



[www.guildford.gov.uk](http://www.guildford.gov.uk)

Contact Officer:

Sophie Butcher, Democratic Services  
Officer

21 December 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 3 JANUARY 2024 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: 965 361 554#.

Members of the public may watch the live webcast here:

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

Yours faithfully

Tom Horwood  
Joint Chief Executive

## **MEMBERS OF THE COMMITTEE**

Chairman: Councillor Fiona White  
Vice-Chairman: Councillor Vanessa King

Councillor Bilal Akhtar	Councillor Patrick Oven
Councillor David Bilbe	Councillor Maddy Redpath
Councillor Yves de Contades	Councillor Joanne Shaw
Councillor Lizzie Griffiths	Councillor Howard Smith
Councillor Stephen Hives	Councillor Cait Taylor
Councillor James Jones	Councillor Sue Wyeth-Price
Councillor Richard Mills OBE	

### **Authorised Substitute Members:**

Councillor Sallie Barker MBE	Councillor Matt Furniss
Councillor Phil Bellamy	Councillor Bob Hughes
Councillor Joss Bigmore	Councillor Jane Tyson
Councillor James Brooker	Councillor James Walsh
Councillor Philip Brooker	Councillor Dominique Williams
Councillor Ruth Brothwell	Councillor Keith Witham
Councillor Amanda Creese	Councillor Catherine Young
Councillor Jason Fenwick	

## **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 6 December 2023 that will be circulated as part of the supplementary late sheets. 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 22/P/01966 and 23/P/01668 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 **22/P/01966 - 94 Potters Lane, Send, Woking, GU23 7AL**  
(Pages 21 - 54)

5.2 **22/P/01999 - The Harrow Inn, The Street, Compton, Guildford, GU3 1EG** (Pages 55 - 98)

5.3 **23/P/00592 - Westhorpe, Holford Road, Guildford, GU1 2QE**  
(Pages 99 - 134)

5.4 **23/P/01668 - 108 Georgelands, Ripley, Woking, GU23 6DQ**  
(Pages 135 - 156)

**6 PLANNING APPEAL DECISIONS (Pages 157 - 160)**

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*.

This page is intentionally left blank

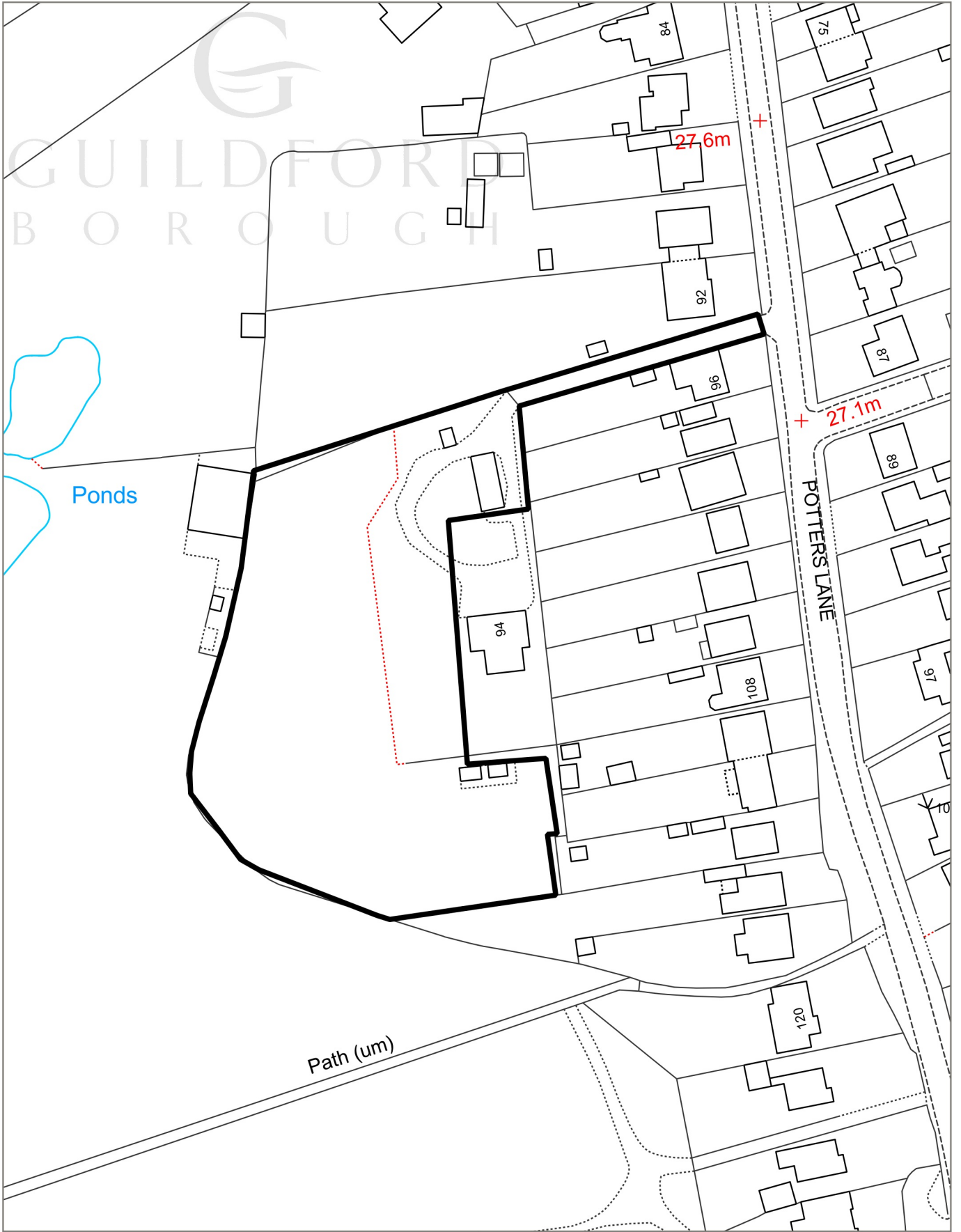
**GUILDFORD BOROUGH COUNCIL****PLANNING COMMITTEE INDEX****03/01/2024**

<b>Item No.</b>	<b>Ward</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.1	Send & Lovelace	Hawksmoor Homes, c/o Agent	94 Potters Lane, Send, Woking, GU23 7AL	22/P/01966	S106	21.
5.2	Shalford	The Brookmead Trust	The Harrow Inn, The Street, Compton, Guildford, GU3 1EG	22/P/01999	APPC	55.
5.3	Merrow	Fortitudo Ltd	Westthorpe, Holford Road, Guildford, GU1 2QE	23/P/00592	REF	99.
5.4	Send & Lovelace	Guildford Borough Council	108 Georgelands, Ripley, Woking, GU23 6DQ	23/P/01668	APPC	135.

**Total Applications for Committee****4**

This page is intentionally left blank

# 22/P/01966 - 94 Potters Lane, Send, Woking



© Crown Copyright 2023. Guildford Borough Council.  
Licence No. 100019625.

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

Print Date: 12/12/2023

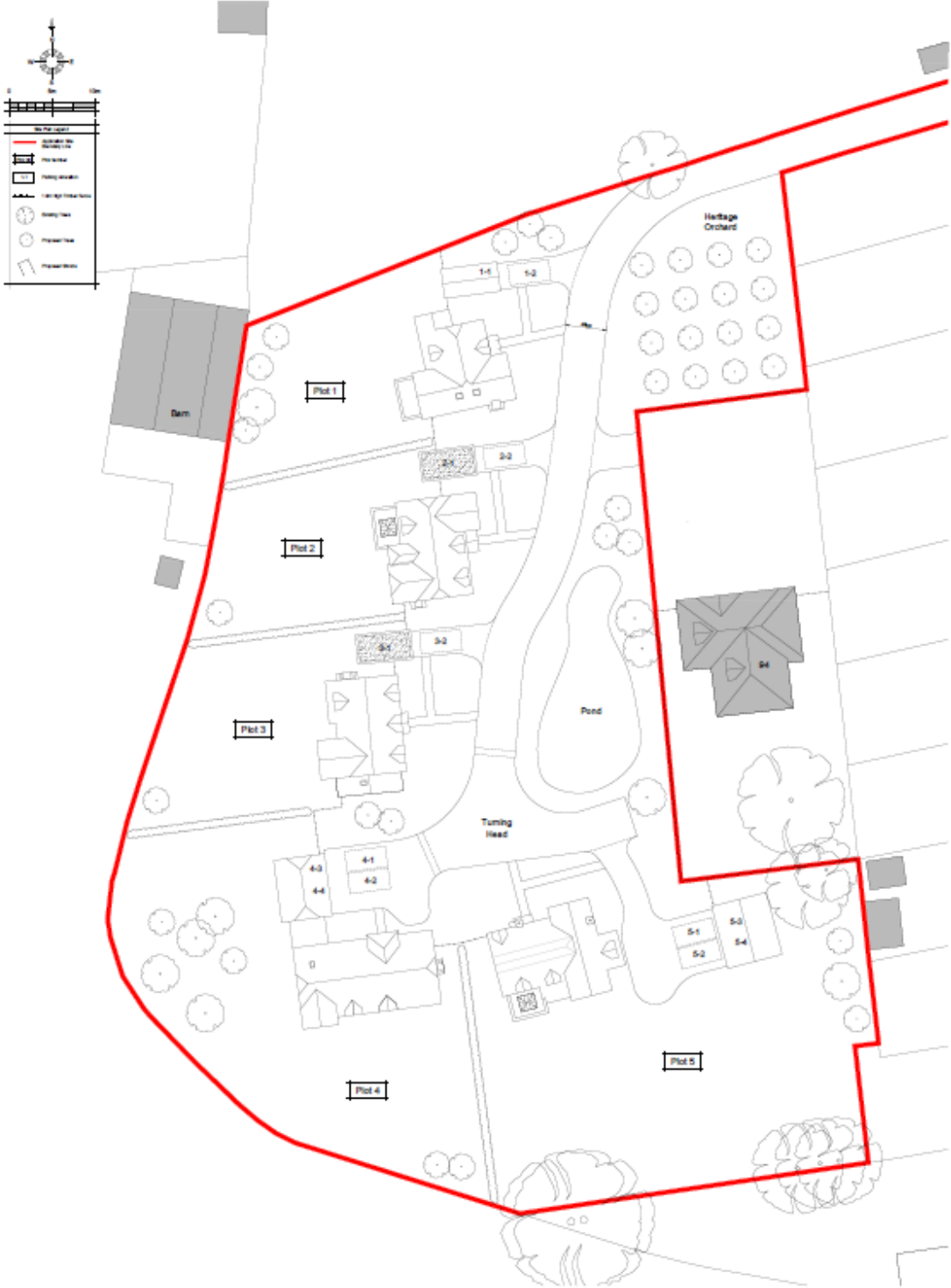


Page 21 Not to Scale



**GUILD FORD**  
BOROUGH

22/P/01966 94 Potters Lane, Send, Woking



Not to scale



**App No:** 22/P/01966 **8 Wk** 15/12/2023  
**Deadline:**

**Appn Type:** Full Application  
**Case Officer:** Justin Williams

**Parish:** Send

**Ward:**

**Agent :** Mrs McSharry  
Pro Planning  
Hollycombe House  
Down Lane  
Compton  
GU3 1DQ

**Applicant:** Mr Atterbury  
Hawksmoor Homes  
c/o agent

**Location:** 94 Potters Lane, Send, Woking, GU23 7AL

**Proposal:** Construction of 5 dwellings, including access and landscaping.

### **Executive Summary**

#### **Reason for referral**

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

The application was deferred from the previous Planning Committee (6th December) so that a formal site visit can be undertaken.

#### **Key information**

The application is a full planning permission for the erection of five detached dwellings at a site inset from the Green Belt within Send Village

The application site currently serves one detached property which would be retained and is accessed from a driveway off Potters Lane.

The application is a revision from a previous refused scheme for 29 units which was dismissed by the Planning Inspector on grounds of the impact on the character and appearance of the area, the setting of the River Wey Conservation Area, impact on

the amenities of the occupiers of the adjacent neighbouring properties, particular No. 90 and highway safety.

The application has less properties than the previous scheme and would be set away from boundaries of the site than the previous dismissed scheme

Each property would have two car parking spaces with EV charging point and an air source heat pump

The design of the properties would be varied and have a traditional appearance.

The site is within 5kms of the Thames Basin Heath Special Protection Area

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

The site is inset from the Green Belt and therefore the principle of development is considered acceptable.

The site is approximately 133 metres from the River Wey Navigation Conservation Area. The site would be slightly visible from the Conservation Area, but the reduction in units opens a more spacious form of development in keeping with the character of the area.

There are good separation distances between the proposed units and the adjacent neighbouring properties and therefore the proposal would not result in overlooking or loss of privacy or be an overbearing or unneighbourly form of development.

The proposal would utilise an existing access and highways authority raise no concern regarding highway safety.

The application is therefore recommended for approval subject to conditions and a Unilateral Undertaking for mitigation on the Thames Basin Heath Special Protection Area.



**RECOMMENDATION:**

**Subject to a Section 106 Agreement securing appropriate SANG and SAMM mitigation payments, the decision is to:**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Tree Constraints Plan, P101, Tree Protection Plan, P117, 0115-01 and S101 received on 21 November 2022 and SK113 received 13 December 2022, P111 Rev A, P112 Rev A, P114 Rev A, P115 Rev A, C101 A received 3 November 2023

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

3. Prior to the commencement of any development above slab level works, a written schedule with details of the source/manufacturer, colour and finish or samples on request, of all external facing and roof materials. This must include the details of embodied carbon/energy (environmental credentials) of all external materials. These shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using only those detailed.

