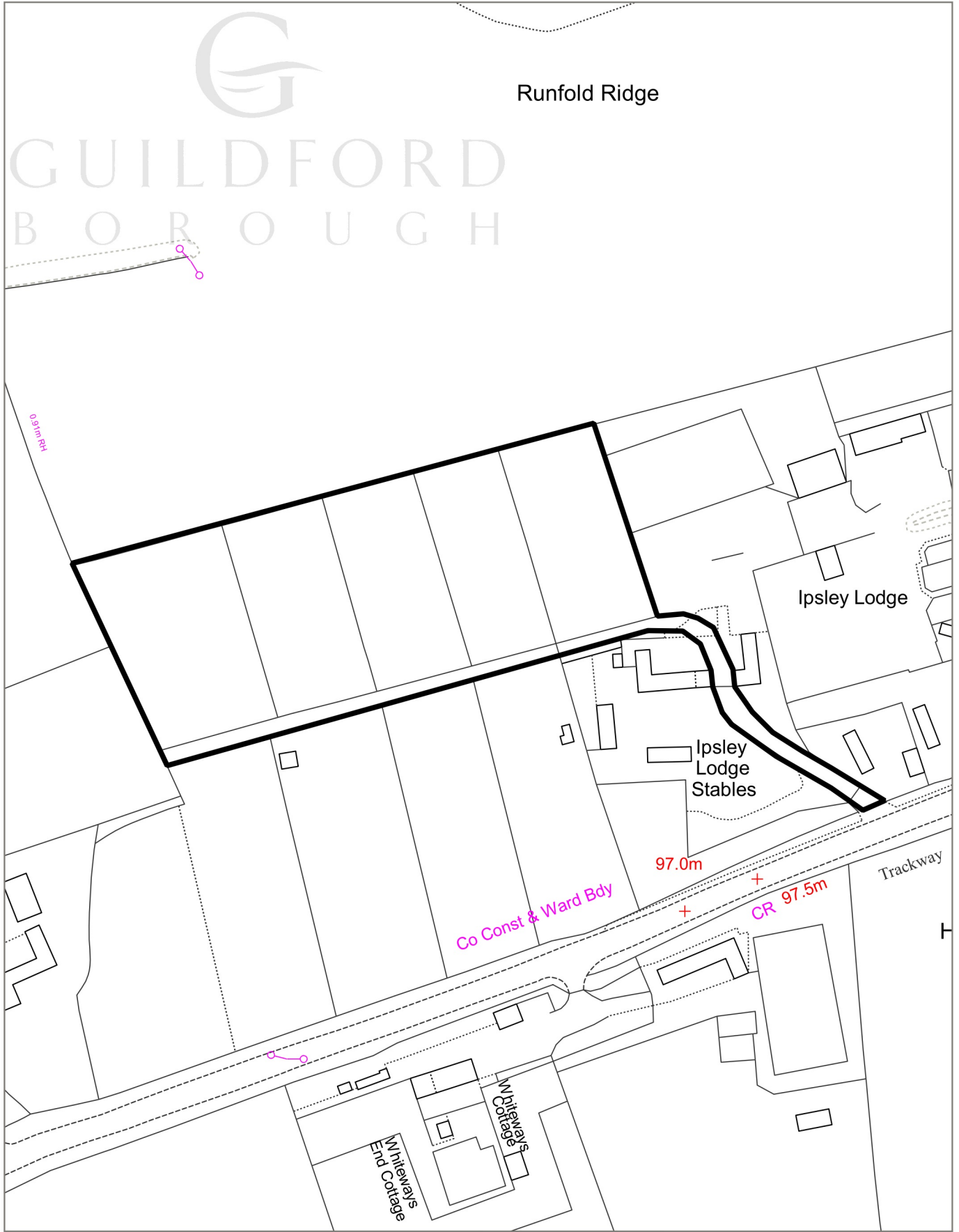
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22/P/00738 - Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey



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GUILDFORD
BOROUGH

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



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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 WS Planning & Architecture 5 Pool House Bancroft Road Reigate RH2 7RP	Applicant:	Mr Owen C/O WS Planning & Architecture 5 Pool House Bancroft Road 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) :-

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.
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.

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.

Reference:	Description:	Decision Summary:	Appeal:
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.	Refused	N/A
21/P/00505	Erection of two 3 bedroom houses and two mobile home pitches.	Refused	N/A
20/P/01710	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 – withdrawn.	Withdrawn	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:

22 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)
- This is the fourth application for the same thing on the site (Officer note: this is the third application for the siting of caravans on this site following the refusal of 22/P/00738 and the withdrawal of 20/P/01710)
- They do not have permission to be on the site (Officer note: it would not be expedient to take action to remove the caravans from the site until the planning application has been determined)
- Burning is taking place on the site and there is excessive noise (Officer note: this is a matter for Environmental Health)

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 advise 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.

Appeal Decisions

Hearing held on 29 November 2022

Site visit made on 29 November 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal A Ref: APP/Y3615/W/21/3287182 The Pines, Green Lane East, Normandy GU3 2JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr John Searle against the decision of Guildford Borough Council.
- The application Ref 21/P/00454, dated 4 March 2021, was refused by notice dated 17 May 2021.
- The application sought planning permission for variation of condition 3 of planning consent 10/P/00507 (approved on appeal on 14/06/2011) for the use of land for stationing of caravans for residential purposes for 1 gypsy pitch, with ancillary utility/day room, to allow permanent occupation of the pitch on the site without complying with conditions attached to planning permission Ref 15/P/02363, dated 5 March 2018.
- The conditions in dispute are Nos 1 and 2 which state that:
(1) The use hereby permitted shall be carried on only by the following individuals: John Searle (senior) and John Searle (junior) and their dependants, and shall be for a limited period being the period of three (3) years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
(2) When the premises cease to be occupied by those named in condition 1) above, or at the end of three (3) years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
- The reasons given for the conditions are:
(1) Bearing in mind the need to allow sufficient time to find an alternative site with planning permission and the local planning process to take its course, three years is justified. The personal circumstances are pivotal in justifying a grant of a temporary planning permission.
(2) A restoration scheme would need to be agreed with the LPA.

Appeal B Ref: APP/Y3615/W/21/3287186 The Pines, Mobile Home 1, Green Lane East, Normandy GU3 2JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr John Searle against the decision of Guildford Borough Council.
- The application Ref 21/P/00456, dated 4 March 2021, was refused by notice dated 17 May 2021.

- The application sought planning permission for the use of land for the stationing of caravans for residential purposes for 1 No. gypsy pitch together with a utility/dayroom ancillary to that use without complying with conditions attached to planning permission Ref 15/P/02364, dated 5 March 2018.
- The conditions in dispute are Nos 1 and 2 which state that:
 - (1) The use hereby permitted shall be carried on only by the following individuals: Jade Searle and her dependants, and shall be for a limited period being the period of three (3) years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.*
 - (2) When the premises cease to be occupied by those named in condition 1) above, or at the end of three (3) years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.*
- The reasons given for the conditions are:
 - (1) Bearing in mind the need to allow sufficient time to find an alternative site with planning permission and the local planning process to take its course, three years is justified. The personal circumstances are pivotal in justifying a grant of a temporary planning permission.*
 - (2) A restoration scheme would need to be agreed with the LPA.*

Decision

1. Appeal A is allowed and temporary planning permission is granted for the use of land for stationing of caravans for residential purposes for 1 gypsy pitch, with ancillary utility/day room at The Pines, Green Lane East, Normandy GU3 2JL in accordance with the application Ref 21/P/00454, dated 4 March 2021 without compliance with condition numbered 1) previously imposed on planning permission Ref 15/P/02363, dated 5 March 2018 and subject to the conditions set out in the schedule below.
2. Appeal B is allowed and temporary planning permission is granted for the use of land for the stationing of caravans for residential purposes for 1 No. gypsy pitch together with a utility/dayroom ancillary to that use at The Pines, Mobile Home 1, Green Lane East, Normandy GU3 2JL, and subject to the conditions set out in the schedule below.

Preliminary Matters

3. The Council's decision notice in respect of appeal B is dated 17 May 2021. The appellant has disputed this date as notification of the decision was received on 7 June 2021, which is also cited on the Council's website. Whilst this discrepancy is noted, I have referred to the date taken from the decision notice in the banner heading above.
4. In my formal decision, I have amended the description of development in respect of Appeal A to remove reference to permanent occupation of the site as this conflicts with the temporary permission granted.
5. Temporary planning permission was granted on appeal for the use of both appeal site A¹ and appeal site B² on 5 March 2018 (the 2018 appeals). At the Hearing, it was explained that the plans referred to in those appeal decisions did not show the caravans on the site. Following the Hearing, the appellant

¹ APP/Y3615/W/16/3165526

² APP/Y3615/W/16/3165528

provided copies of the original layout plans from the original grants of planning permission identified as post-hearing documents ref PHD3. In the case of Appeal A, this was drawing numbered 09_319_003 and in the case of Appeal B, drawing number 09_319A_003. I have dealt with the appeals on the basis of these drawings.

6. During the course of the appeal, the appellant has submitted two unilateral undertakings (UUs) under section 106 of the Town and Country Planning Act 1990 (as amended), one relating to Appeal A, the other Appeal B. These are signed and dated 29 November 2022. These make provision for mitigation against adverse impacts on the Thames Basin Heaths Special Protection Area (the SPA). The Council has confirmed that this addresses their reason for refusal in respect of harm to the SPA in both appeals. I return to this matter later.

Background and Main Issues

7. In respect of Appeal A, planning permission was refused³ by the Council for the stationing of caravans for residential purposes for one gypsy pitch, with ancillary utility / day room. This was subsequently granted temporary planning permission on appeal⁴ for a period of 5 years on 14 June 2011. In 2015, a further application was submitted which effectively sought the permanent use of the site. This was also refused⁵ by the Council and subsequently allowed on appeal on 5 March 2018 (the 2018 appeals) for a temporary period of three years.
8. In 2013, in respect of Appeal B, an application was submitted for the use of land for the stationing of caravans for residential purposes for one gypsy and traveller pitch together with utility / dayroom ancillary to that use. This was approved⁶ by the Council on 22 October 2013 on a temporary basis for a period of three years. A further application was submitted for the permanent use of the site and refused⁷. This was then allowed on appeal as part of the 2018 appeals for a temporary three year period.
9. The 2018 appeals restricted the occupancy of both sites, in the case of appeal site A, to John Searle (Senior) and John Searle (junior) and their dependents; and in appeal site B, Jade Searle and her dependents. At the end of the temporary period, a condition on each permission required the land to be restored to its condition before the development took place.
10. Two applications were made on 4 March 2021 in respect of both sites, seeking the permanent occupation of both sites. These were both refused and are the subject of these appeals.
11. There is no dispute that the occupants of both pitches are Romany Gypsies and that they follow a travelling lifestyle, although in the case of Appeal B, the occupant has temporarily ceased to travel due to family circumstances.
12. Both appeal sites are located in the Green Belt. It is common ground that the proposal would be inappropriate development in the Green Belt. However, the parties dispute the extent to which the proposal would be harmful to openness

³ Council Ref: 10/P/00507

⁴ APP/Y3615/A/10/21140630

⁵ Council Ref: 15/P/002363

⁶ Council Ref: 13/P/00825

⁷ Council Ref: 15/P/06/02364

and the purposes of the Green Belt. Thus, the main issues for both appeals are whether the conditions are necessary and reasonable having regard to:

- the effect of the proposal on the openness of the Green Belt and the purposes of including land in the Green Belt;
- the effect of the proposed development on the Thames Basin Heaths SPA: and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal on a permanent or temporary basis.