Reason: To ensure that a satisfactory external appearance is achieved and to ensure materials that are lower in carbon chosen.

4. No external lighting shall be installed at the site or affixed to any buildings on site until details of the position, height, design, measures to control light spillage and intensity of illumination has been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall comply with the recommendations of the Bat Conservation Trusts document Bats and Lighting in the UK - Baths and the Built Environment Series Guidance Note 8/18 and shall thereafter be maintained in perpetuity.

Reason: To protect the amenities of the occupiers of the adjacent neighbouring properties, wildlife and to minimise obtrusive light pollution.

5. Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP), including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority.

This should be in accordance with the recommendations in the submitted response note (AA Environmental Consultants Ltd July 2023, Technical Notice (Ecology (AA Environmental Consultants Ltd 2022) The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- Details of any new habitats created on site.
- Details of the extent and type of new planting and seeding outside of the developed areas, which should be native species of UK provenance.
- Details of the lighting scheme that should be of a sensitive design to minimise impacts on all semi-natural habitats within and adjacent to the site.
- Details of maintenance regimes including how the semi-natural habitats will be managed over the long-term in

order to retain their ecological diversity.

- Details of management responsibilities including adequate financial provision and named body responsible for maintenance.

Reason: To protect the trees to be retained and enhance the appearance of the surrounding area, to ensure that replacement trees, shrubs and plants are provided and to protect the appearance of the surrounding area and to ensure the protection of wildlife, supporting habitat and secure the opportunities for the enhancement of the nature conservation value of the site.

6. No vehicle shall access the site unless and until the proposed vehicular access to Potters Lane hereby approved has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the NPPF and to comply with Policy ID3 of the Guildford Local Plan 2019 and the NPPF.

7. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the NPPF and to comply with Policy ID3 of the Guildford Local Plan 2019 and the NPPF.

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the NPPF and to comply with Policy ID3 of the Guildford Local Plan 2019.

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

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highways users and to promote sustainable transport and to comply with Policy ID3 of the Guildford Local Plan and Policy within the NPPF.

10. No development shall take place until a written Waste Minimisation Statement confirming how construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resource to ensure that the amount of waste to

landfill is reduced.

11. Full details of both hard and soft landscaping works including tree planting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the above ground construction of the buildings hereby permitted. The details shall include indications of all changes to levels, hard surfaces, walls, fences, or other means of enclosure within or around the site, access features, minor structures, the existing trees and hedges to be retained, the new planting to be carried out, measures to be taken to ensure that retained trees and their roots are not damaged and details of the measures to be taken to protect existing features during the construction of the development. The above details should also be supported by a phasing plan/timetable for the delivery on the hard and soft landscaping.

Arboricultural work to existing trees shall be carried out prior to the commencement of any other development, otherwise all remaining landscaping work and new planting shall be carried out in accordance with the phasing plan/timetable agreed with the Local Planning Authority.

Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority give written consent to any variation.

Reason: To preserve and enhance the character and appearance of the surrounding area.

12. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in

accordance with the agreed management and maintenance plan.

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority.

This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme as outlined in the submitted Flood Risk Assessment (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

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

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

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

15. The approved Arboricultural Report, which included an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared by treetec consultancy ltd., dated September 2022, must be adhered to in full, and may only be modified by written agreement from the LPA. No development

shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

16. The proposed development shall be constructed in accordance with the submitted Precautionary Working Method Statement and its appendices within the Ecology report dated October 2022

Reason: To ensure the protection and minimise the disturbance of any unexpected wildlife on the site and to protect the environment of the site and vicinity.

17. No development shall take place until a Construction Environment Management Plan has been submitted to an approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas detailing the works to be carried out showing how the environment will be protected during construction. Such a scheme shall include details of the following:

- The timing of different aspects of site clearance and construction works
- Any necessary pollution prevention methods including those to prevent polluted surface water run-off entering any of the ditches or streams in or adjacent to the site.
- Construction methods.
- Dust suppression methods

The works shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: To achieve sustainable development and protect the environment in the vicinity of the site

**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
  
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre-application advice service in certain circumstances
  - 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

Minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see



<https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>

4. 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.
5. 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.
6. Many trees contain wildlife such as bats and nesting birds that are protected by law. The approval given by this notice does not override the protection afforded to these species and their habitats. You must take any necessary steps to ensure that the work you are carrying out will not harm or disturb any protected species or their habitat. If it may do so you must also obtain permission from Natural England prior to carrying out the work. For more information on protected species please go to [www.naturalengland.gov.uk](http://www.naturalengland.gov.uk)
7. The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be

restricted to the following hours: -

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

8. During demolition or construction phases, adequate control precautions should be taken in order to control the spread of dust on the site, so as to prevent a nuisance to residents in the locality. This may involve the use of dust screens and importing a water supply to wet areas of the site to inhibit dust.

### **Officer's Report**

#### **Site description.**

The application site is located within a residential area of Send which is characterised by detached properties of varied styles in spacious plots. The site is located behind an established row of residential properties and is accessed by an existing access, which currently serves one property. To the west of the site is an existing farm which includes a large detached agricultural building. The site is enclosed by mature hedging and is currently predominantly laid to grass. The site lies within the Urban Area.

To the west of the site is an existing farm which includes a large detached agricultural building. The Wey Navigation Conservation Area lies approximately 120 metres to the west of the site. Footpath No 55 runs to the south of the site being separated from the site by the adjacent agricultural unit. The site is within 5 kms of the Thames Basin Heath Special Protection Area.

#### **Proposal.**

Construction of 5 dwellings, including access and landscaping. The proposed dwellings would utilise the existing access to No. 94 Potters Lane which is to be retained on site with the existing dwelling and garage. The proposed dwellings would be of varied design and style set in good sized plots with garden depths of at least 15 metres and with off street parking. The properties would have varied heights with a maximum height of 7.9 and a minimum of 7.4 metres.

The mix of the scheme would be as follows

- 2 bedroom x 1
- 3 bedroom x 3
- 4 bedroom x 1

The submitted layout plan shows the development having landscaping throughout the site and including a Heritage Orchard close to the rear boundaries of properties in Potters Lane.

The proposed properties would be set off the western boundary with the adjacent agricultural unit by approximately 20 metres with landscaping reinforcing the existing green Buffer with the adjacent site.

The applicant has submitted a number of supporting documents to accompany their application, which are summarised below.

The submitted Planning Statement and Heritage Statement outlines how the design has been evolved with the number of units and spacious plots to reflect the change from the open area to the west of the site and the more urban, residential area to the east of the site.

The Flood Risk Assessment outlines how Surface Water will be managed on site and that the site is not within the medium or high risk flood zone.

The Transport Statement outlines that each property would have their own parking areas provide at least two car parking spaces each and each property would have an EV charging point. The number of vehicle trips to and from the site will be increased, however this would be an average of between 2 and 3 trips in peak morning and afternoon.

The Landscape Visual Impact Assessment notes that views to the site are limited from the North West because of the existing agricultural barn and vegetation. With other views of the site limited because of the topography of the land.

The submitted Ecology Report notes that there are no protected species on site, but there are badgers in the vicinity. The site is not within a protected area, with the closest being the SNCI and SSSI of the Wey Navigation approximately 130 metres from the site. The report details measures to improve biodiversity at the

site with additional planting and other measures.

**Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
20/P/00482	Erection of 29 dwellings (12 affordable) including access, associated garages, parking, open space, play area and landscaping following the demolition of 2 dwellings (92 and 94 Potters Lane).	Refused 7th August 2020	Appeal Dismissed 24th January 2022
18/P/02394	Erection of greenhouse and shed (retrospective application).	Approve 28/02/2019	N/A
18/P/01736	Proposed replacement dwelling to include five bedrooms and two first floor studies following demolition of existing bungalow.	Withdrawn 31/10/2018	N/A
18/P/00761	Certificate of Lawfulness for a proposed development to establish whether a triple bay garage and workshop/hobby room, with solar panels and renewable energy storage area, would be lawful.	Refuse 13/06/2018	ALLD 30/01/2019
18/P/00121	Certificate of Lawfulness for a proposed development to establish whether a triple bay garage and workshop would be lawful.	Refuse 22/03/2018	N/A

17/P/00429	Erection of a new dwelling and Refuse carport following the 12/06/2017 demolition of an existing dwelling	N/A
18/P/02285	Erection of greenhouse and shed (retrospective application).	Pending N/A

### **Consultations.**

#### Statutory consultees

County Highway Authority: No objection subject to conditions regarding visibility splays, parking, EV charging bays and secure bike storage

Surrey Wildlife Trust: No objection subject to conditions regarding submission of an external lighting plan, landscape and Ecological Management plan

Thames Water: No comments to make

#### Internal consultees

Environmental Health Officer - No objection

Operational Services Officer - No objection

#### Parish Council

Send Parish Council - Object for the following reasons:

- The Council has a five year supply of housing and their is no need for further housing.
- The increased use of the access way would result in noise and vibration and lead to a loss of amenity to the occupiers of the adjacent neighbouring properties
- The buildings would be clearly visible in the area especially from the Towpath of the Navigation. The proposed dwellings would have an adverse impact on the

character and appearance of the Conservation Area.

- The proposed dwellings would be higher than the barn to the west of the site and have an adverse impact on the rural character of the area
- The proposal would impact on the Thames Basin Heath Special Protection Area (Officer Comment - The applicant has submitted a completed Unilateral Undertaking for mitigation on the ground nesting birds in accordance with the Council's adopted policies.

#### Amenity groups/Residents associations

National Trust: Raise concerns about the proposed development of the application site which it considers would be out of keeping with the character and appearance of this stretch of the Wey and Godalming Navigations Conservation Area. The layout and design of the proposed development is such that, even with the proposed landscape planting, the buildings would be visible in, and detrimental to, views currently enjoyed along the River Wey Corridor and would harm the setting of the Navigation, a designated heritage asset. As such, the proposed development would be contrary to Local Plan policies which seek to safeguard the character and appearance of the Conservation Area and the setting of heritage assets. Furthermore, the proposals would not comply with the National Trust's guidelines for development along this stretch of the River Wey, in particular, by encroaching on the open land between the Navigation and the village of Send.

#### Third party comments:

The application has been advertised in the local press, a site notice has been displayed and neighbour notification has been sent out to neighbouring properties.

37 letters of representation have been received raising the following objections, 28 from different properties and a summary of their concerns is detailed below:

- There should be no further building works in Potters Lane or being visible from the Wey Navigation
- The access to the site would not be sufficient causing noise and disturbance to occupiers of adjacent neighbouring properties
- The additional houses would lead to increased traffic and pressure for parking on Potters Lane
- The proposal would lead to increased creep into green spaces and impact on local wildlife

- The proposal would result in overlooking.
- The proposal is not in keeping with the area.
- The proposal would impact upon the character and appearance of the Conservation Area
- The proposal would impact on the amenities of the occupiers of the adjacent neighbouring properties
- The proposal would impact on the Thames Basin Heath Special Protection Area - Officer comment - The applicant has submitted a completed Unilateral Undertaking for mitigation on the ground nesting birds in accordance with the Council's adopted policies
- Has any contributions to Affordable Housing be secured for the development - The application does not meet the threshold for the provision of affordable housing.
- Visibility to the access of the site is obscured by a protected tree
- The proposal would overlook the Towpath along the Wey Navigation
- The proposal does not overcome the previous reasons for refusal
- The proposed homes are not affordable and not needed
- The proposal would result in light pollution and lead to impact on wildlife in the area.
- The proposal would result in overlooking and loss of privacy to the occupiers of the properties in Potters Lane
- The style and character of the properties would not be in keeping with those in Potters Lane
- Access to the site would be dangerous for pedestrians
- The proposal is backland development and would set a dangerous precedent for future backland development in Send
- The proposal would result in additional strain onto village services and infrastructure
- The proposal would result in affect Sewage waste in the area.
- The previous reasons for refusal are still applicable.
- The site is not allocated for development under the local plan
- The increased use of the access road would lead to vibration issues from users to the road.

8 letters of support four from different properties have also been received outlining the following positive comments:

- The precedent for development has already been set with approvals for residential development along the road

- The proposal fits in with the character of the road having a rural design and spacious setting.
- the proposal would be in keeping with the rural setting
- The proposal is less than the previous refused 29 units with a heritage orchard
- traffic on the lane is often attributed to the Public House
- The access is similar to that which accesses No's 72 - 68
- There are developments in Worsfold Close and Sanger Drive where ten houses have gardens that border the river bank. These must be a present for buildings being visible from tow paths and surrounding footpaths.

Following the receipt of amended plans 44 additional letters have been received reiterating the original comments and that the amendments do not overcome their original concerns.

One of the additional concerns was that the proposal would result in vehicle headlights shining into the properties opposite the site.

### **Planning policies.**

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

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

#### South East Plan 2009:

Policy NRM 6

#### The Guildford Borough Local Plan: Strategy and Sites adopted 25 April 2019. (LPSS)

Policy S1: Presumption in favour of sustainable development

Policy H1: Homes for all

Policy P5: Thames Basin Heath Special Protection Area

Policy D1: Place shaping

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

Policy D3: Historic Environment



Policy ID3: Sustainable transport for new developments.

Policy ID4 – Green and Blue Infrastructure

Guildford Borough Local Plan: Development Management Policies (LPDMP) 2023:

Policy P6 Protecting Important Habitats and Species

Policy P7 Biodiversity in new developments

Policy P11 – Sustainable Surface Water Management

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D8: Residential Infill Development

Policy D11: Noise Impacts

Policy D12: Light Impacts and Dark Skies

Policy D13: The corridor of the River Wey and Godalming Navigations

Policy D14: Sustainable and Low Impact Development

Policy D15: Climate Change Adaptation

Policy D16: Carbon Emissions from Buildings

Policy D20: Conservation Areas.

Policy ID10: Parking Standards for New Development

Neighbourhood Plans:

Send Neighbourhood Plan May 2021

Policy Send 1 Design

Policy Send 2 Housing

Policy Send 4 Green and Blue Infrastructure

Policy Send 7 Supporting Sustainable Transport

Policy Send 8 Car Parking Provision

Supplementary planning documents:

Residential Extensions and Alterations SPD (2018)

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

Parking Standards for New Development (2023)

Residential Design Guide SPG (2004)

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the area
- the impact on the scale and character of the existing site
- the impact on neighbouring amenity
- highway/parking considerations
- the impact on the character of the conservation area
- landscaping
- Sustainability
- Flooding and drainage
- Ecology
- Service arrangements
- Thames Basin Heath Special Protection Area
- legal agreement requirements
- Previous reasons for refusal and appeal
- Conclusion

#### Principle of development

The application site is located within Send Village and inset from the Green Belt with the Green Belt boundary positioned to the west and south of the site.

Policy S2 of the LPSS outlines where housing should be located within the Borough and this identifies that land proposed to be inset in villages should provide approximately 252 homes, this figure has been derived from site allocations and Land Availability Assessments. It is noted that the site has not been identified within the SHLAA, however, this does not preclude development coming forward. In addition, the NPPF states that it is the government's objective to significantly boost the supply of homes and decisions should promote an effective use of land in meeting the need for homes. The site is inset from the Green Belt and therefore the principle of development is considered to be acceptable subject other considerations.

#### Character of the area

The surrounding area is characterised by detached properties in good sized plots. Along Potters Lane the properties are generally within a linear form. However, the grain of development is looser towards the North of the Lane, with a number of properties accessed off Potters Lane from several access drives from the Lane. Policy D1 of the LPSS states that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally

distinct patterns of development. Policy D4 of the LPDMP echoes this and advises that development proposals are expected to demonstrate high quality design in relation to layout, form and scale of the buildings, appearances landscaping, materials, and detailing. They are required to reflect appropriate residential densities. Policy Send 2 from the Neighbourhood plan requires development that reflects the character and settlement pattern.

In the previous planning appeal 20/P/00482 the Inspector commented that the area has a semi rural character and an informal appearance. The proposal would be for five properties of varied design and in good sized plots with substantial gaps to the between each property.

The previous dismissed scheme was for 29 units and being a combination of terrace properties, semi detached and detached properties and would have a suburban character. In dismissing the appeal, the inspector noted that the density of development whilst is not dissimilar to that of the development further north, the appeal proposal would significantly intensify the amount of development on the rural edge of the village. The revised scheme has significantly reduced the numbers of the proposal from 29 to five dwellings with the properties being detached and being in more spacious plots, being more reflective to that in the surrounding area. It is therefore considered that the proposal would be in keeping with the established character and pattern of development of the surrounding area and responds to the pattern of development in the area. Therefore, it is considered that the proposal would comply with Policies D1 of the LPSS, D4 of the LPDMP and Send 2 of the Send Neighbourhood Plan.

#### Impact on character of the site.

The site is currently predominantly open with a detached bungalow which has accommodation in the roof and single storey outbuildings. The existing bungalow would be retained at the site, with off street parking being retained to the front of the site. The proposal would be for chalet style bungalows of varied design with off street parking to the front of the site and would retain good separation distances of at least 12 metres to the western boundary, N.B. this increases to over 20 metres around the site. It is considered that this would be in keeping with the established character of the site.

#### Impact on residential amenity on existing and future occupiers.

Policy D5 of the LPDMP required development proposals to avoid having an

unacceptable impact on the living conditions of existing residential properties or result in unacceptable living conditions for new residential properties. The policy lists a number of considerations which need to be taken into account when considering the impact on the amenities of the occupiers of existing and future occupiers. These include, privacy and overlooking, visual dominance and overbearing effects, access to sunlight and daylight, artificial lighting, noise and vibration and odour, fumes and dust.

The proposed dwellings would have good separation distance to the boundaries and between properties with no windows facing either property. It is therefore considered that the proposed units would not materially harm the amenities of the occupiers of each unit. The proposed dwellings would not be any closer to neighbouring residential properties than the existing built form and as such would not result in overlooking or loss of privacy. The units would be accessed via an existing driveway which is located between two residential properties. The additional number of trips to and from the site as a result of this would affect the amenities of the properties of the adjacent properties to some degree, through noise generated from vehicular movements. However, the submitted transport assessment notes that the number of trips would be limited during peak hours (3 each way trips). It is considered that given the limited number of units the additional traffic past the adjacent neighbouring properties would not materially harm the amenities of the occupiers of the adjacent neighbouring properties through any noise or vibration.

The proposed construction period may result in dust, noise and vibration, but dust suppression could be controlled by condition.

The site does not propose any lighting columns in the site layout, with the only lighting being lighting of private properties. It is considered that lighting on private properties would be unlikely that the proposal would result in light pollution which would be detrimental and harmful to the occupiers of the adjacent neighbouring properties. However, a condition is recommended to preserve the amenities of the area and the impact on wildlife in the area.

Furthermore, the layout of the proposal would be such that there would be no direct overlooking between properties. Therefore, it is considered that the proposal would not result in any loss of privacy to the occupiers of the existing properties or the future occupiers of the dwelling.

It is therefore considered that the proposal would comply with Policy D5 within the Local Plan in this regard.

### Conservation Area

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

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

### NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. The NPPF sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 199-205 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The Wey Navigation is located approximately 133 metres to the west of the site.

There is a tow path along eastern side of the navigation which links to footpath 55 which runs close to the southern boundary of the site. The Navigation is predominantly open with some mature planting on land adjacent to the site.

The site is currently screened by an earth bund with bamboo planted on top along the western boundary of the site and there is an existing large green agricultural barn located on land between the application site and the navigation.

The Planning Inspector for the previous appeal for 29 units stressed the importance of the Rural Landscape between the built up area along Potters Lane and the river to the setting of the Wey and Navigation, specifically stating that the application site made a positive contribution to the setting by virtue of its largely undeveloped character.

The Inspector commented that the proposal of 29 units resulted in a moderate level of less than substantial harm to the Wey Navigation Conservation Area. The Council's Design and Conservation officer acknowledges that the number of units has been reduced, but considers that the proposal would still be visually significant and considers that there would still be a moderate less than substantial harm to the significance of the Wey Navigation Conservation Area.

Since the decision from the Inspector the planting along the western boundary of the site has become more established and views towards the site have been lessened.

The revised scheme has reduced the number of units from 29 to 5, gives the site a more spacious appearance in keeping with that of the adjacent area, it has moved development away from the boundary of the site, and included additional landscaping to soften the appearance. Furthermore, the applicant has also reduced the heights of the proposed dwellings thereby further assisting to reduce the prominence of the properties when viewed from the Conservation Area.

It is considered that the by nature of the reduction in number of units, the reduction of height of the units and the additional landscaped planting, the proposed development would be in keeping with the spacious character of the area and not have a material visual impact on the character and appearance of the Conservation Area, especially when noting the agricultural use and large building adjacent to the site and other residential uses immediately adjacent to the

Conservation Area to the north of the site. Furthermore, the site is inset from the Green Belt, where the NPPF states that the government's objective to significantly boost housing supply and that policies should promote an effective use of land in meeting the need for homes.

The proposal would result in less than substantial harm to the significance of the designated heritage asset. In line with para 202 of the NPPF it is necessary to weigh this against any public benefit. In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset.

No material harm to the designated heritage asset has been identified and having due regard to Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 and policies within the Local Plan and the Send Neighbourhood Plan

#### Highway and access

The site would be accessed via an existing accessway off Potters Lane. This currently serves one unit and the use of the accessway would be increased from one to six. The submitted Transport Statement identifies that the proposed development would provide 14 car parking spaces which would comply with the adopted car parking standards. EV charging points would be provided at each of the properties and cycle storage would also be provided. The submitted Transport Statement outlines that the proposal would generate an additional three vehicle movements in both the morning and evening. Surrey County Highways raise no objection to the application subject to conditions regarding visibility zones as per the submitted plans, parking layout as per the submitted plans and EV charging points for vehicles. The proposal is therefore considered to comply with Policy ID3 of the LPSS and the adopted Car parking Supplementary Planning Document.

The proposed properties would each have their own private refuse area. The submitted Transport Statement and addendums to it show that the access track can accommodate the Council's refuse vehicles and turn around at the site.

Therefore, the Council's technical Support and Improvement Officer also raises no objection to the application and the proposal would comply with Policy D6 of the LPDMP and Policies 7 and 8 of the Send Neighbourhood Plan.

### Ecology

The applicant has submitted an Ecology Report which includes a walk over survey. This outlines that there are no records of any badger sets, on the site, although there is a badger run close to the boundary of the site and no evidence of bats are roosting on the site. The report concludes that there are no protected habitats on site that would be affected by development at the site. However, measures to minimise potential disturbance to wildlife should be incorporated in the development. In addition, measures to improve wildlife channels through the site and biodiversity at the site are recommended. The Surrey Wildlife Trust raise no objection to the application subject to conditions regarding sensitive lighting scheme and a Landscape Ecological Management Plan and that the measures outlined in the Precautionary Working Method Statement are followed. The proposal would therefore comply with Policy ID4 of the LPSS and P6 and P7 of the LPDMP

### Landscaping

The application site is bounded by an earth bund which has bamboo planted on top. This runs along the majority of the western boundary with the adjacent neighbouring site (Moorland Chase). NB. The earth bund and bamboo screen are outside of the application site. There are also mature planting on the Southern and northern boundaries. The submitted tree protection plan shows tree protection measures to be installed around the trees to be retained on the site and immediately outside of the site. The proposed landscaping plan shows landscaping to be enhanced on all boundaries being a mixture of native planting.

The site can be viewed from the public footpath to the south and from the Wey Navigation to the west of the site. However, the existing boundary screening and proposed additional landscaping would assist in screening this view and limiting any impact. The Council's Tree Officer raises no objection to the proposed application subject to condition regarding compliance with the submitted Arboricultural Method Statement. It is therefore considered that the proposal would comply with policies D5 and P6 of the LPDMP.

### Sustainability

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.

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. The Council has adopted the Climate Change, Sustainable Design, Construction and Energy SPD in December 2020.

Policies D14, D15 and D16 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.

Following adoption of the LPDMP D16: Carbon Emissions from Buildings (1), (2), (3), (4), would supersede D2: Climate Change, Sustainable Design, Construction and Energy (5), (6), (7), (9).

A fabric first approach is required under Policy D14(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 D16 of the LPDMP require measures for low and zero carbon and decentralised energy.

With regard to sustainable design and lifestyles Policy D2(1)(c), (e) of the LPSS seeks to ensure that there are sustainability measures to offer choices.

The application includes a Climate Change, Energy and Sustainable Development Questionnaire This document set out the following sustainability measures to be incorporated in the proposed development:

- Any mineral waste will be stored separately from general waste and will be reused or recycled.
- where practical locally sourced materials will be specified
- all structural timber will be FSC or PEFC certified

- The development will be constructed using Structurally Insulated Panels (SIPS) which are energy efficient and improve air tightness and reduce thermal bridging
- all houses have good solar orientation
- the design of the houses includes passive cooling methods and provides for cross ventilation and large window openings
- rainwater harvesting will be provided for landscape maintenance
- there will be no rainwater runoff off site and any rainwater runoff will discharge to soakaways, which will allow it's slow release back into the ground.
- it is proposed to install air source heat pumps to all houses.
- minimum estimated carbon reduction from Target Emission rate of between 57 and 65% across the buildings. TER of 40%

From the information provided it has been demonstrated that a fabric first approach has been followed. Conditions are recommended to secure a waste minimisation strategy and the required water efficiency measures. The applicant has not submitted SAP ratings to demonstrate how the TER ratings will be achieved, however, this can be secured by condition. Subject to conditions, it is considered that the proposal would comply with policies in the local plan.

#### Flooding and land drainage

The application site is within flood zone one and not at risk from fluvial flooding. The submitted Flood Risk Assessment (FRA) details that surface water drainage from roofs on each residential property would be managed on site using geocellular crates which will discharge into soakaways. The shared access road would have permeable paving with the existing track drain as per the existing situation. The FRA also refers to maintenance of the on site SuDS features and therefore this is considered to comply with Policy P4 of the LPSS.

#### Service arrangements

The site would be serviced using the existing accessway. The applicant has submitted plans tracking refuse vehicles at the site. Each property would have their own refuse areas and the Council's Technical Support and Improvement Officer raises no objection to the application.

### Thames Basin Heath Special Protection Area

The application site is located within 400m to 5km buffer zone of the Thames Basin Heaths SPA. Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the Thames Basin Heath through increased dog walking and an increase in recreational use. The application proposes a net increase of 5 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

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

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

### Legal agreement requirements

The three tests as set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) require S.106 agreements to be:

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

As the application proposes the provision of additional residential units, in order for the development to be acceptable in planning terms, a S.106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 61 of the Habitats Regulations, a S.106 agreement is required to ensure that the 3 additional residential units proposed by this development would not have any likely significant effect on the TBHSPA.