Reasons

Openness and purpose of Green Belt

13. Paragraph 137 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development. Caselaw⁸ has confirmed that there can be a visual dimension to openness but that is a matter of planning judgment. In this case, an assessment of openness requires a consideration of the scale of the development, its locational context and both its spatial and visual implications.
14. The appeal sites lie at the end of a narrow private access road off Green Lane East. Each of the sites comprise rectangular plots, positioned adjacent to each other. Each site accommodates a static caravan. There is a brick day room on appeal site A and a timber shed and, at the time of my site visit, a mobile caravan on appeal site B. Both sites are substantially hard surfaced.
15. The static caravans occupy a large footprint within their respective sites and are substantial structures, although no higher than a single-storey building. The caravans and structures on both sites physically exist and their presence cause some loss of openness. The static caravans, whilst theoretically moveable, are unlikely to be moved due to their function in providing a permanent place of residents for the occupants of the site. For this reason, they therefore affect the spatial openness of the site.
16. A substantial coniferous hedge encloses the appeal sites and an adjacent paddock and lawned area, both indicated to be within the appellant's ownership. This hedging effectively screens the appeal sites from the surrounding fields and countryside.
17. Green Lane East, which is also identified as a public right of way, is characterised by linear development. The sites access road and development to the east fronting the road are included within the settlement boundary which has been inset from the Green Belt. Views of the appeal sites from the road and the public domain, are limited to views down the access road which is shared with two other dwellings, also set back from Green Lane East. Neither

⁸ R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council (Appellant) [2020] UKSC 3

- the caravans nor other structures on the sites are visible. In terms of visual effects on openness, I find that these are very limited.
18. Whilst the appeal sites are close to the defined settlement boundary and land inset from the Green Belt, they lie some distance back from the established residential development along Green Lane East. Within this context, the development of both sites with substantial areas of hardstanding and other structures together with the siting of caravans and the domestic paraphernalia associated with a residential use, does encroach into the countryside. This conflicts with one of the purposes of including land in the Green Belt which is to assist in safeguarding the countryside from encroachment.
 19. The Council has submitted photographic evidence showing the sites prior to 2009. Appeal site A was covered by hardstanding whilst site B was grassed. In the intervening period, the introduction of structures, the extension of hardstanding, siting of caravans and the use of the sites for residential purposes, albeit of a small scale, all contribute to the harm to the openness and permanence of the Green Belt.
 20. Consequently, the openness of the Green Belt has been reduced and would continue to be through the ongoing use of the sites and the development and caravans associated with this. In the context of the rural edge but in close proximity to existing development, I conclude that the development would result in moderate harm to the openness and the purpose of including land within the Green Belt.
 21. I recognise that I have come to a different conclusion in terms of the degree of harm that would arise to that of the 2018 appeals Inspector who considered the level of harm to be significant. I do not have the benefit of having viewed the sites 5 years ago, however, in my judgement, given the relatively small scale of the development, the modest size and height of the structures on the sites in combination with a high degree of enclosure, I find the harm to be moderate.
 22. The loss of openness and harm to the purpose of including land within the Green Belt is nonetheless in conflict with Policy P2 of Guildford Local Plan: Strategy and Sites 2019 (the LPSS) and the objectives of the Framework which together protect the openness and purposes of including land within the Green Belt.

Thames Basin Heaths SPA

23. The appeal sites lie within the 400m and 5km buffer zone of the SPA. This is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of these appeals.
24. The SPA is a network of lowland heathland sites which provide a habitat for the internationally important breeding bird species of woodlark, European nightjar and Dartford warbler. These are ground-nesting species. The sites conservation objectives can be summarised as avoiding a deterioration of habitats and

- minimising bird disturbance, thereby ensuring the integrity of the sites is maintained.
25. The Council has determined that additional residential development including gypsy and traveller accommodation would, in combination with other plans and projects, have a significant adverse effect on these protected sites through increased recreational use of the SPA causing damage to the habitat and disturbance to the protected species within the SPA. In order to avoid any such harms, suitable mitigation would be required for new housing development, which includes gypsy and traveller accommodation, within 5km of the SPA.
 26. The adopted *Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 Supplementary Planning Document July 2017 (Factually updated October 2021)* (the SPD) provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Green Space (SANG) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development.
 27. The appellant has accepted the need to provide a contribution towards both SANG and SAMM. The submitted UUs secure this for both sites and have been agreed between the parties. In the event that a temporary permission were to be granted, the UUs make provision for this.
 28. I am satisfied that the planning obligations are necessary to make the development acceptable and the contribution would be fairly and reasonably related in scale and kind to the development. Moreover, there is no reason to doubt that the Council, as a responsible public body, will spend the money in the way it is intended.
 29. In accordance with Regulation 63(3) of the Habitats Regulations I have consulted the relevant nature conservation body, in this case Natural England (NE). NE has confirmed that, subject to the appellant complying with the requirements of the SPD and securing contributions to SANG and SAMM through a legal agreement, it has no objection. I am satisfied that the two agreements provide those contributions.
 30. As such, I have been able to complete my appropriate assessment and to conclude that the proposal would not adversely affect the integrity of the SPA. In this regard, the scheme therefore accords with Policy P5 of the LPSS, Saved Policy NE4 of the Guildford Borough Local Plan 2003 and Saved Policy NRM6 of the South East Plan 2009 which together seek the protection of the SPA and protected species and their habitats.

Other considerations

31. The appellant has set out a number of other considerations which he considers should be weighed against any harm to the Green Belt. He has also highlighted changes since the previous appeals in relation to the personal circumstances of the appellant, the policy context and caselaw. Where relevant I have considered these changes through my reasoning below. Caselaw referring to the application of paragraph 11 of the Framework has also been cited. In the context of this being a Green Belt case, the application of the presumption in favour of sustainable development is not relevant given Footnote 7 to that paragraph.

Unmet need

32. The Council has published a Traveller Accommodation Assessment in 2017 (the TAA). This was undertaken in the context of the Planning Policy for Traveller Sites 2015 (the PPTS). It was submitted as evidence of need for gypsy and traveller accommodation to the examination into the LPSS. The LPSS was found sound and subsequently adopted in April 2019.
33. The TAA identified a requirement for 4 pitches for households that met the planning definition for gypsies and travellers, as set out in Annex 1 of the PPTS 2015, over the LPSS period of 2017 to 2034. The LPSS makes provision for these through site allocations for 4 permanent pitches. This accords with the requirement of the PPTS which sets out under Policy B, paragraph 9, that local planning authorities should set pitch targets for gypsies and travellers meeting the PPTS definition.
34. The TAA explains that for gypsy, traveller and travelling showpeople households who do not fall within the PPTS Annex 1 definition of a traveller, which may include ethnic groups, their accommodation needs are to be considered through the Framework and evidence base documents such as the Strategic Housing Market Assessment or a Caravan and Houseboat needs assessment. The TAA goes on to confirm that their needs have not been addressed by either of those assessments yet. However, since these households have either responded to the questionnaires or interviews used in evidence gathering for the TAA, their needs have been considered.
35. The TAA identifies a need for 41 pitches for those households not meeting the PPTS Annex 1 definition and further 8 pitches for households whose travelling status is unknown. These figures are carried through to the LPSS which sets out under Policy S2(3) that the Council will seek to make provision for 41 permanent pitches for gypsies and travellers who do not meet the PPTS Annex 1 definition as well as 8 permanent pitches to meet potential additional needs of households of unknown planning status.
36. The appellant has argued that since the TAA assessed the needs of those gypsies and travellers who fell within the PPTS Annex 1 definition of traveller set out in the PPTS, this excluded certain groups of ethnic Gypsies including those who have permanently ceased to travel. However, whilst the figures are separated out within the TAA, as I have already set out, it does consider the needs of these other households, identifying an additional 49 households above the number that are known to meet the PPTS Annex 1 definition.
37. The appellant disputes the robustness of the TAA in that it should not split gypsies and travellers up into those that do and those that do not meet the PPTS Annex 1 definition. He explained that he disagrees with the overall level of need identified within the TAA and that it is too low. In this regard, the appellant has called into question the effectiveness of the TAA interviews and data gathering, despite a relatively high response rate, in assessing need arising from households currently residing in bricks and mortar accommodation. He has also disputed the assessed need arising from households occupying pitches with temporary planning permission that has or will soon expire; concealed households, hidden need and doubling up; in addition to the household formation rates and the need to meet future growth in the district.

38. The same TAA was debated, as I understand it, extensively, at the previous appeal Hearing back in 2018. The Inspector in that appeal concluded that for the purposes of that appeal and the particulars of the case, the TAA was the single indicator of current and future need. He did however recognise the possibility that those residing in bricks and mortar housing have not yet been properly identified and interviewed, which is a shortcoming given they make up a large section of the local traveller population. He also considered that there was some considerable doubt as to whether the TAA properly accounts for concealed, doubled-up or hidden households. In conclusion, he considered that some anomalies and inaccuracies with the TAA had been highlighted but that the robustness of the TAA would be subject to examination through the local plan-making process.
39. The Council has advised that at the early stages of the local plan examination, the Inspector raised some questions in connection with gypsy and traveller accommodation and the requirements of Policy H1 but determined that those questions had been satisfactorily dealt with in writing. Policy matters concerning gypsies and travellers were not debated at the local plan examination hearing sessions, with the exception of the costs of public pitch provision for the site allocations.
40. Notwithstanding this, the local plan examination concluded that the Council's approach to meet the need for permanent pitches was satisfactory. This position has also been supported in a recent decision⁹ for appeals at land between Grafton and The Haven.
41. The appellant's agent to the appeal has argued that in respect of the local plan examination, he did not make representations on the grounds that none of his clients had commissioned him to do so. Therefore, he had not engaged in that process. He also indicated that the land between Grafton and The Haven appeals would have been unlikely to have presented detailed evidence to counter the TAA. However, I have no evidence to substantiate that claim.
42. In any event, whilst the agent's position is noted, it is not appropriate for the appeal process to re-open the examination of evidence on which a local plan has been found sound. That would undermine the plan-making process and the plan-led system advocated under paragraph 15 of the Framework and the primacy of the development plan as enshrined under section 38(6) of the Planning and Compulsory Purchase Act 2004. It was open to both the appellant or his agent to engage in the local plan process, which they chose not to. Moreover, it was also open to them to challenge the local plan if they considered that the basis on which it had been found sound was flawed.
43. The Examining Inspector concluded that subject to certain main modifications, none of which impacted on the overall pitch requirement, the plan makes adequate provision to meet the identified housing needs of all of the community. Therefore, I turn now to whether there is any new evidence since then that would indicate that the basis on which that plan was found sound is no longer applicable.
44. The appellant has submitted a Statement of Need dated November 2021. This states that as at the base date of 2017 there was a need for 129 households and a supply of 73 pitches, which meant there was a shortfall in provision at

⁹ APP/Y3615/C/21/3272315 and APP/Y3615/W/20/3259889

base date of 56 pitches. By 2022, this states that there should be a minimum of 142 pitches in the Borough, and by 2031, 165 pitches. Based on the supply figures, by 2022 the outstanding need would be 43 pitches with a further 23 pitches.