The level of financial contribution sought is required to be in line with the specific tariffs set out in the adopted Avoidance Strategy which relate to the number of residential units and number of bedrooms proposed. As such, the requirement for the S.106 agreement meets the three tests set out above.

#### Previous reasons for refusal and dismissal

in January 2022, the Planning Inspector dismissed an appeal for 29 dwellings following the demolition of Nos 92 and 94 Potters Lane. Concerns were raised regarding the character of the area and the impact on the River Wey Navigation Conservation Area.

In dismissing the appeal the Inspector noted that the rural landscape between the built up area along Potters Lane and the River Wey Navigation form an important part of its setting and the appeal site because of its undeveloped character. The Inspector considered that the proposal would significantly harm the character and appearance of the area.

The revised scheme has increased the separation distance of the built form to the Conservation Area and has reduced the height of the units from approximately 8 metres to 7.4 metres. In addition, additional landscaping has been proposed along the boundaries of the site. In addition, the change to the layout of the site and reduction in numbers gives the proposal a more spacious form of development which is keeping with the established character of the area.

The Inspector commented that the proposal would have views to and from the Wey Navigation Conservation Area and notes the change in character of the

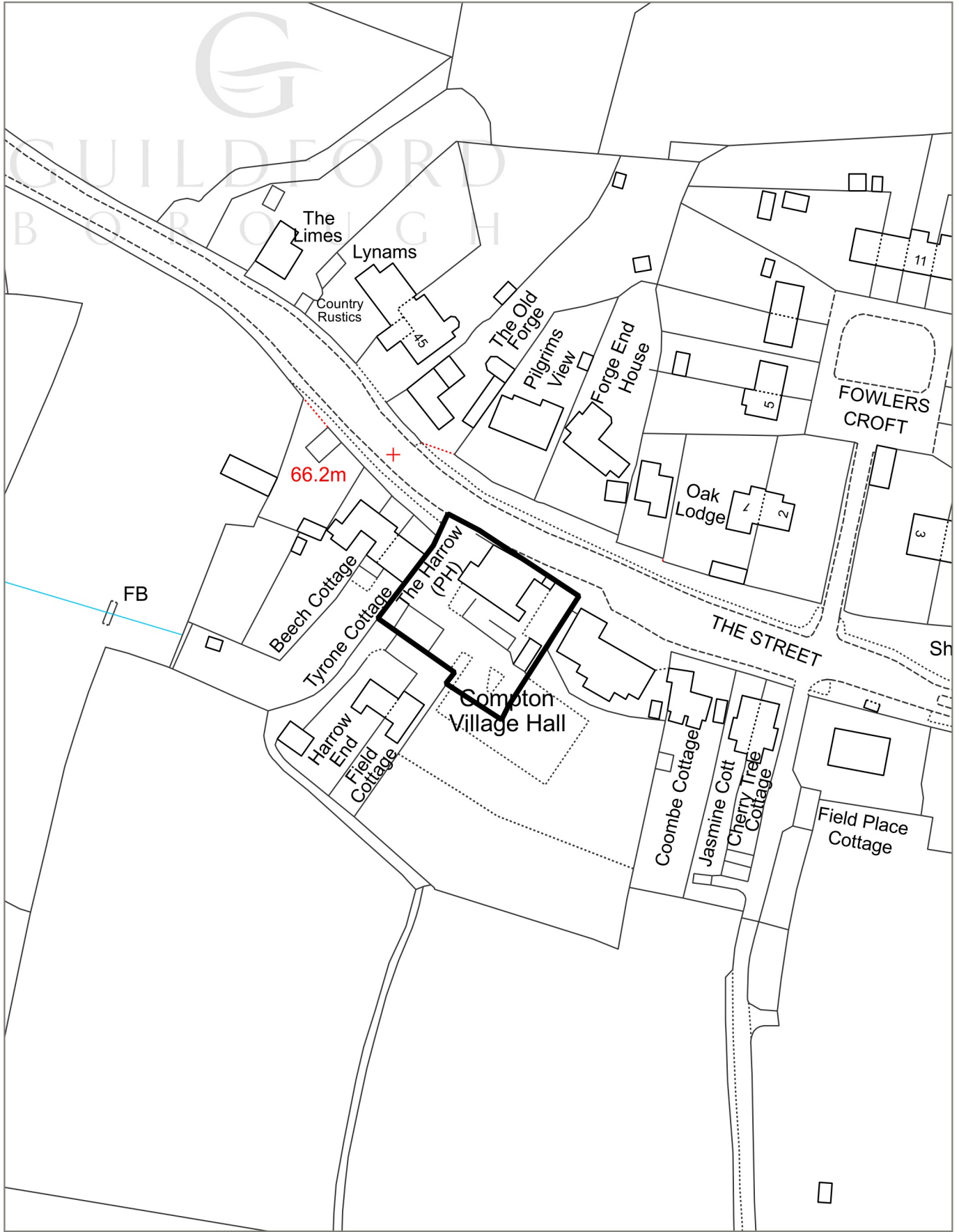
Conservation Area the closer you get to Send Bridge to the North of the site. The Inspector commented that the proposal would have a moderate less than substantial harm to the Conservation Area. As previously identified the number of units has decreased, heights of the buildings lowered, separation distances to the Conservation Area have increased and additional landscaping is proposed. It is therefore considered that there are significant differences between the dismissed scheme and the proposed scheme and these overcome the previous concerns.

### Conclusion

The site is inset from the Green Belt and would provide additional homes in the borough with the layout being respectful to the established spacious character of the area. The proposal would not materially result affect the character and appearance of the Conservation Area, nor would it materially harm the residential amenities of the occupiers of the adjacent neighbouring properties. No concerns are raised the County Highways Authority on highway safety or the Surrey Wildlife Trust on ecology or biodiversity matters Trust subject to conditions. Therefore, it is considered that the proposal would comply with policies within the Local Plan and the application is therefore recommended for approval.

This page is intentionally left blank

# 22/P/01999 - The Harrow Inn, The Street, Compton, Guildford



© Crown Copyright 2023. Guildford Borough Council.  
Licence No. 100019625.

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

Print Date: 13/12/2023



Page 55 Not to Scale



22/P/01999 The Harrow Inn, The Street, Compton,





**App No:** 22/P/01999 **8 Wk** 15/12/2023  
**Deadline:**

**Appn Type:** Full Application

**Case Officer:** Justin Williams

**Parish:** Compton

**Ward:** Shalford

**Agent :** Mr Bandosz  
D&M Planning Ltd  
1A High Street  
Godalming  
GU7 1AZ

**Applicant:** .  
The Brookmead Trust  
c/o Agent  
.

**Location:** The Harrow Inn, The Street, Compton, Guildford, GU3 1EG

**Proposal:** Change of use of public house, together with extensions and alterations following partial demolition to provide 5 dwellings with associated amenity space and car parking.

### **Executive Summary**

#### **Reason for referral**

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

#### **Key information**

- The proposal is for the change of use and extension to The Harrow Inn to provide five residential units with parking.
- The application site is located within the Compton Conservation Area, is a locally Listed Building which would be retained and is adjacent to a Grade II Listed Building.
- Footpath No. 288 is to the North west of the site.
- The site lies within the Surrey Hills National Landscape (formerly AONB) and AGLV and within the Compton Settlement boundary.
- The site lies within 5-7km buffer zone of the Thames Basin Heath Special Protection Area

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

The proposal lies within Compton Village Settlement where Policy allows for limited infilling in the Green Belt. The proposal would also reuse and extend an existing building in the Green Belt. The reuse of the building would enable the re-use of a Locally Listed Building and its extensions are not considered to be disproportionate over and above the size of the original building.

The property is Locally Listed and in the Conservation Area. The proposed extensions would respect the scale and form of the original building and that of the adjacent neighbouring properties which are also Grade II Listed and Locally Listed. The Design and Conservation Officer raises no objection to the application.

The proposal would utilise an existing access which was formerly access to the public house car park. It also provides access to the properties to the rear and the public footpath. The County Highways Authority raise no objection to the application on grounds of impact on highways safety.

The proposed dwellings would each have their own private amenity area and there are public amenity areas close to the application site.

The proposal would lead to loss of a community facility, but this has not been in use for some time and has been marketed, but no offers have been forthcoming. The proposal would enable the re-use of a prominent Locally Listed Building in the area. Subject to conditions, the application is recommended for approval.

### **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: P001, P002, P003, P004, P005, P007, P008 and P011 received 25 August 2022 and P006 Rev D received 16 August 2023  
Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.
3. Prior to the commencement of any development above slab level works, a written schedule with details of the source/manufacturer, colour and finish or samples on request, of all external facing and roof materials. This must include the details of embodied carbon/energy (environmental credentials) of all external materials. These shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using only those detailed.  
Reason: To ensure that a satisfactory external appearance is achieved and to ensure materials that are lower in carbon chosen.
4. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to The Street hereby approved has been provided with visibility zones in accordance with the approved plans, Drawing No. 22094-01, 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 and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021
5. The development hereby approved shall not be first occupied unless and until the existing access from the site to The Street has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

- 6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved 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 and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021

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

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

- 8. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of charging points for e-bikes by said

facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

9. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015).

Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.

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

10. The development hereby permitted shall not be occupied until bird nesting and roosting boxes have been installed on the building or in any trees on the site in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

Reason: In order to preserve and enhance the natural environment including protected species

11. No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at

other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced.

12. No development shall take place until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

13. Prior to construction of the slab level a Landscape and Ecological Management Plan (LEMP), including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority.

This should be in accordance with the recommendations in section 7 of the Ecological Impact Assessment October 2022 , The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- Details of any new habitats created on site.
- Details of the extent and type of new planting and seeding outside of the developed areas, which should be native species of UK provenance.
- Details of the lighting scheme that should be of a sensitive design to minimise impacts on all semi-natural habitats within and adjacent to the site.

- Details of maintenance regimes including how the semi-natural habitats will be managed over the long-term in order to retain their ecological diversity.
- Details of management responsibilities including adequate financial provision and named body responsible for maintenance.

Reason: To ensure that landscaping, shrubs and plants are provided and to protect the appearance of the surrounding area and to ensure the protection of wildlife, supporting habitat and secure the opportunities for the enhancement of the nature conservation value of the site

14. No development shall take place until a Construction Environmental Management Plan (CEMP) that is in accordance with the approach and measures outlined in the Ecological Impact Assessment (October 2022), has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas detailing the works to be carried out showing how the environment will be protected during construction. Such a scheme shall include details of the following:

- The timing of different aspects of site clearance and construction works.
- The measures to be used during site clearance and construction in order to minimise the environmental impact of the works, including potential disturbance to existing sensitive habitats and associated species.
- Any necessary pollution prevention methods including those to prevent polluted surface water run-off entering any of the ditches or streams in or adjacent to the site.
- Any necessary mitigation measures for protected species.
- Construction methods.
- Dust suppression methods
- And hours of construction

The works shall be carried out in accordance with the approved

Construction Environmental Management Plan.

Reason: To achieve sustainable development and protect the environment in the vicinity of the site

15. No development shall take place until a scheme for the provision of surface water drainage works from the site, including measures to prevent the discharge of water onto the public highway and incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be brought into first occupation until the approved surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

**Informatives:**

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



3. The developer is advised that Public Footpath Number 288 crosses the application site, and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.
4. When an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developer's expense.
5. 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 <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>
6. 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.
7. The applicant is advised that the proposed vehicle access is shared with Footpath 288 Compton. The Countryside Rights of Way Officer recommend that the applicant incorporate the relaying of the access road in a suitable asphalt surface within their plans. Once a suitable surface is installed the line of the footpath should be clearly marked to 1.5m wide to delineate it from the vehicle route. The Rights of Way Officer also requires.
  - Safe public access must be maintained at all times to footpath 288

- Any down pipes or soakaways associated with the development should either discharge into a drainage system or away from the surface of the right of way.
- There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
- Vehicles using the right of way to access their properties must leave and enter the right of way in a forward gear.
- Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Countryside Access Officer. Please give at least 3 weeks' notice.
- Contractor's vehicles, plant or deliveries may only access along a right of way if the applicant can prove that they have a vehicular right. Surrey County Councils' Rights of Way Group will expect the applicant to make good any damage caused to the surface of the right of way connected to the development.

If the applicant is unsure of the correct line and width of the right of way, Countryside Access will mark out the route on the ground. Applicants are reminded that the granting of planning permission does not authorise obstructing or interfering in any way with a public right of way. This can only be done with the prior permission of the Highway Authority (Surrey County Council, Countryside Access Group).

## **Officer Report**

### **Site description.**

The application site is a two storey public house which is a locally listed building, located within the Green Belt and inside the identified settlement boundary of Compton, in the Surrey Hills National Landscape (formerly Area of Outstanding

Natural Beauty (AONB)), Area of Great Landscaping Value (AGLV) and the Compton Conservation Area. The building has been extended to the rear. The site is located within the 5km to 7km buffer zone for the Thames Basin Heaths SPA. The property is currently vacant.`

The building fronts The Street with a small footpath in front. Access to the rear car park is via the north-west side which also provides access to two detached residential properties, Harrow End and Field Cottage. Directly adjacent to this access are Tyrone Cottage and Beech Cottage a pair of Grade II Listed buildings. Compton Village Hall is locally listed and located south-east of the site. The site inclines gently from south to north on The Street and drops down towards the rear. Public footpath 288 is located to the north-west of the site and comes through the vehicular access area of the site.