45. Whilst this post-dates the adoption of the LPSS, it essentially provides a critique of the TAA but does not appear to raise any new matters to those already considered by the 2018 appeals Inspector and issues that should have been put to the local plan examination.
46. Since the LPSS was adopted and also since these appeals were lodged, the judgment of the Court of Appeal in *Smith v SSLUCH & Ors*¹⁰ has found that the PPTS 2015 Annex 1 definition of gypsies and travellers to be unlawful on the basis that it discriminates against those gypsies and travellers who have permanently ceased to travel due to age and / or disability.
47. Had the TAA limited its assessment to those gypsies and travellers who met the PPTS 2015 Annex 1 definition, it would have not addressed the needs of all the traveller community. However, the TAA is clear that it has assessed the needs of both those gypsies and travellers who met the PPTS definition as well as those who did not, plus making an allowance for those of unknown status, identifying a total need for 53 pitches over the plan period.
48. I recognise that there are considerable differences between the parties on the level of need within the Borough. However, as there is no materially different evidence put forward subsequent to the adoption of the LPSS, I must base my decision on the LPSS requirement.

5 year supply of deliverable sites

49. The PPTS sets out a requirement at paragraph 10 a) that local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. Footnote 4 to that requirement, sets out that to be deliverable, sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within 5 years.
50. The TAA identified an accommodation need for gypsies and travellers meeting the PPTS Annex 1 definition for 2 pitches between 2017 and 2022, a further 1 pitch between 2022 and 2027 and 1 pitch between 2027 and 2034. It identified a total need of 49 additional pitches for gypsies and travellers not meeting the PPTS Annex 1 definition and those of unknown status over the plan period. The Council's *Traveller and Travelling Showpeople Accommodation 2021* (the TTSA) lists the allocated sites for gypsies and traveller pitches. This comprises some 13 sites which would provide 31 public pitches and 26 private pitches, totalling 57 pitches.
51. The total identified supply of 57 pitches exceeds the identified accommodation need set out in the LPSS by 4 pitches. It would therefore be sufficient to cover the identified need for those gypsies and travellers not meeting the PPTS Annex 1 definition or of unknown status.

¹⁰ Smith v SSLUHC & Ors [2022] EWCA Civ 1391

52. The TTSA sets out that since the TAA base date of January 2017 to 31 March 2021, 24 pitches have been granted planning permission. This is equivalent to around 42% of the overall requirement for the plan period. It would certainly cover the 4 sites identified to meet the needs of those gypsies and travellers who met the PPTS Annex 1 definition and for which, currently, the Council is required to demonstrate a 5 year supply of deliverable sites for.
53. Given the recent Court of Appeal judgment with regards to that definition and, in the absence of any guidance as to how the 5 year supply should be addressed in the light of that judgment, I have considered whether the evidence indicates that the Council can deliver sites to meet the needs of those gypsies and travellers who did not meet the PPTS Annex 1 definition.
54. The TTSA sets out a trajectory for the next 15 years of pitches that could reasonably be expected to be delivered in the borough. This identifies a further 4 pitches to be delivered between 1 April 2021 and 31 March 2026, 19 in years 6-10 and 14 in years 11-15 bringing the overall supply to 62 although noting this figure does not take into any net losses in pitch numbers. Nevertheless, this provides a good indication that the Council has already met a substantial number of its pitch requirements.
55. Thus, whilst the appellant has disputed that the Council has failed in the three years since the 2018 appeals decisions to adequately provide for or make available alternative sites to meet the actual level of need in the district, that appears to be predicated on the appellant's view that the overall requirement is higher than that set out within the LPSS.
56. Given my findings in respect of the overall need and the Council's delivery against that need to date, on the basis of the evidence before me, I conclude that the Council can demonstrate a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against its locally set target. This includes the requirement in relation to the requirement for both PPTS Annex 1 definition compliant and those that would not be. I also have no substantive evidence before me to suggest that the sites as identified are not going to be delivered.

Failure of Policy

57. There is a recently adopted local plan which makes provision for gypsies and travellers, both who those meet the PPTS Annex 1 definition and those who do not. The Council has granted planning permission for the numbers it is required to do and has a 5 year supply of deliverable sites as I have found above.
58. I appreciate that at the time of the 2018 appeals, that the local plan examination had not been undertaken, there had been some slippage in the programme and there was no 5 year supply of deliverable sites. However, the position has changed, with a plan now adopted and sites being delivered as evidenced in the TTSA. Thus, whilst this may have been a matter of some weight during previous appeals on the sites, there is no convincing evidence before me to substantiate the appellant's claim that there has been a policy failure in this regard. I note this is the conclusion reached by the Inspector in the appeals on Land between Grafton and Haven.
59. The appellant has referred me to a number of other appeal decisions and findings on local plan examinations, notably within the London Borough of Havering. However, these are in different authorities to the appeal before me

and the circumstances and considerations cannot simply be transferred across to the appeal before me which is in a different Borough with its own circumstances. I can therefore give these limited weight.

Alternative sites

60. Whether or not there are alternative sites available is a relevant matter. Alternative accommodation would need to be suitable, affordable, available and acceptable. Whilst the Council is seeking to deliver a number of public pitches during the plan period, it has confirmed that it cannot currently provide an alternative public pitch that the sites' occupants could move to in the short-term.
61. Caselaw¹¹ has been established that there is no burden on the appellant to prove that there are no alternative pitches or sites available. Furthermore, whilst it is noted that neither the appellant nor his family are on the Council's waiting list for a site, even if they were to be there is nothing to indicate that they would be accommodated in the short term given there are 17 people already on the waiting list. I recognise that a waiting list may include a wide range of individuals who live both within or outside the local area and may also include those currently residing on private sites but looking to move to a public site. As such, it cannot be relied upon to provide an accurate assessment of need.
62. I shall come onto the personal circumstances of the appellant and his family, however, the absence of alternative sites in the short term could lead to the current occupants having to resort to an unauthorised roadside encampment or doubling up on pitches occupied by extended family, neither of which would be satisfactory. Given there is a waiting list and no currently available sites, suggests that the supply of sites may need to come forward more quickly. Thus, the lack of alternative sites generally is a factor which carries modest weight in favour of the proposal.

Policy Context

63. The appellant has argued that Policy S2(3) of the LPSS is inconsistent with national policy on the basis that it only meets the needs of the gypsies and travellers who meet the PPTS Annex 1 definition and is based on the TAA which is not robust. As I have already set out, the TAA formed the evidence base to the local plan examination and was found to be robust by the Inspector. I appreciate that the recent Court of Appeal judgment in *Smith v SSLUCH & Ors* may change the approach going forward, the PPTS itself and the requirements set out therein remain extant. The LPSS makes provision for the housing needs of gypsies and travellers and thus is not inconsistent with national policy nor therefore deemed to be out of date.

Location of sites

64. The appeal sites are located within the Green Belt. The appellant has argued that the likely location of further sites would be in the Green Belt due to the high proportion of the Borough covered by the designation. This has been recognised by previous Inspectors, including the Inspector in the 2018 appeals as well as in a 2011 appeal¹² for Land to the rear of Palm House Nurseries,

¹¹ South Cambridgeshire DC v SSCLG & Brown [2008] EWCA Civ 1010

¹² APP/Y3615/A/10/2131590

Glaziers Lane, Normandy. However, this position has changed following the adoption of the LPSS which insets some sites and villages from the Green Belt in order to meet the land use needs identified. Consequently, now 83.5% of the Borough is in the Green Belt rather than 89% as was the case at the time of the 2018 appeals.

65. On this basis, given that the LPSS makes provision to meet the accommodation needs for gypsies and travellers and has allocated sites to do so, there is considerably less likelihood that sites will need to be within the Green Belt as asserted by the appellant. This factor therefore carries very limited weight.

Personal circumstances

66. Article 8 of the European Convention on Human Rights as enshrined in the Human Rights Act (1998) establishes a right to respect for private and family life. The Public Sector Equality Duty under the Equality Act, 2010 requires that a public authority must foster good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristic of the family as Romany Gypsies is not disputed.
67. Article 3 of the United Nations Convention on the Rights of the Child requires a child's best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight than the best interests of any child.
68. The Inspector in the 2018 appeals, in granting temporary permission, recognised that the personal circumstances of the appellant as being pivotal in justifying a grant of temporary planning permission. Since then, the personal circumstances of the site occupants have changed, in that the appellant no longer resides at the site. However, the appellant's daughter, who occupied appeal site B remains living at the site with her dependents, and now, his son occupies appeal site A with his wife and child and a new baby due.
69. I have been provided with a personal statement from both the appellant and his son, setting out the personal circumstances of their family, explaining their aversion to bricks and mortar living as well as the importance for them to live as an extended family unit. The Council has not disputed this information.
70. Currently there is one resident child who attends a local school, and two younger children who would expect to enrol in school within the next few years. Both families are registered with local health care providers, and one family member requires regular monitoring for a medical condition through the local GP surgery. It would certainly be in the best interests of the children to continue to have access to education and health care from a settled base. That said, it is also not uncommon for children to move schools or change GPs when their families move home.
71. In the absence of suitable, acceptable and affordable alternative locations to which the occupants could move, should these appeals be rejected, then the families would be either forced into a roadside existence or into doubling up with other family members, with likely issues around overcrowding arising. The Council has agreed that there is no prospect in the short term of sites coming forward. This would have a negative impact upon the child attending school. In addition, having no settled base would not give the pre-school aged children currently residing on the sites an optimal start in life. It would also cause some

inconvenience in terms of medical care. This would not be in the best interests of the children.

72. In addition, the occupants have resided at the sites for over 10 years although never on a permanent basis. The written statements set out that the prolonged uncertainty for many years around the occupation of the sites has given rise to stress and anxiety for the family.
73. Dismissal of the appeals would see the families having to leave the sites which is their current home. This would interfere with their rights under Article 8. It would also not be in the best interests of the child, which is a factor which must carry no less weight than other factors.

Other Matters

74. Policy B of the PPTS seeks to ensure that traveller sites are sustainable economically, socially and environmentally. It sets out a number of criteria against which to assess this. The Council has confirmed that the continued use of the sites as traveller sites would be sustainable in this context. Furthermore, I find that despite the sites being located outside the defined settlement boundary, they are not detached from the settlement given their proximity to development both within and adjacent to the boundary. Whilst concerns have been raised that this may set a precedent for similar forms of development, any such proposal would have to be assessed on its own individual planning merits.
75. I also note that concerns have been raised about the sites being used for business purposes, however, the permission being sought is for the residential use of the sites only. Any other material changes of use would require planning permission. It has also been suggested that loss of habitat has occurred through the use of the site. However, I have no substantive evidence of this. These matters have a neutral effect in the planning balance.

The Planning and Green Belt Balance

76. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstance will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
77. The proposal is inappropriate development and is therefore, by definition, harmful to the Green Belt. I have also found that it causes moderate harm to the openness of the Green Belt and the purposes of including land within it. These are matters to which I give substantial weight as required by paragraph 148 of the Framework.
78. I have found that there is no unmet need or failure of policy since the adoption of the LPSS in 2019. The Council can also demonstrate a 5 year supply of deliverable sites and has sites allocated to meet the LPSS requirement. There is no substantive evidence to suggest that any future sites would need to come forward on Green Belt land given the LPSS has addressed this. These are therefore neutral factors in the balance. The effect on the protected habitats sites would be mitigated through the submitted UUs and therefore is also a neutral factor in the balance.

79. The lack of suitable alternative sites generally carries moderate weight in favour of the proposals. In terms of seeking the unrestricted occupation of the site, the personal circumstances of the current occupants of the site would not be a factor to weigh against the harm to the Green Belt. Therefore, I find that the other considerations put forward in favour of the proposals, do not outweigh the harm to the Green Belt sufficiently to amount to the very special circumstances to allow the permanent occupation of the sites on an unrestricted basis.
80. I am required to take into account the Public Sector Equality Duty and the best interests of the children residing on the site, which is a primary consideration. I must also consider the right to respect for private and family life, as enshrined under Article 8. Therefore, I turn now to whether a personal permission would be appropriate and able to amount to the very special circumstances to justify the proposal.
81. Policy E of the PPTS indicates that subject to the best interests of children, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
82. The personal circumstances of the occupants, including their mental wellbeing associated with uncertainty and other health concerns, in combination with the lack of alternative sites to meet their personal needs carry significant weight in favour of the scheme. The best interests of the children, which is a primary consideration, and the families' right to a home, carry substantial weight in favour of the schemes.
83. The Planning Practice Guidance¹³ provides for exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission.
84. It would clearly not be in the best interests of the children should the families have to vacate the sites without having an alternative site to move to. I recognise that the Council is making progress in terms of delivering gypsy and traveller sites, with policies and site allocations to address this. However, the lack of alternative sites is indicative that the speed of delivery may not be adequate.
85. Nevertheless, there is a plan in place and evidence of sites coming forward. Should a personal permission be granted, it is likely that the sites would remain occupied in the long-term. The harm to the Green Belt arising from this would be similarly long-term and, in my view, not dissimilar to the permanent occupation of the site. The personal circumstances of the sites' occupants do not outweigh the harm to the Green Belt that would arise.
86. A temporary permission has been granted previously to enable the LPSS examination to run its course and to provide the appellant with the opportunity to find a suitable alternative site. There is little evidence that the appellant has done this, although the occupation of the site has changed in the intervening period with the appellant vacating the site and his son now occupying appeal site A.

¹³ Paragraph: 015 Reference ID: 21a-015-20140306

87. The PPG¹⁴ sets out that it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale).
88. While the actual harm to the openness of the Green Belt would remain, a temporary permission would reduce the period in which it would occur. Given that the sites' occupants have changed in the case of appeal site A and that there are children residing on both sites whose best interests would not be served should the appeal be dismissed, I find that this would be sufficient to amount to the very special circumstances to outweigh the Green Belt harm. Thus, I conclude that a further temporary permission should be granted in respect of both sites. This would enable the occupants of the sites to find suitable alternative accommodation whilst also allowing for more delivery through the LPSS. I consider a period of three years would be sufficient for this.
89. In conclusion, I find that the disputed conditions are both reasonable and necessary insofar as they relate to the occupation by named individuals and for the sites to be returned to their former state when those occupants vacate it after the temporary permission expires.

Conditions

90. In view of the personal circumstances of the occupants of the sites and the need to find an alternative site, a personal and temporary permission is reasonable and necessary for both appeals. A period of three years would be sufficient given that the LPSS is now in place and delivering. Conditions 1 and 2 from the 2018 appeals should be retained, although amended in respect of Appeal A, to reflect the current occupant of the site.
91. A condition to secure the restoration of the sites in accordance with details agreed by the local planning authority once they are no longer occupied is also reasonable in the interests of the character and appearance of the area and protecting the openness of the Green Belt. For the same reasons, conditions limiting the number of caravans on site, securing their siting in accordance with approved drawings, restricting both the size of vehicles and preventing commercial activities from taking place are both necessary and reasonable.
92. As I have imposed a personal permission for the benefit of the sites' occupants who it is agreed have gypsy status, both through their ethnicity and nomadic lifestyle, a condition limiting occupancy to those of gypsy status is not necessary.

Conclusion

93. For the reasons set out above, I conclude that both Appeals A and B should be allowed for a limited period of three years.

Rachael Pipkin

INSPECTOR

¹⁴ Paragraph: 014 Reference ID: 21a-014-20140306

Schedule of Conditions – Appeal A Ref: APP/Y3615/W/21/3287182

- 1) The use hereby permitted shall be carried on only by the following individuals: John James Searle (junior) and his dependants, and shall be for a limited period being the period of three (3) years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied by those named in condition 1) above, or at the end of three (3) years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
- 3) There shall be no more than one pitch on the site and on the pitch hereby approved no more than two (2) caravans shall be stationed at any time of which only one (1) caravan shall be a static caravan.
- 4) The caravans shall be sited in accordance with plan no. 09_319_003.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 6) No commercial activities shall take place on the land, including the storage of materials.

End of schedule

Schedule of Conditions – Appeal B Ref: APP/Y3615/W/21/3287186

- 1) The use hereby permitted shall be carried on only by the following individuals: Jade Searle and her dependants, and shall be for a limited period being the period of three (3) years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied by those named in condition 1) above, or at the end of three (3) years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
- 3) There shall be no more than one pitch on the site and on the pitch hereby approved no more than two (2) caravans shall be stationed at any time of which only one (1) caravan shall be a static caravan.
- 4) The caravans shall be sited in accordance with plan no. 09_319A_003.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 6) No commercial activities shall take place on the land, including the storage of materials.

End of schedule

APPEARANCES

FOR THE APPELLANT:

Matthew Green	Green Planning Studios
John Searle	Appellant
John James Searle	Son of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Esther Drabkin-Reiter	Of Counsel
Kelly Jethwa	Principal Planning Officer
Kate Lines	Senior Planning Policy Officer

HEARING DOCUMENTS

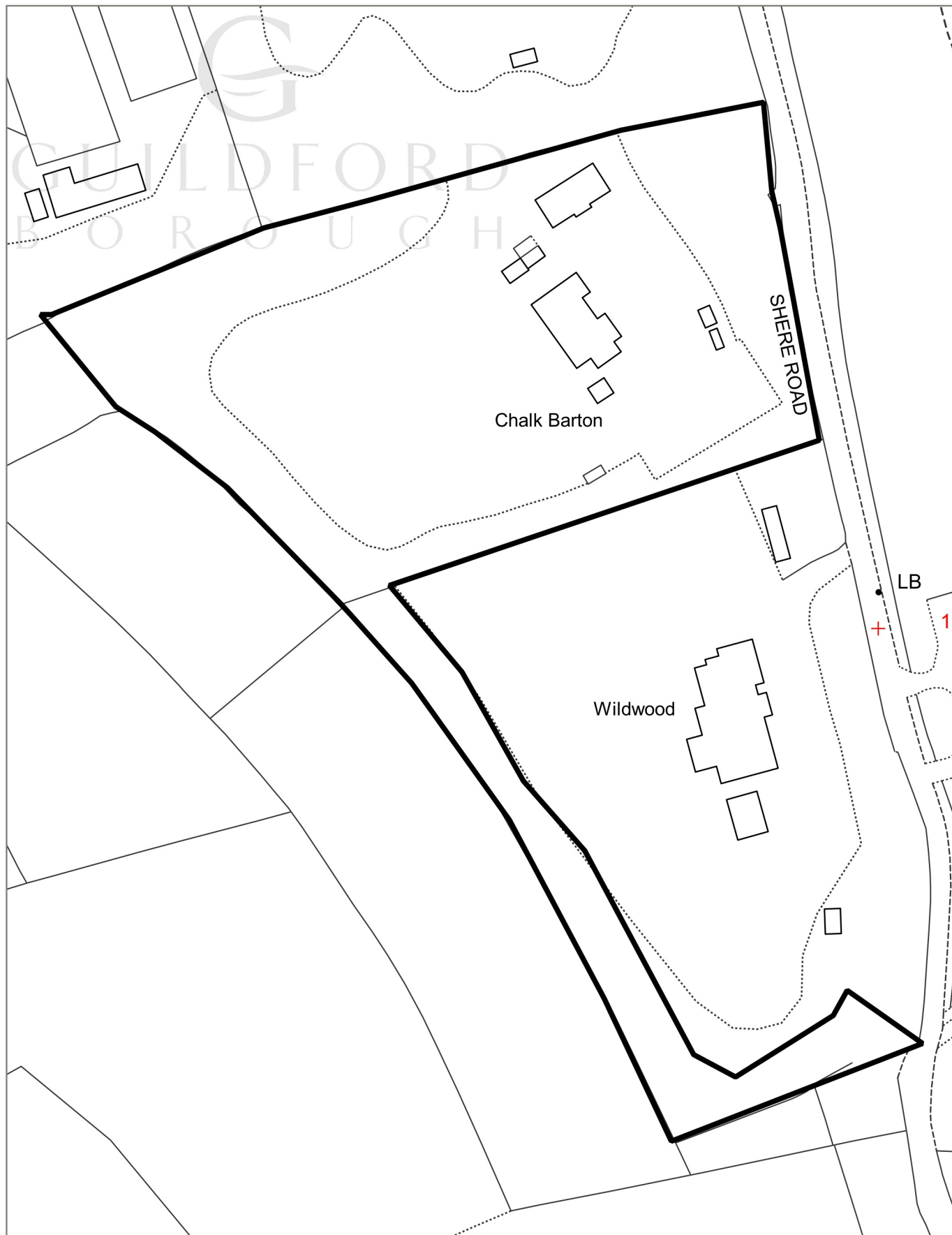
HD1	Plan showing Green Belt boundary
HD2	Witness Statement of John James Searle
HD3	Witness Statement of John Searle
HD4	Copy of emerging Policy D10a: Light Impacts and Dark Skies

POST-HEARING DOCUMENTS

PHD1	Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 in relation to Appeal A signed and dated 29 November 2022
PHD2	Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 in relation to Appeal B signed and dated 29 November 2022
PHD3	Email dated 29/11/22 and copies of plans 09_319_003 Proposed Site, 09_319A_003 Proposed Site relating to 2018 appeals
PHD4	Copies of previous site plans: 09_319B_001 and 09_319C_001
PHD5	Email response from Natural England

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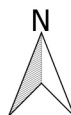
22/P/01770 - Chalk Barton, Shere Road, West Horsley, Leatherhead