### Proposal.

Planning permission is sought for the change of use of the public house and extensions to both sides to provide five dwellings with associated amenity space and car parking to the rear of the properties. The proposed works would increase the width of the building by 9.2 metres to the south east side of the building and by 6.6 metres to the north west side. The proposed extensions would be two storeys with the ridge height and eaves height to match the existing building.

Each of the proposed residential units would have their own private amenity areas to the rear of the site, communal amenity areas would also be provided to the front of the site. Existing outbuildings are proposed to be demolished along with some single storey elements of the building to facilitate the proposed change of use. The mix of the proposed dwellings would be as follows

Unit type	No of units
2 bed	3
3 bed	1
4 bed	1

The applicant has submitted a supporting planning statement with this application. This states that the public house has been vacant for some time with it closing in May 2019 and that there are other public houses in the vicinity. The pub has not received any offers for the continued use of the building.

The proposed extensions would be constructed of materials to match the existing building.

The applicant has submitted a Transport Assessment in support of their application. This states that the site would be accessed via the existing access. Two parking spaces would be provided at the site and an area for cycle storage for each property within their private amenity area. EV charging points will be provided at the site. The statement refers to bus stops being located close to the site approximately 100 metres away with the nearest railway station approximately 2.5 kms from the site. The change of use would result in a net reduction in traffic movements to and from the site of approximately 136 trips in one day.

The submitted Heritage Statement, notes that the site is within the Compton Conservation Area, is a Locally Listed Building and is adjacent to a Locally Listed Building to the south east of the site and a Grade II Listed Building to the north west of the site. The report refers to the design of the extensions being compatible to the appearance of the adjacent buildings. The main part of the locally listed building would remain with the garden areas to the front softening the appearance of the building in the street, thereby improving its setting and relationships with the locally listed buildings.

The submitted Ecological Impact Assessment included a desk study, walkover study and building inspections. The report concludes that the site has high potential for roosting bats because of the design of the building with a tiled elevation. However, mitigation will be included in the creation of bat boxes and features incorporated in the design of the building to provide the opportunities for bat roosts. The report noted that there are water bodies close to the site and there the potential for great crested newts and other amphibians. However, as the proposal is limited to the buildings and existing hardstanding on site this would not result in a loss of any habitat to these species.

The proposal would include bird and bat boxes along with the creation of habitat areas for small mammals, reptiles and amphibians.

The submitted Economic Viability Report outlines that the building has been vacant since 2019. The report also refers to the property being in a state of disrepair which would be costly to bring back into economic use. There are other establishments nearby with the Withies Inn and Compton Club, both within ½ mile

of the site.

The applicant has also submitted an energy and sustainability statement, Air Quality Assessment in support of their application.

Relevant planning history.

76/P/0447 - Construction of a new car park to provide 30 parking bays  
Approved July 1976

87/P/00257 - Single storey extension to enlarge existing toilet and entrance lobby  
Approved June 1987

91/P/00666 - Proposed partial change of use of existing first floor to provide a staff flat and overnight accommodation facility for the Public (Existing use of first floor being staff accommodation) and provision of an additional five car parking spaces.  
Approved August 1991

Consultations.

The application has been advertised in the local press as the site is located within the Conservation Area, a site notice displayed, and letters have been sent out to neighbouring properties.

Consultee responses

Tree Officer: raise no objection to the development proposals.

AONB Officer: No objection. The principle of residential is acceptable. The large extensions are set back to allow the existing building to stand forwards to be the most important and for parts of its side elevation to be enjoyed in the street scene. If the principle of closing gaps in the street scene and such substantial extensions are acceptable from an historic buildings and conservation aspect, the building designs are appropriate. The low brick front boundary walls would be an essential component to the overall design.

Surrey CC Historic Landscapes Officer: No objection.

Surrey County Council: Highways: No objection: The proposal will be provided with

sufficient visibility splays at the site access, with the pub sign being removed to increase these. The proposed development will likely lead to a decrease in vehicular trips to/from the site when compared to the existing extant use.

Thames Water: No comments.

Environmental Health: No objection.

Surrey CC Rights of way officer - No objection

Surrey Wildlife Trust - No objection subject to conditions

#### Parish Council

Compton Parish Council: Raise objections as follows:

- Accuracy of plans: Boundary lines next to Tyrone Cottage and access road are unclear. Boundary between site and Field House is also unclear and appears to be extended in both cases. This would deem the case invalid.
- Notification: No site notice or neighbour notification sent out. (Officer Comment - Site notice was displayed, and neighbour notifications have been sent out)
- Safety of access: The access road would be more dangerous as a result of the proposal as the proposal would increase the footprint of the building making the road narrow. This would also make it unsuitable for anything other than domestic cars.
- Plot 5 will block views from vehicles exiting onto this extremely busy road.
- Potential damage to Grade II Listed Buildings: Boundary of Plot 5 would be close to Tyrone Cottage whose walls and foundations are not strong.
- Loss of amenity: Upstairs windows of Plot 5 would overlook Tyrone Cottage
- Siting of bins: Siting of bin collection close to Tyrone Cottage would result in loss of amenity to this property and a traffic hazard.
- Plot 5: There are a number of issues with Plot 5 causes safety concerns, loss of amenity and damage concerns.
- Existing hedgerow appears to be removed in the proposal even though stated that none will be removed.
- No details with regard to surface water management have been provided. (Officer comment - This will be secured by planning condition).

#### Third party comments:

30 objections were received. The comments are summarised below:

- Grateful that developers acknowledge they do not own full width of the access and acknowledge Harrow End and Field Cottage own rights over the land.
- Accrued right of access should however also include Tyrone Cottage.
- Figures of car parking are misleading as the majority of spaces are on land outside of the planning application. No allowance of parking for additional vehicles from visiting guests, deliveries and work people.
- Potential damage to listed building from construction works.
- Inaccuracy of site boundary plans mean that there may be other discrepancies within the application.
- Endorsement of Parish Council letter.
- No recognition of the Public Footpath which runs through the property used extensively by walkers including residents of Compton.
- Certificate C should have been signed not a certificate A given the applicants do not own the access road to the side. (Officer comment - The applicant has submitted an updated ownership Certificate serving notice on Surrey County Highways)
- Blue ownership line is incorrect and part of it is owned by the Field Place.
- Convenience route established through the site has now been fenced off and should be acknowledged by the applicants.
- Council should undertake a thorough review of viability assessment ensuring it is made publicly available.
  
- In order for the application to be acceptable in Greenbelt terms the scale, massing and site coverage should be reduced as it currently does not constitute limited infilling.
- The visual impact of the proposed extensions on the site should be reconsidered and reduced accordingly.
- Roof heights of proposed extensions must be reduced to ensure they are subordinate to the main dwelling.
- A comprehensive noise report must be requested and considered prior to determination of the application.
- 5 dwellings are too much for this site.
- Parking to Village Hall will be impacted as a result of the proposal.
- Service vehicles may have to park on the busy main road increasing congestion as a result of the proposals.
- Loss of amenities is not supported.
- Village already has a disproportionate number of small dwellings and families

will move away as a result.

- This should not be considered an 'infill' development it would fundamentally change the character of it.
- Single lane access is not going to be sufficient for 7+ cars to use.
- Proximity to Tyrone Cottage would cause privacy, disturbance and a strain on their mental wellbeing.
- Insufficiently publicised.
- No further Phase 2 development
- Footprint would increase by 48% (353-524sqm) and 85% from the original when excluding existing extensions and outbuildings.
- Too many squashed units.
- Hazardous for residents to access from the front with such a narrow pavement.
- The road is already polluted it would be poor quality for new residents.
- Not in keeping with surrounding area.
- The complete infill of the street adjacent of the village hall and significant reduction in open space between the pub and Tyrone Cottage remove the connection to the open countryside beyond The Street.
- Access for emergency vehicles will be difficult.
- Developers are unreliable, incompetence and indifferent.
- Plot 5 should be removed to allow for access to be retained.
- Environmental impact on the woodland and stream at the rear of the property. Further investigation is required.

## **Planning policies**

### National Planning Policy Framework (NPPF) (2023):

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities.

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt land

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

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

The Guildford Borough Local Plan: Strategy and Sites was adopted by the Council



on 25 April 2019.

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as being 6.00 years based on most recent evidence as reflected in the GBC LAA (2023). In addition to this, the Government's latest 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 223 (75%). Therefore, the Plan and its policies are regarded as up to date in terms of paragraph 11 of the NPPF.

Policy S1: Presumption in favour of sustainable development

Policy D1: Place shaping

Policy D2: Sustainable Development

Policy H1: Homes for all

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

Policy P2: Green Belt

Policy P5: Thames Basin Heaths Special protection Area

ID3: Sustainable transport for new developments

ID4: Green and blue infrastructure

Guildford Borough Council: Development Management Policies (LPDMP) March 2023:

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

Policy D11: Noise Impacts

Policy D12: Light impacts and Dark Skies

Policy D15: Climate Change Adaption

Policy D17: Renewable and low carbon energy generation and storage

Policy D18: Designated heritage assets

Policy D19: Listed Buildings

Policy D20: Conservation Areas

Policy D23: Non-designated heritage assets

Policy H5: Housing conversions and sub-division

Policy P7: Biodiversity in new developments

Policy P11 Sustainable surface water management

Policy ID7: Community Facilities

Policy ID8: Retention of public houses

Supplementary planning documents

Climate Change, Sustainable Design, Construction and Energy SPD 2020  
Planning Contributions SPD 2017  
Guildford Landscape Character Assessment 2007  
Parking Standards for New Development SPD 2023  
Residential Design SPG 2004

Planning considerations.

The main planning considerations in this case are:

- The principle of development
- The impact on the scale and character of the site and area
- Impact on the National Landscape and AGLV
- The impact on heritage assets and conservation
- The impact on neighbouring amenity
- highways / parking considerations
- The impact on protected species
- Sustainability
- Surface Water Drainage
- Impact on the Thames Basin Heaths SPA
- Conclusion

The principle of development

The site is located within the Green Belt and the identified settlement boundary of Compton as set out in Policy P2 of the newly adopted local plan.

Policy P2 sets out that development proposals within the Green Belt will be considered in accordance with the NPPF; The Framework establishes that the construction of new buildings within the Green Belt is inappropriate development. There are however a limited number of exceptions to this, as set out in paragraph 149 of the Framework.

## Limited infilling in villages

Paragraph 149(e) of the NPPF provides for limited infilling in villages. The site is located within the Green Belt and the identified village area of Compton as set out in Policy P2 of the LPSS.

There is no definition of 'limited infilling' within the NPPF, however the explanatory / justification notes under Policy P2 of the LPSS states that for the purpose of this policy, limited infilling is considered to be the development of a small gap in an otherwise continuous built-up frontage, or the small redevelopment of existing properties within such a frontage. It is therefore reasoned that to meet the definition of infilling, a proposal must fill a space or gap between two other buildings or structures whether within a continuous built-up frontage or within built development.

Under Policy P2, this exception is further defined as (c) "limited infilling within the identified settlement boundaries, as designated on the Policies Map, Compton is one of the villages identified within the policy.

The Green Belt SPD states that in arriving at a conclusion whether a proposal constitutes limited infilling, a proposal must be located within a space or a gap between other buildings. The site is located between a village hall, two existing cottages and in the wider surroundings of residential development along The Street and this is affirmed by its location within the identified settlement boundary.

The SPD further advises that whether a proposal can be considered limited relates to the size of the site and the scale of the proposed development. In this regard the site is modest in size and contains a single two storey building. It is noted that the proposal would result in an increase in floor area and increase in width and depth, however, this would be within the grounds of the existing car parking area and yard area for the public house. The proposal would still retain good separation distances between properties and would be no higher than the existing building. Therefore, it is considered that the proposal does constitute limited infilling in a village and on this criterion would not constitute inappropriate development.

Paragraph 149 (c) of the NPPF also states that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building can be considered as appropriate development in the Green Belt.

In this regard, the development would extend the property to the following extent.

	Floor area	Height	Width	Depth
Existing	353sqm 7m	18m	13m	
Proposed	524sqm 7m	28m	17m	
Difference	48%		10m	4m

An increase in the floor area of the building by 48% is considered to be at the upper limit of what would normally be considered as acceptable in the Green Belt. However, the increase in the floor area is just one aspect of the form of development which would impact on the openness of the site. The proposed extensions would be west back from the front elevations of the original building and would be of the same height, thus maintaining a degree of subservience to the original building. Furthermore, a number of small extensions at the front and rear of the existing building would be demolished and, as a result, the actual increase in the floor area would be approximately 45%. This level of increase is considered acceptable in this location and taking account all the relevant information, the proposal would not result in disproportionate additions to the original building.

Paragraph 150 of the NPPF also states that the re use of a building is also not inappropriate development in the Green Belt, providing that the buildings are of permanent and substantial construction and do not conflict with the purposes of including land within the Green Belt and preserve its openness.

The proposed building is a Locally Listed Building and of substantial construction. The proposal would bring the existing building back into use as it has been vacant for a significant period of time and allow for the retention of a Locally Listed Building. The proposal would also extend the building, increasing the width and depth. However, separation distances would be maintained to the side and rear boundaries and therefore it is considered that the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

In light of these comments, it is not considered that the proposals would constitute inappropriate development within the green Belt and would comply with Local Plan Policy P2 and with the provisions of the NPPF.

### Loss of Public House

Paragraph 93 of the National Planning Policy Framework urges planning policies and decisions to plan positively for the provision and use of shared spaces, community facilities (such as public houses) and other local services to enhance the sustainability of communities and residential environments. Part (c) also guards against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. 'Paragraph 84 in relation to supporting a prosperous rural economy promotes the retention and development of such facilities.