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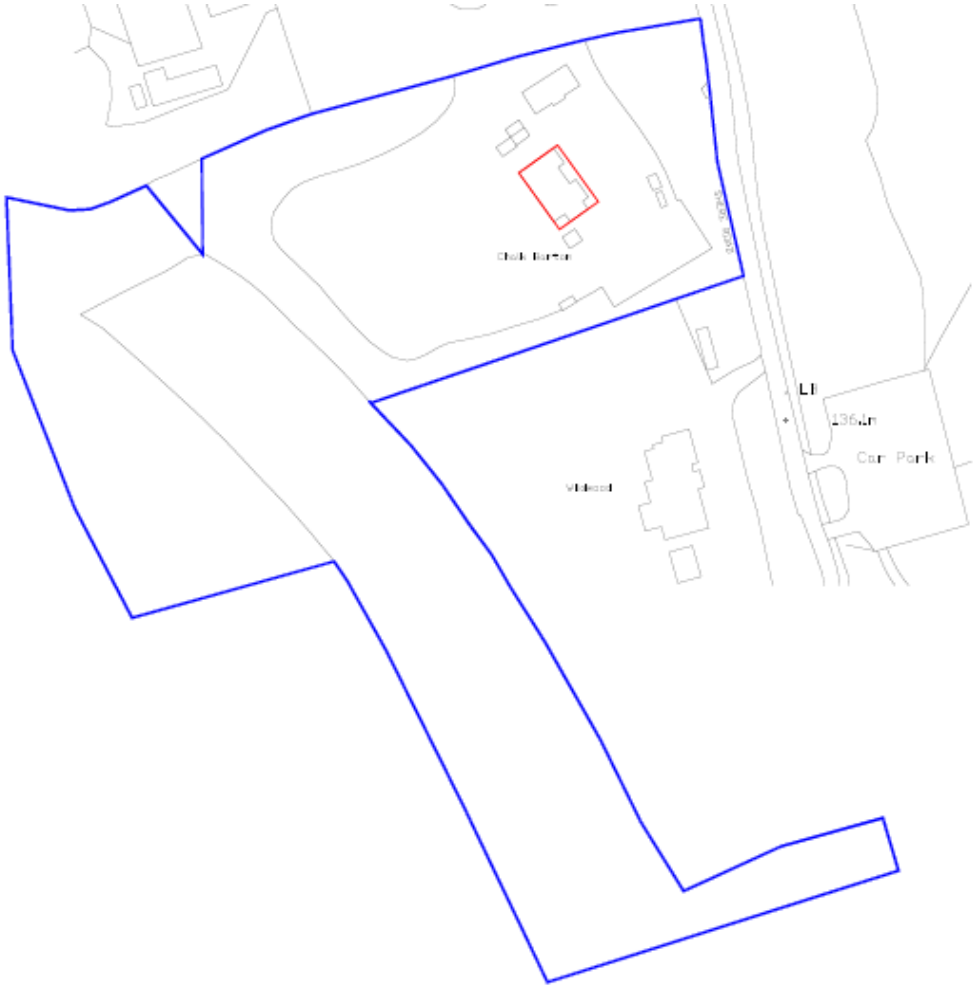
Print Date: 21/03/2023



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22/P/01770 Chalk Barton, Shere Road, West Horsley



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App No: 22/P/01770
Appn Type: Full Application
Case Officer: Chris Gent
Parish: West Horsley
Agent : Mr Simon Collins
Planning & Design Service
5 The Hydons
Godalming
GU8 4DD

8 Wk Deadline: 14/12/2022

Ward: Clandon & Horsley
Applicant: Mr Nick Howe
Chalk Barton
Shere Road
West Horsley
Surrey
KT24 6EW

Location: Chalk Barton, Shere Road, West Horsley, Leatherhead, KT24 6EW
Proposal: Demolition of existing front walling and front flue; erection of ground floor infill porch, finished with open oak structure, replacement flue and alterations.

Executive Summary

Reason for referral

This application has been called to committee by Councillor Tim Anderson on the grounds that the development may not be harmful to the openness of the Green Belt.

Key information

Demolition of existing front walling and front flue; erection of ground floor infill porch, finished with open oak structure, replacement flue and alterations.

Summary of considerations and constraints

The proposal is for a ground floor infill porch. The resulting building would represent a 99% increase (approx) in the size of the original dwelling. This represents a significant uplift indicative of a disproportionate addition.

The development would increase the footprint of the building by 11sqm (approx) measuring to a width of 6.3m, depth of 1.7m and height of 3.6m (incorporating a pitched roof with flat roof above). It would infill an area in front of the main entrance and to the sides of the existing single storey built form. The existing open-sided front porch would be rebuilt in front of the newly created extension. Whilst it is noted that the proposal would be well contained within the envelope of the existing building and the extension is relatively small in isolation, combined with the previous extensions it would further increase the size of the original house which would result in a disproportionate addition to the original building.

In this case, due to the extent of the proposal's external floor area and height, it could not be built under permitted development. As such, there is no permitted development fallback position in this case.

RECOMMENDATION:

Refuse - for the following reason(s) :-

1. The proposed development, by virtue of the floorspace uplift from the original building, size, bulk, width, depth and height, would result in a disproportionate addition over and above the size of the original building. The development would therefore constitute inappropriate development, which is, by definition, harmful to the Green Belt. No very special circumstances have been demonstrated which would clearly outweigh the inherent harm to the Green Belt. The development therefore fails to accord with Chapter 13 of the National Planning Policy Framework (revised on 20 July 2021) and policy P2 of the Guildford Borough Local Plan: Strategy and Sites (adopted by Council on 25 April 2019).

Informatives:

1. This decision relates expressly to drawing numbers ENC/140622/2324/TP, SR/03, ENC/140622/2324/EL, SR/02, ENC/140622/2324/MB, SR/01, SR/04 received on 17/10/2022.
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 located inside the Green Belt and within the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value. The site comprises a two storey detached house with habitable accommodation within the roofspace.

Proposal

Demolition of existing front walling and front flue; erection of ground floor infill porch, finished with open oak structure, replacement flue and alterations

Relevant planning history

22/P/01649 - Erection of replacement single storey storage building following demolition of existing garage and store. Approved with conditions - 23/12/2022

05/P/01203 - Revision to 04/P/00809 approved 07/06/04 (two storey front, rear and side extension and loft conversion incorporating dormer windows in the rear following removal of utility room) to remove cellar area and increase utility room at side, increased roof height, reposition dormer window and addition of beehive roofed rear bay windows. Approved with conditions - 29/07/2005

04/P/00809 - Two storey front, rear and side extension and loft conversion incorporating dormer windows in rear following removal of utility room. Approved with conditions - 07/06/2004

99/P/00775 - Single storey extensions to front of property (as amended by plans received 23/06/99). Approved with conditions - 01/07/1999

GU/R 938/7/73/WH - Alterations and ground floor addition to enlarge drawing room and provide a new study and conservatory. Approved with conditions - 19/09/1973

GU/R 340/3/72/WH - Alterations, two storey extension to enlarge dining room on ground floor and bedroom on first floor, and single storey addition to enlarge drawing room and study. Approved with conditions - 30/03/1972

GU/R 15019 - Two storey extension to dwelling to provide an enlarged garage with bathroom, WC and one habitable room over. Approved with conditions - 24/10/1966

Consultations

West Horsley Parish Council - no objection

Third party comments:

None received

Planning policies

The following policies are relevant to the determination of this application.

National Planning Policy Framework (NPPF) (as revised on 20 July 2021)

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 (adopted by Council on 25 April 2019)

Policy D1: Place shaping

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

Policy P2: Green Belt

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).

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 H5: Housing Extensions and Alterations including Annexes

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

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

Policy G1 General Standards of Development

Policy G5 Design Code

West Horsley Neighbourhood Plan 2016 - 2033

WH3 Design Management within Rural Areas

Supplementary planning documents

Residential Extensions and Alterations Guide 2018

Planning considerations

The main planning considerations in this case are:

- impact on the Green Belt
- impact on scale and character of the existing dwelling and surrounding area, AONB and AGLV
- impact on neighbour amenity

Impact on the Green Belt

The site is located within the Green Belt. The NPPF identifies that new buildings will be deemed inappropriate unless for specific purposes as set out in paragraph 149. Extensions to buildings are referred to, provided they would not result in a disproportionate enlargement to the original building. The test of whether there would be a disproportionate enlargement is not an openness

test nor does it relate to the visual impact of the development. Neither is it a relative assessment to the size of other buildings in the surrounding area. Instead it requires a quantitative assessment, factors can include the floorspace uplift and three dimensional factors such as footprint, increases in height, width, depth and building shape.

Policy P2 of the adopted Local Plan confirms that Green Belt policy will be applied in line with the NPPF.

In floorspace terms the size of the original, existing and proposed building are set out below:

- Original building: 234approx sq m
- Existing building: 455approx sq m
- Proposed (resulting) building: 466approx sq m

The resulting building would represent a 99% increase (approx) in the size of the original dwelling. This represents a significant uplift indicative of a disproportionate addition.

(It should be noted that the timber pergola and covered structure located to the rear have not been included in any of the Council's calculations as these structures do not appear to be attached to the main house. If they were connected, the percentage uplift would be further increased)

The development would increase the footprint of the building by 11sqm (approx) measuring to a width of 6.3m, depth of 1.7m and height of 3.6m (incorporating a pitched roof with flat roof above). It would infill an area in front of the main entrance and to the sides of the existing single storey built form. The existing open-sided front porch would be rebuilt in front of the newly created extension. Whilst it is noted that the proposal would be well contained within the envelope of the existing building and the extension is relatively small in isolation, combined with the previous extensions it would further increase the size of the original house which would result in a disproportionate addition to the original building.

In this case, due to the extent of the proposal's external floor area and height, it could not be built under permitted development. As such, there is no permitted development fallback position in this case.

Impact on scale and character of the existing dwelling and surrounding area, AONB and AGLV

The case officer has visited the site and is satisfied that the scale of the extension is in keeping with the size of the existing property and surrounding buildings.

The design of the extension would not detract from the character of either the existing property or the surrounding area, AONB or AGLV.

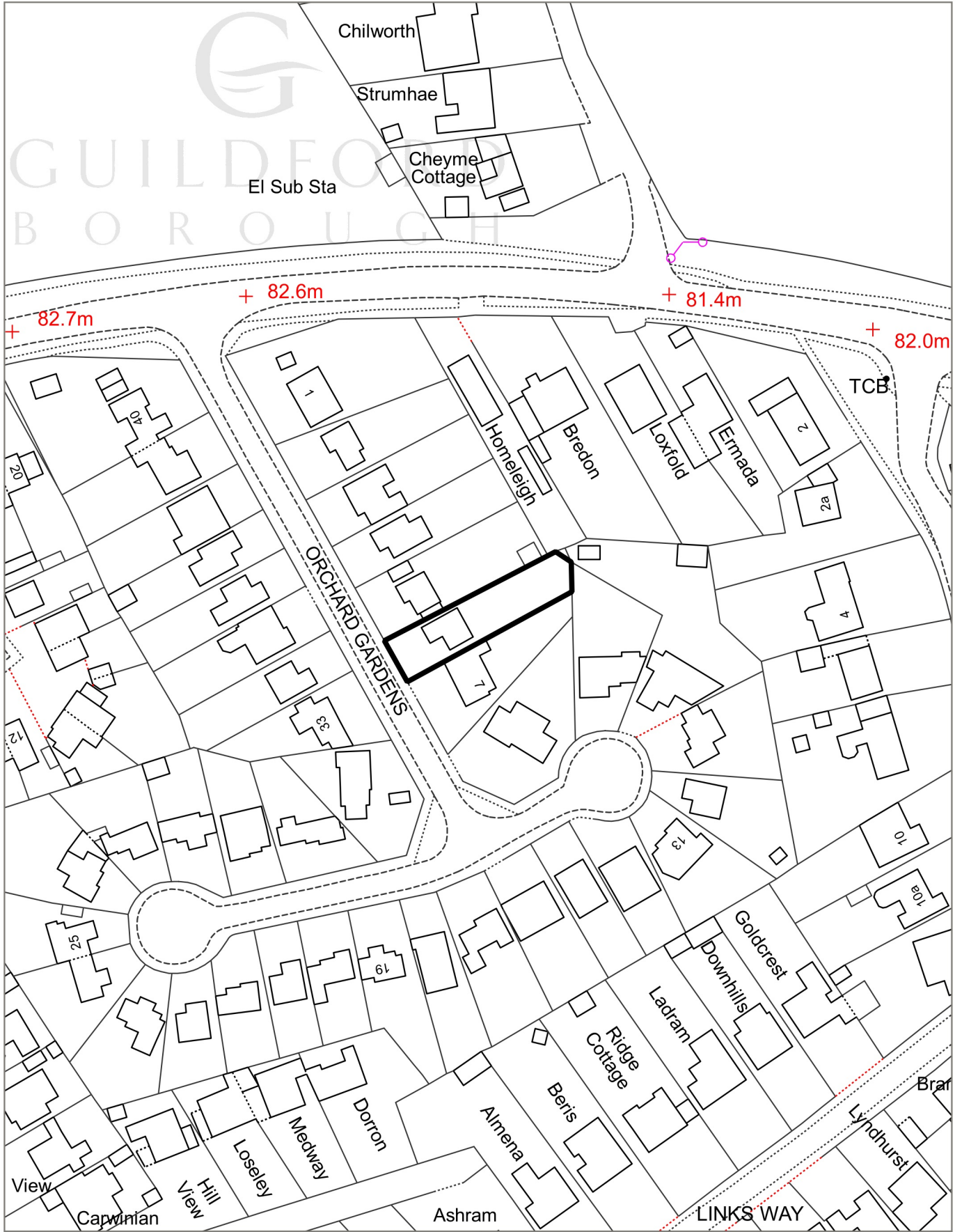
No issues raised to the removal of the existing front entrance and surrounding wall; this would be removed to provide a more open plan arrangement. The replacement of the existing flue is also acceptable.

Impact on neighbour amenity

The size and siting of the extension would not cause a detrimental loss of light over any of the neighbouring properties and would not appear an overbearing feature.

There are no overlooking concerns resulting from the development.

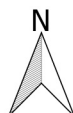
23/P/00003 - 6 Orchard Gardens, Effingham, Leatherhead

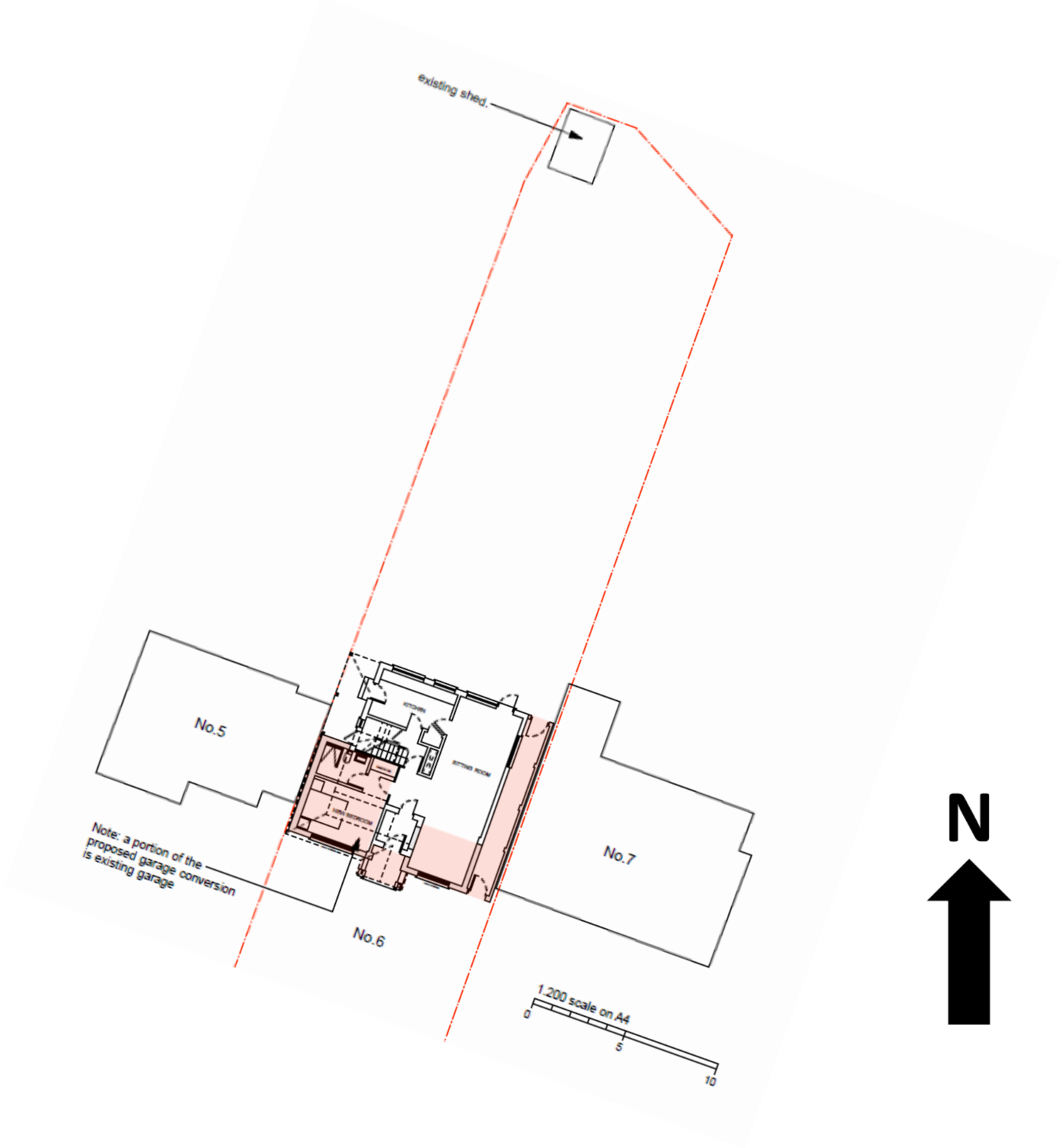


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Print Date: 21/03/2023





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App No: 23/P/00003
Appn Type: Full Application
Case Officer: Chris Gent
Parish: Effingham
Agent : Mr Rob McGuinness
15 Raymead Close
Fetcham
Leatherhead
Surrey
KT22 9LU

8 Wk Deadline: 01/05/2023

Ward: Effingham
Applicant: Dr Linda Graham
6 Orchard Gardens
Effingham
Surrey
KT24 5NR

Location: 6 Orchard Gardens, Effingham, Leatherhead, KT24 5NR
Proposal: Erection of part single/part two storey front extension with conversion of garage to habitable accommodation, new front porch and single storey side extension.

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

Erection of part single/part two storey front extension with conversion of garage to habitable accommodation, new front porch and single storey side extension.

Summary of considerations and constraints

The proposed first floor front extension would be above an existing single storey garage. It would have a depth of about 1.3 metres and a width of 4.4m. Whilst the eaves height of the extension would be the same as the host dwelling, the ridge height would be lower. Due to its set down ridge and relatively limited size, the proposed 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.

With the exception of a small open-sided front porch, the proposed single storey extension would not project beyond the foremost part of the dwelling (i.e. the existing garage). The proposal would have a pitched roof with flat roof element on top. The modest size of the structure means that the flat roof is an acceptable form of design in this instance. Due to its set back position from Orchard Gardens, size and design, it would not be unduly prominent in the street scene.

Despite the side extensions being built upto the side boundaries with the neighbouring properties No's 5 & 7 Orchard Gardens, these additions would not result in a terracing effect given their single storey size, nor would they result in overdevelopment of the plot. It is noted that single storey side extensions are a common feature within the road and there are provisions under permitted development for such development.

Taking the above into consideration, officers are satisfied that the proposal would not have an adverse affect on the scale and character of the existing property or have a detrimental impact on the character of the street scene and surrounding area.

RECOMMENDATION:

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered location plan, P2022/20.32 rev A, P2022/20.35 rev A, P2022/20.33, P2022/20.31 received on 18/01/2023.

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

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

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

Informatives:

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

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes

to an application is required.

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

Officer's Report

Site description

The property is a two storey detached dwelling located within Effingham, inset from the Green Belt. The surrounding area comprises mainly detached houses of individual design and appearance. There is an attached single storey, flat-roofed garage to the front.

Proposal

Erection of part single/part two storey front extension with conversion of garage to habitable accommodation, new front porch and single storey side extension

Relevant planning history

23/P/00007 - Proposed single storey front extension with new front porch and garage conversion to habitable accommodation including single storey side extension; single storey side extension to south-east elevation. (Officer note: This application is currently under consideration)

22/P/01689 - Certificate of lawfulness for the proposed loft conversion with rear dormer, single storey rear extension, new roof lantern and new outbuilding. Part Approved, Part Refused - 24/12/2022

Part Approved:- single storey rear extension, loft conversion with rear dormer window, roof lantern

Part Refused:- outbuilding

Consultations

Effingham Parish Council - raise objection to the proposal for the following reasons:

- proposal would result in a negative effect on character and appearance
- overdevelopment of the plot

Third party comments:

10 letters have been received raising the following objections and concerns:

- terracing effect, this will impact negatively on the street scene
- overdevelopment of the plot
- parking
- discharge/maintenance of gutters
- concerns that storage area could be converted/extended into living space
- disproportionate size
- increase in habitable accommodation is vast

- risk of fire spreading
- drawings are incorrect because they do not show the extensions approved under certificate of lawfulness application 22/P/01689. (Officer note: The works approved under the certificate of lawfulness application have not been implemented. As such, the submitted plans (as existing) are correct

Planning policies

The following policies are relevant to the determination of this application

National Planning Policy Framework (NPPF) (revised on 20 July 2021)

Chapter 12. Achieving well-designed places

Guildford Borough Local Plan: Strategy and Sites (adopted by Council on 25 April 2019)

Policy D1: Place shaping

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).

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

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 now issued his final Inspector's Report and Schedule of Main Modifications, dated 27 February 2023. The draft plan is due to go before Full Council for adoption on 22 March 2023. Whilst it is not yet part of the statutory development plan, the policies are given full weight given their advanced stage and the fact that the policies can no longer be amended.