The applicant has submitted a comprehensive Economic Viability Report, prepared by Fleurets (leisure property specialist/surveyors), which includes an assessment of the potential viability of The Harrow Public House (previously trading as The Lemongrass), and of the range of alternative licenced premises nearby.

LPDMP Policy ID8 paragraph 1) requires evidence of an 18-month continuous period of marketing to be provided in addition to the evaluation of viability for pubs outside the town centre, rather than as an alternative to the evaluation of viability. policy relates to visitor and leisure attractions, which is not quite the same as a public house.

The Economic Viability Report addresses paragraph 2) a) of Policy ID8, by considering the potential trade that could arise from reopening the building as a public house. The Planning Policy Officer has reviewed the report and based on the figures provided, concurs with its conclusion that doing so would lead a new owner to incur a substantial loss in the first year, after taking account of the cost of purchase and refurbishment of the building which is currently in a poor state of repair. It seems likely that this would put off most potential purchasers.

It was, however, acknowledged that the assessment included some caveats, for instance the Fair Maintainable Trade which is the figure used to calculate potential turnover of a new public house operator. This has been estimated based on the

building's past and current rateable value, as Fleurets did not have access to any past trade performance or cost data for The Harrow, which could have been used to make a more accurate judgement of a new business's future potential turnover. The report also clarifies that it is not intended to be a valuation of the property, although it takes into account a number of factors to arrive at the end figures, including the floorspace of the building available for trading, the amount of parking available for visitors, and standard costs incurred at similar properties, derived from industry research. These all provide credibility to the figures but would not be as accurate as a more fully evidenced viability assessment.

The applicant has submitted details of the property and that it ceased trading in July 2019. Following Covid 19 Pandemic which forced the lockdown of all pubs in March 2020. The advert of the proposed sale and details of the property was sent out to over 20,000 parties interested in a freehold pub in Surrey, there was 15 viewings and only 3 offers, none for pub use. This commenced in March 2022.

The other aspect of Policy ID8 which the report addresses are the availability of alternative premises in the local area within reasonable walking distance of homes within The Harrow's catchment area (ID8 paragraph 2) b)). The report explains, with reference to the CAMRA Public House Viability Test, that due to its size, parking availability (not being large enough for a 'destination food-led' venue, and location (being relatively remote and difficult to access), The Harrow would have received most of its trade from residential properties in Compton.

The majority of properties in Compton from which The Harrow would have received its trade lie within 800m walking distance. It is noted that the Withies which is approximately 1 Km from the application site, this has a restaurant and accommodation.

Officers are satisfied that The Withies provides a reasonably similar nearby alternative to serve The Harrow's previous customer base. The report also mentions The Compton Club (which is also within walking distance and has its own licensed bar and kitchen and host various events) as potential competition / alternative provision, although this is membership-only so not necessarily comparable to a public house that provides a free community facility. Nevertheless, on the basis that The Withies provides a sufficient and comparable alternative, this aspect of the policy is considered to be complied with.

Whilst it is considered that the proposal would lead to the loss of a community facility in the village, it has been vacant for a significant period of time and the proposal would ensure the re-use of a Locally Listed building and provide additional residential accommodation in the village. This carries significant weight in favour to the application.

### Residential Use

Policy H1 of the LPSS 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 (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location. However, 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. In applying the mix, consideration needs to be given to site specific matters which together would shape the appropriate mix on particular sites.

The proposal would provide 60% 2 bed, 20% 3 bed and 20% 4 bed dwellings. Whilst this mix would not be in complete conformity with the requirement of the SHMA or Policy H1, it would still provide a mix of housing units, 60% of which would be in line with Policy H1. It is noted that the SHMA is for guidance only and policy H1(1) does allow for flexibility for the housing mix on individual sites. Furthermore, given the high occupancy in each unit they can be considered family sized units which is keeping with the housing typology within the village.

The number of new dwellings is also below any threshold within the new Local Plan which would trigger a requirement for affordable housing provision. The proposal therefore complies with the Local Plan with regard to housing mix.

### The impact on the scale and character of the site and area

Paragraph 126 of the NPPF states that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' The PPG in its design guidance provides advice on the key points to take into account on design; these include being functional, supporting mixed uses and tenures, successful public spaces, adaptable

and resilient design, distinctive character, attractive and encouraging ease of movement. The National Design Guide (NDG) also illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Policy D1 of the LPSS sets out the Borough's vision, requiring all new development to achieve high quality design that responds to the distinctive character of the area in which it is set. The policy also details other key aspects of urban design, including the creation of safe, connected and efficient streets, a network of green spaces and public places, and that foster crime prevention, access, inclusion, and other factors designed to support healthy communities. Policy D4 of the LPDMP requires proposals to demonstrate how they achieve the ten characteristics of well-designed places as set out in the National Design Guide to ensure high quality design as well as requirements for respecting local distinctiveness.

Compton is identified within character type 1: villages within the Council's Residential Design Guide 2004. This village has an historic core with varying building lines and later expansion in particular to the west side of the village with a large number of dwellings were constructed in the 1950's.

The Street is a fairly busy road and although there is no set building line, the majority of properties either side are set back from the road, the exception being the application site which has a footpath width varying between 3 to 1m in width. Given the locally listed significance of the public house, no changes to this site circumstance would be incurred as a result of the proposal. All residential properties would therefore be accessed via the side of the building. The notable change on the street scene would be the introduction of the two storey extensions either side of the original public house building. These would be substantial, comprising a width of 9.2m on the eastern side and 6.3m to the west adjacent to the vehicular access to the site. Although this would result in a larger footprint, the visual impact would be mitigated by the significant setback of the extensions from the frontage of between 5.5m and 7.5m with further landscape enhancements and low level boundary walls which would result in an enhancement to the otherwise vacant and disused site. These setbacks would also reinforce the focus of the locally listed pub.

Although the two storey extensions would not be set down from the main ridge of the original building, the substantial set back would mitigate any visual impact. The



window detailing and choice of materials would complement the appearance of the existing building and wider street scene. A condition requiring the submission of materials to ensure high quality materials are used is considered necessary. The proposed gable feature on the western side of the roof would address the Grade II cottages adjacent to the access road and the hipped roof form on the eastern side would address the Village Hall. Although concern has been raised as to the location of the bin collection area to the side of the access road, this is considered to be appropriate given that space has been allocated within the rear gardens of each property for refuse and recycling and therefore these would only be used on collection day. Boundary hedging and low level landscaping would further mitigate against any visual impact this may have. Car parking has appropriately been retained at the rear of the site, however a condition requiring details of boundary treatments and landscaping will be added to ensure that visual amenity and privacy is maintained to existing and future occupiers of the site and surroundings.

It is clear that that the proposals would represent a larger footprint than the existing building, however the design is sensitive to the surrounding context and would offer a much larger offer of landscaping and active street frontage which would provide an enhancement to the otherwise unused and unkept property. The proposed rear amenity spaces and associated car parking would complement the residential uses to the west and rear of the site and additional planting in this area would provide some enhancement to the predominant hardstanding in this area.

The impact of the proposal on the heritage assets (conservation area and locally listed building) are assessed in more detail below. Notwithstanding this, it is considered that, subject to the suggested conditions to secure appropriate landscaping and high quality materials, the proposals would result in a sympathetic form of development which would improve the character and appearance of the site and would make a positive contribution to the character of the area. It is therefore concluded that the proposals accord with Policy D1 of the new Local Plan and Para 130 of the NPPF.

Impact on the National Landscape, (formerly Area of Outstanding Natural Beauty – AONB) and Area of Great Landscape Value (AGLV)

The site is located within the National Landscape and within the AGLV. Policy P1 of the LPSS states that great weight will be given to the conservation and enhancement of the AONB, and development proposals must have regard to

protecting its setting. Development proposals will be assessed under the provisions of the AONB Management Plan. Furthermore, 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. The AONB Management Plan states that development will respect the special landscape character of the locality, giving special attention to ridgelines, public views and materials. Proposals should respect local distinctiveness and form. The proposed extensions to the building would have the same ridge and eaves height as the existing building and would be constructed of materials that would harmonise with the existing building. Therefore ensuring the proposal would not appear to be out of keeping or prominent in the landscape.

The AONB Officer has been consulted and raises no objection to the application with the existing building still being an important feature in the street scene and appearance of the area. The proposal is therefore considered to comply with Policy P1 of the LPSS and AONB Management Plan.

#### The impact on heritage assets and conservation

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

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

One of the planning objectives of the NPPF is the conservation of the built and historic environment as part of delivering sustainable development. The planning system should play an active role in guiding development to sustainable solutions that achieve economic, social and environmental gains in an interdependent and mutually supportive way. For the historic environment this means that a decision-maker should identify and assess the particular significance of the heritage

assets that are affected by a proposal. They should take account of this assessment to avoid or minimise conflict between the heritage assets' conservation and any aspect of the proposal (paragraph 195).

It is recognised that the setting of a heritage asset may change over time, but even where the setting of a heritage asset has in the past been compromised to some degree by unsympathetic development. To accord with NPPF policies, consideration still needs to be given to whether additional change would further detract from, or can enhance, the significance of the asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraphs 200 and 201).

Policy D3 of the LPSS 2019 is consistent with the NPPF and requires 'Development of the highest design quality that would 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 would be supported". Policies D17 and D18 of the emerging LPDMP similarly expect development proposals to conserve and enhance the setting of a Conservation Area and / or the significance of the listed buildings.

### *Significance*

#### The Harrow Public House (Locally Listed)

The host property late C19th is a locally listed building which is situated within Compton Conservation Area and is surrounded by a significant number of heritage assets including Tyrone Cottage (Grade II) and Beech Cottage (Grade II) directly to the west, The Limes (Grade II), Stores & Bakers Cottage (Locally Listed), The Old Forge (Locally Listed) to the north-west, and The Village Hall directly to the east.

The property was formerly a public house which in 2015 included a use as a restaurant which ceased operating in March 2019. It is located within the centre of Compton village, on the south side of The Street (B3000) next to the village hall. The two-storey building is of part brick, part Bargate stone construction and covered over by a plain clay tiled roof. The building is of a domestic scale and is of an attractive traditional vernacular character, although there is clear physical evidence (extensions, changes to openings, inclusion of timber framing that has been brought in from elsewhere) that the structure has been subjected to much

alteration.

- The significance of this property primarily relates to the following:
- Its role in the historic development and evolution of the village - important focus for community life
- Serves as a local landmark within the village
- Its use of local materials and traditional vernacular detailing which makes a positive contribution to the local character and distinctiveness
- Forms part of a wider townscape group of historic buildings

### Compton Conservation Area

The settlement of Compton is split into two areas. One lies north of the church and is characterised by detached character homes, the other lies south of the church and is characterised by more character homes and a 1950's estate of semi-detached homes. Stitching the two areas together is the main road, The Street (B3000), which connects to A3, which bypasses the village to the west.

A large proportion of the settlement is situated within the Conservation Area with the boundary drawn around the historic core. It includes many buildings on The Street but also includes properties along Down Lane to the north of the village. To the west and south the boundary extends to take in Eastbury Manor and Field Place and their associated curtilages, whilst to the east the boundary runs up to the junction of The Street with Spiceall. A satellite conservation area that still forms part of the Compton Conservation Area is found further to the east, centred upon Withies Lane and the listed building grouping surrounding Roseberry Farm. This part of the conservation area takes on a more rural and looser character and is experienced as a different part of the village of Compton, from that of the historic core found along The Street, which is seen as have much more of a concentrated village core character.

The following list of points have been identified as key positive characteristics of the area;

Historic village with a linear plan form along The Street and other lanes such as Down Lane;

A concentration of historic listed buildings along the principal street frontages that give character to the street scene;

- Range of building styles and forms.

- Groups of buildings that form architecturally cohesive townscape such as the Listed South Cottage opposite Eastbury Manor and the Arts and Crafts cottage row to the north-west;
- Views along the roads are attractive and the buildings relate well to the street;
- Prominent walls along the boundary to Eastbury Manor and the northern section of The Street, towards the junction with Down Lane, which provide a strong form to the street scene within the village;
- Quieter lanes off The Street, such as Eastbury Lane, with a high concentration of listed and historic buildings;
- Open views of the countryside beyond the village within the historic core. Views open out along The Street, towards Watts Cemetery and from the east end of the area, south across the fields around Field Place. Numerous glimpses are possible of the countryside beyond the village which provides a visual connection between the village centre and its landscape setting.

As already noted, the host property, The Harrow Public House is situated within the Conservation Area and because of its attractive architectural appearance, historic character and prominent position within the streetscape it is considered to be a property which positively contributes to the special character and appearance of the conservation area.

#### Tyrone Cottage and Beech Cottage (Statutory Listed)

These two timber framed cottages form a semi-detached pair of dwellings located directly to the north of The Harrow, on the south side of The Street (B3000). They appear to date from the 17th Century but show signs of C18, C19 and C20 alterations and additions. Elevations are of galleted rubblestone and brick construction and roofs are of plain tile, punctuated by prominent brick stacks. Tyrone Cottage, which is the left-handed of the pair, has a symmetrically formed front elevation, with a central door, covered by a pitched timber porch, and a single 3-light window to each side. Beech Cottage is slightly narrower and steps up and slightly forward from Tyrone Cottage. Evidence shows that it too, had a symmetrical arrangement, however at some point before its 1988 listing this arrangement was altered with the blocking of the central doorway and its relocation to the left.