Policy H5: Housing Extensions and Alterations including Annexes

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

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

Policy G1(3)

Policy G5

Supplementary Planning Documents (SPD)

Residential Extensions and Alterations 2018

Draft Parking Supplementary Planning Document 2022

Effingham Neighbourhood Plan 2016-2030

ENP-G2: Landscape, Heritage, Character and Design

ENP-R1: Car Parking

Planning considerations

The main planning considerations in this case are:

- impact on scale and character of the existing dwelling and surrounding area
- impact on neighbour amenity
- parking considerations

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

First floor front extension

The surrounding area comprises mainly detached houses of individual design and appearance. The property is a two storey detached dwelling, there is an attached single storey, flat-roofed garage to the front.

The proposed first floor front extension would be above an existing single storey garage. It would have a depth of about 1.3 metres and a width of 4.4m. Whilst the eaves height of the extension would be the same as the host dwelling, the ridge height would be lower. Due to its set down ridge and relatively limited size, the proposed 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.

Single storey front/side extensions/conversion of garage into habitable accommodation

With the exception of a small open-sided front porch, the proposed extension would not project beyond the foremost part of the dwelling (i.e. the existing garage). The proposal would have a pitched roof with flat roof element on top. The modest size of the structure means that the flat roof is an acceptable form of design in this instance. Due to its set back position from Orchard Gardens, size and design, it would not be unduly prominent in the street scene.

Despite the side extensions being built upto the side boundaries with the neighbouring properties No's 5 & 7 Orchard Gardens, these additions would not result in a terracing effect given their single storey size, nor would they result in overdevelopment of the plot. It is noted that single storey side extensions are a common feature within the road and there are provisions under permitted development for such development.

Given the above, the extensions would not be harmful to the character and appearance of either the host dwelling or the surrounding area.

The proposal would accord with Chapter 12 of the National Planning Policy Framework (NPPF) (as revised on 20 July 2021), Policy G5 of the Guildford Borough Local Plan (GBLP) 2003, Policy D1 of the Guildford Borough Local Plan 2015-2034, Emerging policies H5, D4 of the Guildford Borough Council: Development Management Policies (LPDMP) June 2022, and Policy ENP-G2 of the Effingham Neighbourhood Plan 2016-2030.

Impact on neighbour amenity

The neighbouring properties most affected are 5 Orchard Gardens and 7 Orchard Gardens.

First floor front extension

The proposed first floor front extension would be set back from 5 Orchard Garden's front wall and set away from the shared boundary by 1.6metres. Given the relationship and separation distance between the application property and this neighbouring dwelling, together with the lack of any side windows on this neighbour's flank wall facing the application property, the proposal would not cause a detrimental loss of light over this neighbouring property or appear as an overbearing feature.

Single storey side extensions

The proposal would encroach within 45 degrees of the centre of No.5 Orchard Garden's nearest front and rear ground floor windows. Therefore, it does not adhere to the advice contained within the Residential Extensions and Alterations SPD 2018 with regards to daylight/sunlight issues to neighbour amenity. This is just one assessment when considering the impact (in terms of daylight/sunlight) on neighbour's existing windows.

However, given that the front window is obscured glazed and the existing screening along the shared boundary already results in loss of light to this window, any additional impact would not be to such a degree that it would harm the living conditions of the occupiers of this neighbouring property.

There is an existing ad-hoc timber structure built upto the common shared boundary with No.5 Orchard Gardens. The rear part of this structure and existing hedging/trees along the boundary, cause some loss of light/overbearing effect to No. 5's rear window and the section of this neighbour's rear garden closest to it. Any additional impact to this neighbour's rear window and garden resulting from the extension, over and above the existing situation, would not be to such a degree that a refusal could be justified. As such, on this basis the proposed relationship between the properties is considered to be acceptable in this instance.

7 Orchard Gardens - The proposed single storey extension would bring development upto the common boundary with No.7. Adjacent to the boundary with No.6 lies the garage to No.7.

The presence of No.7's garage and position of the extension in relation to the front and rear elevations of this neighbouring dwelling is such that it would not cause loss of light or an overbearing relationship to result.

There are no overlooking concerns resulting from the development.

The proposal therefore complies with policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) and Policy D5: Protection of Amenity and Provision of Amenity Space of the Guildford Borough Council: Development Management Policies (LPDMP) June 2022.

Parking considerations

The proposal would create an additional bedroom resulting in a four bedroom dwelling. The Effingham Neighbourhood Plan states that all new developments are required to provide parking within its site boundary, or nearby, off the public highway, to meet the expected demand of development, without requiring the use of public roads as overflow parking. The plan states that 3 allocated car parking spaces are the minimum for four bedroom dwellings, and above.

There are currently three on-site parking spaces; one of these is within the existing garage to be converted. Whilst it is acknowledged that the number of on-site spaces following the garage conversion may not meet the guidance set out in the Effingham Neighbourhood Plan, it is noted that the small size of the existing garage is not practical to park a car in. As such, the proposed level of on-site parking would not be dissimilar from the current situation. In addition, there is already an element of on-street parking in the immediate locality and any additional parking overspill in this case would not result in the level of on street parking to increase to such a level that would be harmful. It is noted that there is no restricted parking in the immediate vicinity.

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23/P/00007 - 6 Orchard Gardens, Effingham, Leatherhead



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Print Date: 21/03/2023

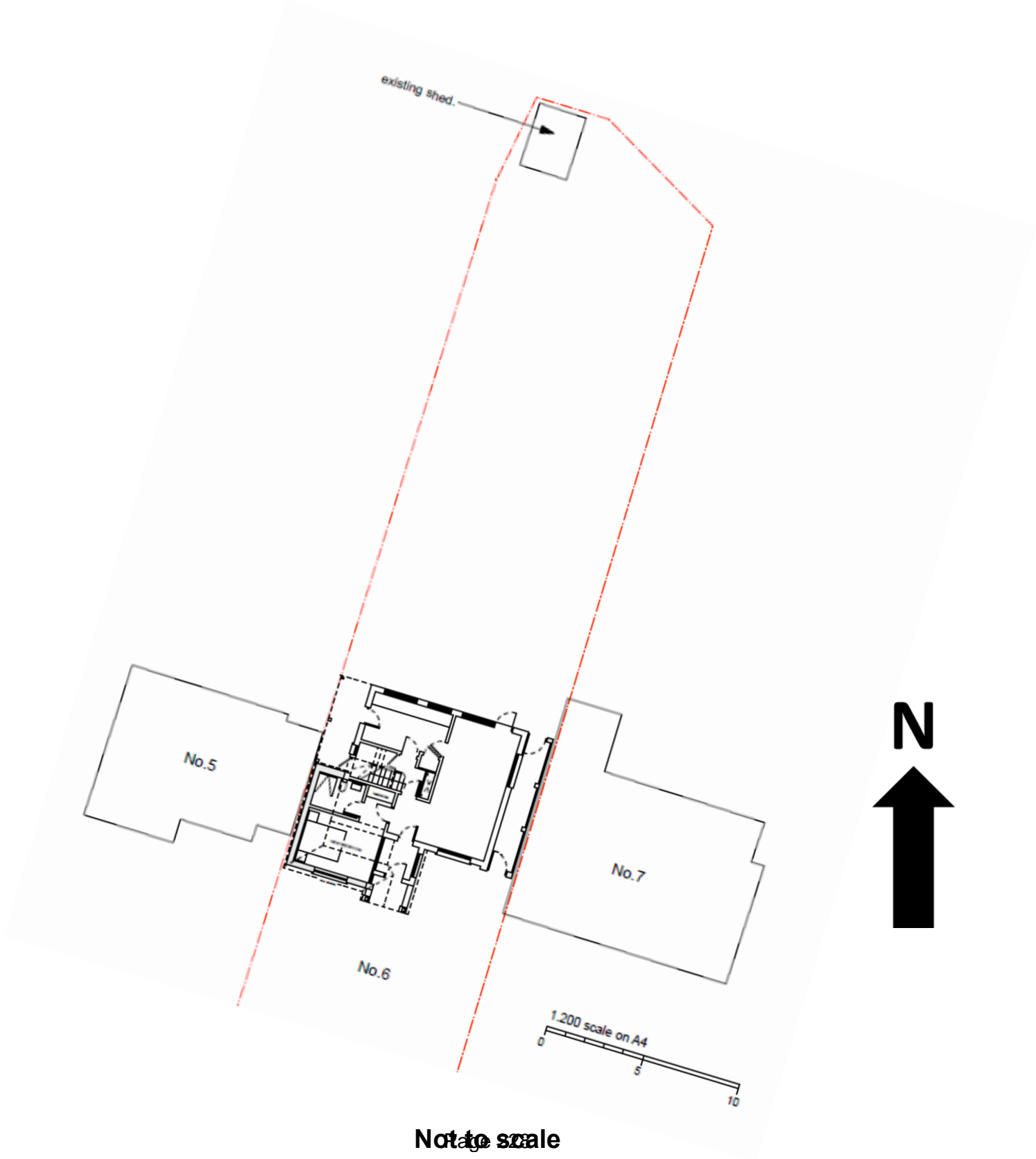


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GUILDFORD
BOROUGH

23/P/00007 6 Orchard Gardens, Effingham



App No: 23/P/00007
Appn Type: Full Application
Case Officer: Chris Gent
Parish: Effingham
Agent : Mr. McGuinness
15 Raymead Close
Fetcham
Leatherhead
Surrey
KT22 9LU

8 Wk Deadline: 01/05/2023

Ward: Effingham
Applicant: Dr. Linda Graham
6 Orchard Gardens
Effingham
Surrey
KT24 5NR

Location: 6 Orchard Gardens, Effingham, Leatherhead, KT24 5NR
Proposal: Proposed single storey front extension with new front porch and garage conversion to habitable accommodation including single storey side extension; single storey side extension to south-east elevation (Amended plan received on 07/03/2023 omitting the first floor front element from the proposed side (north-west) elevation)

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

Proposed single storey front extension with new front porch and garage conversion to habitable accommodation including single storey side extension; single storey side extension to south-east elevation (Amended plan received on 07/03/2023 omitting the first floor front element from the proposed side (north-west) elevation)

Summary of considerations and constraints

With the exception of a small open-sided front porch, the proposed single storey extension would not project beyond the foremost part of the dwelling (i.e. the existing garage). The proposal would have a pitched roof with flat roof element on top. The modest size of the structure means that the flat roof is an acceptable form of design in this instance. Due to its set back position from Orchard Gardens, size and design, it would not be unduly prominent in the street scene.

Despite the side extensions being built upto the side boundaries with the neighbouring properties No's 5 & 7 Orchard Gardens, these additions would not result in a terracing effect given their single storey size, nor would they result in overdevelopment of the plot. It is noted that single storey side extensions are a common feature within the road and there are provisions under permitted development for such development.

Taking the above into consideration, officers are satisfied that the proposal would not have an adverse affect on the scale and character of the existing property or have a detrimental impact on the character of the street scene and surrounding area.

RECOMMENDATION:

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

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered location plan, P2022/20.45 rev, P2022/20.43, P2022/20.31 received on 18/01/2023 and amended drawing number P2022/20.42 rev B received on 07/03/2023.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.
3. The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in material, colour, size, style, bonding, texture and profile those of the existing building.

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

Informatives:

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

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

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

Officer's Report

Site description

The property is a two storey detached dwelling located within Effingham, inset from the Green Belt. The surrounding area comprises mainly detached houses of individual design and appearance. There is an attached single storey, flat-roofed garage to the front.

Proposal

Proposed single storey front extension with new front porch and garage conversion to habitable accommodation including single storey side extension; single storey side extension to south-east elevation (Amended plan received on 07/03/2023 omitting the first floor front element from the proposed side (north-west) elevation)

Relevant planning history

23/P/00003 - Erection of part single/part two storey front extension with conversion of garage to habitable accommodation, new front porch and single storey side extension (Officer note: This application is currently under consideration)

22/P/01689 - Certificate of lawfulness for the proposed loft conversion with rear dormer, single storey rear extension, new roof lantern and new outbuilding. Part Approved, Part Refused - 24/12/2022

Part Approved:- single storey rear extension, loft conversion with rear dormer window, roof lantern

Part Refused:- outbuilding

Consultations

Effingham Parish Council - raise objection to the proposal for the following reasons:

- proposal would result in a negative effect on character and appearance
- overdevelopment of the plot

Third party comments:

10 letters have been received raising the following objections and concerns:

- terracing effect, this will impact negatively on the street scene
- overdevelopment of the plot
- parking
- discharge/maintenance of gutters
- concerns that storage area could be converted/extended into living space
- disproportionate size
- increase in habitable accommodation is vast

- risk of fire spreading
- drawings are incorrect because they do not show the extensions approved under certificate of lawfulness application 22/P/01689. (Officer note: The works approved under the certificate of lawfulness application have not been implemented. As such, the submitted plans (as existing) are correct

Planning policies

The following policies are relevant to the determination of this application

National Planning Policy Framework (NPPF) (revised on 20 July 2021)

Chapter 12. Achieving well-designed places

Guildford Borough Local Plan: Strategy and Sites (adopted by Council on 25 April 2019)

Policy D1: Place shaping

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).

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

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 now issued his final Inspector's Report and Schedule of Main Modifications, dated 27 February 2023. The draft plan is due to go before Full Council for adoption on 22 March 2023. Whilst it is not yet part of the statutory development plan, the policies are given full weight given their advanced stage and the fact that the policies can no longer be amended.

Policy H5: Housing Extensions and Alterations including Annexes

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

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

Policy G1(3)

Policy G5

Supplementary Planning Documents (SPD)

Residential Extensions and Alterations 2018

Draft Parking Supplementary Planning Document 2022

Effingham Neighbourhood Plan 2016-2030

ENP-G2: Landscape, Heritage, Character and Design

ENP-R1: Car Parking

Planning considerations

The main planning considerations in this case are:

- impact on scale and character of the existing dwelling and surrounding area
- impact on neighbour amenity
- parking considerations

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

With the exception of a small open-sided front porch, the proposed extension would not project beyond the foremost part of the dwelling (i.e. the existing garage). The proposal would have a pitched roof with flat roof element on top. The modest size of the structure means that the flat roof is an acceptable form of design in this instance. Due to its set back position from Orchard Gardens, size and design, it would not be unduly prominent in the street scene.

Despite the side extensions being built up to the side boundaries with the neighbouring properties No's 5 & 7 Orchard Gardens, these additions would not result in a terracing effect given their single storey size, nor would they result in overdevelopment of the plot. It is noted that single storey side extensions are a common feature within the road and there are provisions under permitted development for such development.

Given the above, the extensions would not be harmful to the character and appearance of either the host dwelling or the surrounding area.

The proposal would accord with Chapter 12 of the National Planning Policy Framework (NPPF) (as revised on 20 July 2021), Policy G5 of the Guildford Borough Local Plan (GBLP) 2003, Policy D1 of the Guildford Borough Local Plan 2015-2034, Emerging policies H5, D4 of the Guildford Borough Council: Development Management Policies (LPDMP) June 2022, and Policy ENP-G2 of the Effingham Neighbourhood Plan 2016-2030.

Impact on neighbour amenity

The neighbouring properties most affected are 5 Orchard Gardens and 7 Orchard Gardens.

The proposal would encroach within 45 degrees of the centre of No.5 Orchard Garden's nearest front ground floor window. Therefore, it does not adhere to the advice contained within the Residential Extensions and Alterations SPD 2018 with regards to daylight/sunlight issues to neighbour amenity. This is just one assessment when considering the impact (in terms of daylight/sunlight) on neighbour's existing windows.

However, given that the front window is obscured glazed and the existing screening along the shared boundary already results in loss of light to this window, any additional impact would not be to such a degree that it would harm the living conditions of the occupiers of this neighbouring property.

There is an existing ad-hoc timber structure built up to the common shared boundary with No.5 Orchard Gardens. The rear part of this structure and existing hedging/trees along the boundary, cause some loss of light/overbearing effect to No. 5's rear window and the section of this neighbour's rear garden closest to it. Given that this existing structure would be retained behind the proposed extension, no additional impact to this neighbour's rear window and garden would result.

7 Orchard Gardens - The proposed single storey extension would bring development up to the common boundary with No.7. Adjacent to the boundary with No.6 lies the garage to No.7.

The presence of No.7's garage and position of the extension in relation to the front and rear elevations of this neighbouring dwelling is such that it would not cause loss of light or an overbearing relationship to result.

There are no overlooking concerns resulting from the development.

The proposal therefore complies with policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) and Policy D5: Protection of Amenity and Provision of Amenity Space of the Guildford Borough Council: Development Management Policies (LPDMP) June 2022.

Parking considerations

The proposal would create an additional bedroom resulting in a four bedroom dwelling. The Effingham Neighbourhood Plan states that all new developments are required to provide parking within its site boundary, or nearby, off the public highway, to meet the expected demand of development, without requiring the use of public roads as overflow parking. The plan states that 3 allocated car parking spaces are the minimum for four bedroom dwellings, and above.

There are currently three on-site parking spaces; one of these is within the existing garage to be converted. Whilst it is acknowledged that the number of on-site spaces following the garage conversion may not meet the guidance set out in the Effingham Neighbourhood Plan, it is noted that the small size of the existing garage is not practical to park a car in. As such, the proposed level of on-site parking would not be dissimilar from the current situation. In addition, there is already an element of on-street parking in the immediate locality and any additional parking overspill in this case would not result in the level of on street parking to increase to such a level that would be harmful. It is noted that there is no restricted parking in the immediate vicinity.

PLANNING COMMITTEE

29 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)

<p>1.</p>	<p>Appeal A Mr John Searle The Pines, Green Lane East Normandy, GU3 2JL</p> <p>21/P/00454 – The application sought planning permission for variation of condition 3 of planning consent 10/P/00507 (approved on appeal on 14/06/2011) for the use of land for stationing of caravans for residential purposes for 1 gypsy pitch, with ancillary utility/day room, to allow permanent occupation of the pitch on the site without complying with conditions attached to planning permission Ref 15/P/02363, dated 5 March 2018.</p> <p>Delegated Decision: To Refuse</p> <p>Appeal B Mr John Searle The Pines, Mobile Home 1, Green Lane East, Normandy GU3 2JL</p> <p>21/P/00456 - The application sought planning permission for the use of land for the stationing of caravans for residential purposes for 1 No. gypsy pitch together with a utility/dayroom ancillary to that use without complying with conditions attached to planning permission Ref 15/P/02364, dated 5 March 2018.</p>	<p>*ALLOWED</p> <p>*ALLOWED</p>
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	<p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues for both Appeals A and B: The effect of the proposal on the openness of the Green Belt and the purposes of including land in the Green Belt; The effect of the proposed development on the Thames Basin Heaths SPA: and whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal on a permanent or temporary basis.</p> <p>Please view the decision letter for further info: https://publicaccess.guildford.gov.uk/online-applications/files/CBED67DDE20CA6ED24E72C2F63D65441/pdf/21_P_00454-APPEAL_DECISION-1773152.pdf</p>	
<p>2.</p>	<p>Shanly Homes Ltd White Horse Yard, High Street, Ripley GU23 6BB</p> <p>20/P/01057 – The development proposed is for the demolition of buildings including partial demolition of curtilage listed wall and redevelopment to provide 26 houses and flats, associated landscaping, open space, access, and parking.</p> <p>Planning Committee 30 March 2022: Refused Officer Recommendation: To Approve Decision: Allowed</p> <p>Inspector’s Main Issues: The main issues are whether the lack of a retail element in the appeal scheme would have a significantly deleterious effect on the vitality of the District Centre of Ripley; Whether sufficient off-street parking would be provided; Whether the planning obligation would provide adequate mitigation to offset identified impacts to infrastructure provision and, The effects on the Thames Basin Heaths Special Protection Area.</p> <p>Please view the decision letter for further info: https://publicaccess.guildford.gov.uk/online-applications/files/906FA7A3F9B5094E6611A37E36630541/pdf/20_P_01057-APPEAL_DECISION-1774419.pdf</p>	<p>*ALLOWED</p>

<p>3.</p>	<p>Mr & Mrs Khalek Burrowsdene, Vicarage Lane, Send, GU23 7JN</p> <p>21/P/01847 – The development for which a certificate of lawful use or development is sought is construction of outbuilding to be used as a home office, gym and store, plus log store.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues: The main issue is whether the outbuilding would have been lawful on the basis that the development would have been granted planning permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO).</p> <p>Please view the decision letter for further info: https://publicaccess.guildford.gov.uk/online-applications/files/DE25AD19EA9480A490E09400EBAE46F9/pdf/21_P_01847-APPEAL_DECISION-1777479.pdf</p>	<p>*ALLOWED</p>
<p>4.</p>	<p>Mr Patrick Sloan 7 Pirbright Terrace, Guildford Road, Pirbright, Woking GU24 0LR</p> <p>21/P/02573 – The development proposed is described as a single storey rear extension, two storey front extension, and conversion of attic to bedroom and ensuite.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues: The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.</p> <p>Please view the decision letter for further info: https://publicaccess.guildford.gov.uk/online-applications/files/052FD38046A7215430B3DFFED827F76D/pdf/21_P_02573-APPEAL_DECISION-1777653.pdf</p>	<p>*ALLOWED</p>
<p>5.</p>	<p>Mr Randolph Gardiner Greengage Farm, West Flexford Lane, Wanborough, Surrey GU3 2JW</p> <p>21/P/00914 – The development proposed is the erection of two detached single storey dwellings following the demolition of</p>	<p>DISMISSED</p>

<p>existing buildings.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector's Main Issues: The main issue is the effect of the proposed development on the provision of employment land, with regard to viability.</p> <p>Please view the decision letter for further info: https://publicaccess.guildford.gov.uk/online-applications/files/22AA7FAB18D84B1A64C95812D89FDC94/pdf/21_P_00914-APPEAL_DECISION-1773296.pdf</p>	
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