The significance of these properties primarily relates to the following:

- Its age and rarity - as evidenced by its inclusion on the statutory list
- Forms part of a wider townscape group of historic buildings
- Its use of local materials and traditional vernacular detailing which makes a positive contribution to the local character and distinctiveness
- Retention of a significant amount of historic fabric

#### The Village Hall (Locally Listed)

This prominently positioned 'L-shape' property is located adjacent to the application site, to its south-east. It is a purpose-built village hall that dates from the early 1930's and designed and constructed in an Arts and Crafts style. It is a single storey structure that is built from Bargate stone with red, blue and brown brick accent dressings and covered over by a plain tiled half hipped roof. A feature protruding gable is located on the front elevation, to the right-hand side, which is defined by a centrally positioned large rounded headed oak framed casement window, a centrally positioned clock and a date stone that bears the name of the Mary Watts, a nationally important artist who lived and worked locally.

The significance of this property primarily relates to the following:

- Its role in the historic development and evolution of the village - important focus for community and civic life
- Its connection with Mary Watts - an artist of national and local importance
- Its role as a local landmark within the village

#### The Limes (Statutory Listed)

The Limes is an attractive early 19th Century house which is situated approximately 80m to the north-west of The Harrow Public House, on the north side of The Street (B3000). The 2-storey classically presented property is of red brick construction and is set under a shallow pitched slate roof.

The significance of the heritage asset primarily relates to the following:

- Its age and rarity - as evidenced by its inclusion on the statutory list
- Forms part of a wider townscape group of historic buildings
- Retention of a significant amount of historic fabric

- Its demonstration of the architectural fashion of the late 18th and early 19th Century.

#### The Old Forge (Locally Listed)

This property is located on the north side of The Street (B3000), opposite Tyrone and Beech Cottages, approximately 30m from the application site. It is a detached 2-storey property that is said to date from the late C19th, although the shape and scale of roof does suggest an earlier date. It has a C20th lean-to extension to the right-hand side. The structure is constructed from red and brown brick and is covered over by a plain tiled hipped roof. A tall brick chimney stack projects from the right-hand hip.

Historic mapping and the property's name indicate that the property was connected to the village smithy as an associated dwelling or similar.

The significance of this property primarily relates to the following:

- Forms part of a wider townscape group of historic buildings
- Association with the village smithy - evidences the social history of the village

#### The Stores and Bakers Cottage

This two-storey cottage is situated to the north-west of the application site - approximately 45m away, on the north side of The Street (B3000). The property is said to date from the mid-late C19th however its form, roof shape and scale does seem to suggest that it could have earlier origins. The structure is constructed from white rough cast render with half-timbers to the first floor only and is covered over by a plain clay tiled roof which is hipped on the left that continues into a catslide over the single storey C20th extension.

Historic mapping and the property's name indicate that the property was connected to the village bakery as an associated dwelling or similar.

The significance of this property primarily relates to the following:

- Forms part of a wider townscape group of historic buildings
- Association with the village bakery - evidences the social history of the village

## Compton Antiques

This two-storey cottage is situated to the north-west of the application site, on the north side of The Street (B3000), sandwiched between The Old Forge and the Bakers Cottage.

The property appears to date from the late C19th. It is physically attached to the south-east side of Bakers Cottage. It is of brick construction that has been painted cream and is covered over by a plain clay tiled pitched roof with two end ridge stacks. To the left-hand side of the front elevation is a relatively recent flat roof extension that is used as a shop, which exhibits a simply formed shopfront within its front elevation.

The significance of this property primarily relates to the following:

- Forms part of a wider townscape group of historic buildings
- Retention of the shop means the property remains legible as a historic shop in the village - evidences the social history of the village

## *Heritage Appraisal*

National policy and guidance are clear that conservation is a process of managing change, not simply preserving the status quo for its own sake. This assessment considers the impact of the proposed new development on the significance of the heritage assets identified above.

The application seeks consent for the conversion and extension of the existing building to form five individual dwellings; 2 through the conversion works and 3 through the proposed extensions, together with amenity space and associated parking. In order to facilitate the proposal some existing single storey elements (extensions and outbuildings) are proposed for demolition.

## *Change of Use*

The first consideration is given to the proposed change of use from public house/restaurant to residential. Public houses play an important community and social role, often associated with a longstanding presence in the community. The closure of a pub can therefore compromise the vibrancy of an area and its associated diversity and attractiveness as a place to live. Nevertheless, there is



acknowledgement that in this instance the use solely as a public house function was lost some years prior, when it was a Thai restaurant use was introduced. That said, it still remained as a publicly accessible building, which would change under this proposed change of use to residential. The conservation officer considered that whilst the proposed change of use would result in some degree of harm to the asset's social and communal significance, but there is equally an understanding that there are substantial benefits arising from the proposed change use when considering the length of the property's vacancy.

Notwithstanding the above, the proposed conversion to residential use is considered to be a compatible use for the prevailing context and character of this part of the village. As such in conservation terms officers are satisfied that such a change would not appear discordant.

#### *Conversion of Existing Structure*

The conversion proposals to the core of the historic pub are very much welcomed, particularly in regard to the replacement/repair of the existing structurally compromised roof; the refurbishment of the exterior; removal of poor quality or architecturally less significant accretions; and the retention and overhaul of remaining historic fabric, including windows and door. Internally, the proposed layout appears to successfully complement the existing cell arrangement which is also welcomed positively.

#### *Development of Extensions*

The application proposes the addition of two, two-storey side extensions, one to the north-west end and one to the south-east end.

The north-west two-storey extension would form a single new dwelling with a footprint measuring 6.4m x 6.6m. It would be significantly set back (5.7m) from the host property's principal elevation, thereby allowing the existing structure to retain its prominence within the streetscene, as well as reinforcing the organic traditional accreted form that is prevalent exhibited within this part of the Compton Conservation Area as well as being complementary to the host. The south-east two-storey extension would provide two new dwelling units within its built form comprising Plot 1 with footprint measuring 5m x 11m and Plot 2 with a (maximum) footprint measuring 5m x 9.2m. Both units would sit back significantly from the

host property's principal elevation, thereby ensuring that a subservient relationship with the host building is maintained. Further still, the staggered and ad hoc aggregated arrangement of these two units is considered to be complementary to the host structure, as well as being suitably compatible with the prevailing character and form of this part of the Compton Conservation Area.

The scale and form of both additions are deemed to be acceptable for the location and context, whilst the traditionally vernacular design approach, which includes the incorporation of gables, gable dormers, tile hanging, chimney stacks and arched headed windows is also considered to be suitably appropriate and complementary. Neither addition is considered to harm those elements of the host non-designated heritage asset that contribute to its significance such as its characterful and traditional front elevation that signals it as public house.

There is an acceptance that in order to accommodate the proposed extensions it would mean the removal of some poor quality or architecturally less significant single storey elements, but this is considered to be to the benefit of the non-designated heritage asset as well as the conservation area.

It is recognised that the proposed extension to the north-west end would narrow and infill the present gap between the host and the side elevation of Tyrone Cottage. This gap does appear as a bit of a townscape anomaly and is seen and experienced as an absence rather than a natural or designed break. However, having looked at historic mapping one can appreciate that there were attached buildings in the location of this space until at least 1920. The fact that the public house once was adjoined to additional structures at its north-western elevation is also apparent in its fabric and design. When seen in context with the property's other elevation the north-western end does appear truncated. Also providing clues are the lack of opening and the modern brickwork.

Giving due consideration to this, officers appreciate and value that the proposed extension to this north-western end would help to reinstate and stitch back together the historic aggregated form and would reverse the incongruity that the existing gap creates, in terms of the village's townscape, which is considered a positive step. Nevertheless, it is appreciated that such a proposal would have a dramatic change to the immediate setting of Tyrone Cottage. That said, having assessed the submitted streetscene section the conservation officer does not consider that such a change would be harmful to the significance and setting of the statutory heritage asset, for the reason that the extension is well designed, which is

considered to be compatible and sensitive to the asset's architectural form, scale, massing and character, and that it would represent a reinstatement the traditional relationship of building-gap-building which usually characterises historic village streetscapes. Furthermore, whilst the addition does sit slightly proud of Tyrone Cottage's building line, this staggered layout arrangement is considered to benefit of the organic and traditional character of the streetscape, plus the retention of the access route 'The Harrow' helps to provide some visual relief.

In order for the design and appearance of the north-western end to be sensitively executed through the use of appropriate, high-quality materials and detailing, the conservation officer considers it important that details of boundary treatments, landscape planting, hard surface treatments, external materials including joinery details and rainwater goods are secured by way of condition.

With regards to the addition at the south-eastern end, it is considered that much like the north-western end, the proposed addition would serve to reinforce the tight-knit layout and aggregation which is usually attributed to traditional village nucleuses. Again, it is appreciated that this would represent a considerable change to the setting of the neighbouring village hall but it is not considered that such a change would be to the detriment of either heritage asset (Village Hall and The Harrow), as the scale, massing and character of the proposed addition would still allow for a subservient relationship with the Village Hall. Equally, its design and architectural form is also considered to be respectful and complementary to that of the Village Hall.

#### Impact on the amenities of the occupiers of the adjacent neighbouring properties.

The proposed works would extend the property closer to the properties to the Northwest and to the rear.

Policy D5 of the LPDMP requires development proposals to avoid having an unacceptable impact on the living environments of existing residential properties or resulting in unacceptable living conditions for new residential developments. This outlines a list of issues which should be considered, these include, privacy and overlooking, visual dominance and overbearing effects, access to sunlight and daylight, artificial lighting, noise and vibration and odour, fumes and dust.

The Closest properties to the application site are Tyrone Cottage, located to the North West of the site and Harrow End and Field Cottage located to the rear of the

site. To the south of the site is the Village Hall.

#### *Tyrone Cottage*

The proposal would extend the building closer to this property than what currently exists on site. No side windows are proposed facing the adjacent neighbouring property Tyrone Cottages and as such it is not considered that the proposal would result in any additional overlooking or loss of privacy to the occupiers of these properties than the existing situation.

The proposal would not extend beyond the rear elevation of Tyrone Cottages but would extend beyond the front elevation. However, a separation distance of approximately 6.5 metres would be retained which would comprise the existing access to the rear of the site and to the properties Field Cottage and Harrow End. It is considered that by nature of the juxtaposition of the two properties, the proposed extension whilst would be visible, it would not result in a material over-dominant or overbearing form of development to the detriment of the occupiers of the Tyrone Cottage.

The proposal would result in a narrow vehicular access than that which currently exists on site; however, the site would no longer access the public house car park to the rear of the site. The submitted Transport Assessment notes that the number of trips to the site would reduce from 162 to 26 trips. As such it is considered that there would be an improvement to the amenities of the occupiers of Tyrone Cottage from vehicular movements. The proposal would have a bin storage area with the bins being moved to the front of the site at refuse collection day. The Council's Technical Support and Improvement Officer raises no objection to the application.

#### *Harrow End and Field Cottage*

The proposed alterations and extensions would extend the property closer to the rear boundary. However, this would be relatively minimal with a separation distance of approximately 17 metres retained to the rear boundary with the front elevation of properties Field Cottage and Harrow End set back a further 10 metres from the rear boundary of the site. It is considered that because of this separation distance, the proposed extensions would not result in an overbearing form of development and would not result in a material loss of privacy to the occupiers of these units.

The proposal would extend the building closer to the Village Hall. However, as this is not in residential use, it is considered that the proposal would not impact on the residential amenities of this property.

The proposed development is therefore considered to comply with Policy D5 of the LPDMP with the guidance set out in the NPPF.

### Living environment

Policies H1 and D1 require all new development to conform to the nationally described space standards as set out by the Ministry for Housing, Communities and Local Govt (MHCLG).

The mix of units proposed comprises 3 x 2 bed houses, 1 x 3 bed house and 1 x 4 bed house. Each unit would comply with the appropriate space standard as set out in the national standards. The space standards set out further requirements in terms of bedroom sizes and dimensions. The submitted plans demonstrate that bedrooms would meet with these additional requirements. The proposed garden area would be adequate in terms of outdoor amenity space.

The proposed units would each have their own private amenity areas. The proposal is also located close to public parks within the village which provide additional amenity areas for the occupiers.

The proposed extensions are therefore considered to comply with Policies D1 and H1 5 in the LPSS and guidance set out in the NPPF.

### Highways / parking considerations

The site would utilise the existing access which is to the northwest of the site. However, its width would be reduced from approximately 10 metres to 5 metres as a result of the proposed extension. Each property would have two car parking spaces and cycle storage is also proposed and one EV charging point per household.

In village and rural locations, the Council's adopted Parking Standards require 1.5 spaces for a 2 bed house, 2 spaces for a 3 bed house and 2.5 spaces for a 4 bedroom house. The total requirement for this proposal therefore equates to 9 spaces. The proposal would comply with adopted parking standards.

The proposal would include the removal of the existing public house sign and would provide visibility splays from the site. Concerns have been raised regarding visibility; however, the County Highways Authority have been consulted and raise no objection as the proposal would result in a significant reduction in trips to and from the site and the visibility splays improved. It is therefore considered that the proposal would comply with the requirements of Local Plan Policy ID10 .

#### The impact on protected species

Policy ID4 of the LPSS and Policy P7 of the LPDMP require a net gain in biodiversity to be achieved in connection with any new development.

The submitted Ecology report notes the main building does have a day roost for bats, but there were no other protected species present on site. The proposed ecological survey notes that a construction Environment Management Plan outlining how works would be enabled to ensure that works do not impact on protected species and how invasive species (Rhododendron, cotoneaster and giant rhubarb are removed from site and disposed of. The report also outlines a mitigation strategy for works to minimise impact on the protected bats which includes installation of bat boxes on site prior to works commencing. A Bat licence would also need to be obtained from Natural England prior to the commencement of any works and an informative is recommended outlining this.

Surrey Wildlife Trust initially raised concerns that a ground level tree roost assessment would be required prior to determination and that an Arboricultural Impact Assessment indicating a Tree Protection Plan and method statement would need to be submitted. The applicant has submitted additional information. The Council's Tree Officer raises no objection to this application and the tree was inspected by an ecologist and that the tree had a low potential for roosting bats. Conditions are recommended for landscaping and biodiversity improvements for the site. Subject to conditions it is considered that the proposal would comply with Policies P6 and P7 of the LPDMP.

#### Sustainability

Policy D2 of the LPSS refers to Climate Change, Sustainable Design, Construction and Energy, this outlines measures to reduce natural resources, minimise waste

and for buildings to be adapting to climate change and low carbon. Policy D14 of the LPDMP refers to sustainable and low impact development and outlines measures that should be taken to enable this in an application. Notably, developments are required to demonstrate how they have followed a fabric first approach, how carbon is embodied in the development, sourcing local materials and buildings being energy and water efficient and information about how waste at the site will be managed and minimised.

The applicant has submitted a Climate Change Questionnaire. This confirms that the building works would include a fabric first approach by reusing the existing building for the proposal. Furthermore, heating would be provided by Air Source Heat Pumps. Although details of the type of air source heat pumps and their location have not been submitted, these can be controlled by condition. The questionnaire also advises that, water efficient measures will also be included in the proposal to ensure the development complies with Policy D2. The Council's policy officer raises no objection to the application and subject to conditions, it is considered that the proposal would comply with Policy D2 of the LPSS and D14 of the LPDMP.

### Air Quality

Compton does have an Air Quality Management Area; however, this is located approximately 400 metres to the north west of the application site. The applicant has submitted an Air Quality Assessment, this states that the additional vehicle trips to and from the site would have a negligible impact on local air quality and no mitigation is required. The Council's Environmental Health Officer raises no objection to the application and note that the Air Quality Management Area is small and is between an area where properties are close together and no mitigation is required for this proposal.

### Surface Water Drainage

The submitted Planning Statement noted that the site is within Flood Zone 1 which is the lowest risk of flooding. The statement also notes that the proposal would make use of existing hardstanding areas with gardens being created to increase the permeability of the site and that drainage arrangements would be incorporated into the proposed development. No further details have been submitted. However, this can be secured by condition. Subject to this it is considered that the

proposal would comply with Policy P11 of the LPDMP which requires all development schemes to include drainage schemes to intercept as much rainwater and run off as possible and to maximise use of permeable surfaces at the site.

#### Thames Basin Heaths Special Protection Area and Appropriate Assessment

The site is within the 5km to 7km buffer zone of the Thames Basin Heath SPA and therefore outside of the 400m to 5km buffer zone. In accordance with the Thames Basin Heath SPA Avoidance Strategy 2017, there is therefore no requirement for mitigation in relation to the proposed development.

#### Conclusion

The proposal would result in the loss of a community facility in the village. However, it is considered that the applicant has demonstrated that the public house is no longer viable and that there are other facilities nearby. Therefore, its loss would not have an adverse impact on the community.

The proposal would re-use an existing Locally Listed Building and the design of the proposed extensions would be sympathetic to the character and appearance of the adjacent Listed and Locally Listed Buildings.

The proposal would comprise limited infilling in the Green Belt and would reuse an existing building Locally Listed Building in the village. The proposed extensions, although significant in size, would not be disproportionate additions to the existing building and would be set back from the main frontage, thus preserving the primacy and significance of the existing building.

The proposal would retain good separation distance with adjacent neighbouring properties and would not materially impact on the amenities of the occupiers of the adjacent neighbouring properties through being overbearing or over-dominant and would not result in loss of privacy.

It is considered that the proposed change of use and extensions to provide additional residential units in the village would comply with adopted policies in the Local Plan. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of



sustainable development in a positive and proactive manner.

This page is intentionally left blank

# 23/P/00592 - Westthorpe, Holford Road, Guildford



© Crown Copyright 2023. Guildford Borough Council.  
Licence No. 100019625.

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

Print Date: 20/11/2023

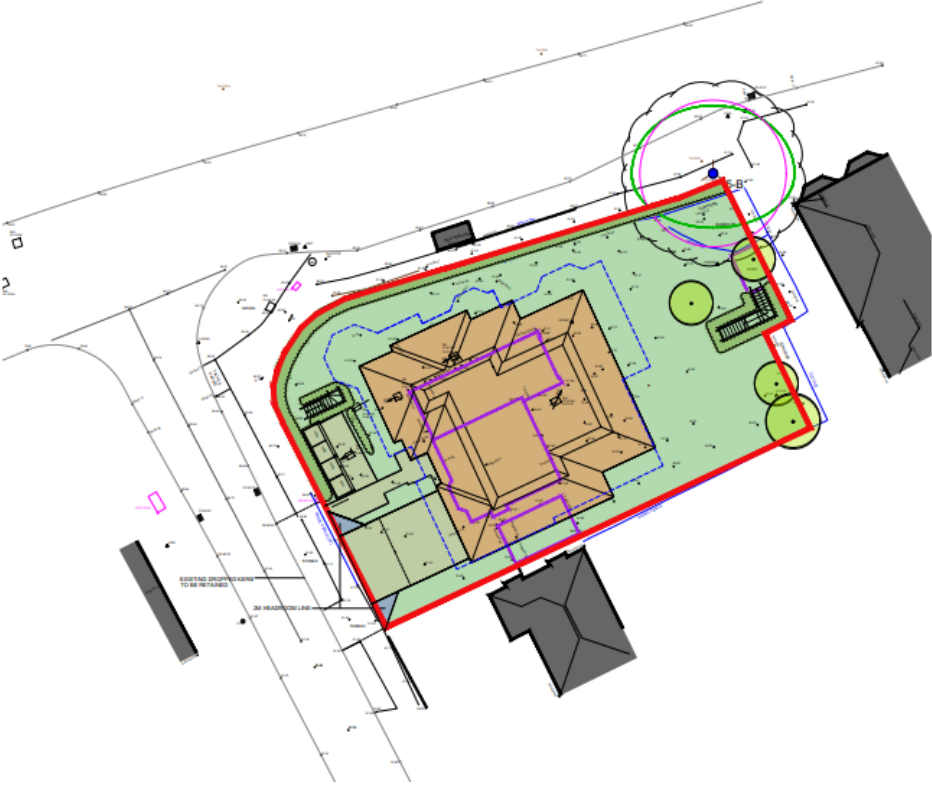


Page 99 Not to Scale



**GUILD FORD**  
BOROUGH

23/P/00592 – Westthorpe, Holford Road, Guildford



Not to scale



Height: 9.7m (max)

Parking: 11 car spaces and 12 cycle spaces to be provide in basement level car park beneath the proposed new apartment building.

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

The application site is located within the Urban Area of Guildford and within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

The site lies within the Urban Area where the principle of development is acceptable.

However, there are several significant concerns regarding the application, including: the impact on the context and character of the area, impact on neighbouring amenity, proposed housing mix, impact on trees and vegetation, standard of amenity for future occupants, impact on biodiversity and the impact on the Thames Basin Heath SPA.

The application is therefore recommended for refusal.

### **RECOMMENDATION:**

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

1. The proposed development, due to the overall scale, bulk, massing, height, poor design and proportions of the proposed apartment building, incorporating large areas of flat roof, together with its prominent corner position and limited spacing to the southern side boundary, would result in a development which would appear overly prominent, incongruous and overbearing within the street scene within both Holford Road and Epsom Road and would adversely impact on the context and character of the surroundings. Furthermore, the extent of the proposed basement and the scale of excavation required has the potential to adversely impact on existing boundary vegetation including a Category B Sycamore tree which sits adjacent to the north eastern boundary (outside of the site). No detail has been provided to

demonstrate that existing trees and hedging could be retained or whether replacement or additional planting and soft landscaping could successfully become established following the level of excavation proposed for the basement car park. The lack of an appropriate and sympathetic landscaping scheme would further exacerbate the adverse impact of the proposal on the verdant character of the surroundings. The proposal fails to accord with the requirements set out in Para 130(a to d) of the NPPF, or Policy D1 of the LPSS and Policy D4 of the LPDMP.

2. The proposed development would not provide a mix of housing tenures, types and sizes. The proposal therefore does not comply with Policy H1(1) of the LPSS 2015-2034.
3. The proposed development, due to the limited distance between the rear elevation of the proposed apartment building and the boundary with 162 Epsom Road, together with the number and type of windows proposed in the rear elevation, at first and second floor level, will result in a detrimental level of overlooking towards the ground and first floor windows on the western flank elevation of 162 Epsom Road. The proposal will subsequently result in an unacceptable loss of privacy to the occupants of this neighbouring property. The proposal is therefore contrary to Policy D5 of the LPDMP and Para 130(f) of the NPPF.
4. The proposed development, due to the scale, bulk and height of the proposed building, its projection beyond the rear elevation of 1 Holford Road and its proximity to the boundary for a significant depth, together with the stark design of the flank elevation and bulky roof design, would have an unacceptable overbearing impact on the rear and side windows and rear garden area of this neighbouring property. The proposal is therefore contrary to Policy D5 of the LPDMP and paragraph 130(f) of the NPPF.
5. Due to the lack of provision for any outdoor private amenity space for the occupants of the proposed development, it is concluded that the development proposed would result in a poor standard of amenity for future occupiers of the development and the proposal does not comply with the objectives of policy H1 and D1 of the LPSS and Para 130(f) of

the NPPF or the requirements of Policy D5 of the LPDMP and Para 130(f) of the NPPF.

6. From the information submitted with the application, the Local Planning Authority cannot be satisfied that the proposed development would achieve a net gain in biodiversity. The proposal is therefore contrary to Policy ID4 of the LPSS and Policy P7 of the LPDMP.
7. The proposed development would result in a significant amount of ground excavation in close proximity to a Category B Sycamore tree which lies adjacent to the site as well as existing mature hedging on the site boundaries. The existing tree and hedging make a positive contribution to the visual amenity of the area. Insufficient information has been provided to demonstrate that the proposal would not have an adverse impact on the health of the tree and hedging or subsequently the contribution to visual amenity they provide. The proposal is therefore contrary to Policy D4 and P6 of the LPDMP.
8. It has not been demonstrated to the satisfaction of the County Highway Authority that safe and suitable access can be gained to/from the proposed development. Therefore, the proposal is contrary to the Guildford Local Plan (2019), policy ID3 and the National Planning Policy Framework 2023.
9. The application lacks sufficient information to demonstrate that the proposed parking layout and ramp access would provide adequate accessible parking provision for the proposed flats. It has also not been satisfactorily demonstrated that without accessible parking there would not be a resultant adverse impact on highway safety or movement of the other road users resulting from overspill parking and from vehicles turning and manoeuvring to access the site. The proposal is therefore contrary to Policy ID10 of the Local Plan Development Management Policies 2023 and the Council's Parking Standards for New Developments SPD 2023.
10. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special



Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009.

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

**Informatives:**

1. This decision relates expressly to amended drawing(s) DS-005-2023-C (Site, Block and Location Plans), DS-005-2023-C (Floor Plans 1 of 2), DS-005-2023-C (Floor Plans 2 of 2), DS-005-2023 (Elevations), DS-005-2023-C (Site Section) and DS-005-2023-C (Street Scene) received 23 November 2023.
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 in certain circumstances
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues

arising during the course of the application

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

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

In this case pre-application advice was not sought prior to submission and as 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.

3. It is noted that there are several discrepancies in the submitted elevation drawings and a proposed site levels plan has not been provided to correspond with the proposed street scene drawing.

## **Officer's Report**

### **Site description.**

The application site is located within the Urban Area of Guildford and within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

The site is comprised of a corner plot, incorporating a two storey detached dwelling with single storey additions and garden area, on the corner of Holford Road and Epsom Road. There is mature hedging running along the front and side boundaries of the site, including along the boundary frontage with Epsom Road.

The existing dwelling fronts on to and is accessed via Holford Road. Holford Road is comprised of predominantly 1930 and 1950s style, two storey detached and semi-detached dwellings on spacious plots, with boundary vegetation to their side boundaries, and low level hedging or boundary walls to the front boundaries. The road slopes up from the start of the road (where the application site is located) southwards towards the end of the road which adjoins Merrow Downs. As a result of this sloping topography, the neighbouring dwelling to the south, 1 Holford Road,

sits at a slightly higher ground level, and ridge heights of the adjacent dwellings step up following the natural topography of the road.

To the east of the site, are two storey Victorian dwellings which front onto Epsom Road. To the opposite side of Holford Road, to the west, are two storey detached dwellings on spacious plots, set back from the road, with mature trees and vegetation to the boundaries. On the opposite side of Epsom Road (to the north) is a mature tree belt which is covered by a Tree Preservation Order.

### **Proposal.**

Outline Application for demolition of existing buildings and erection of 7 apartments with associated parking (access, appearance, layout and scale to be considered).

The application has been submitted as an outline application, however the only matter reserved is that of landscaping.

Proposed building dimensions:

Width: 17m (max)

Depth: 17m (max)

Height: 9.7m (max)

Parking: 11 car spaces and 12 cycle spaces to be provide in basement level car park beneath the proposed new apartment building.

Cross-section drawings have not been provided to show the depth of excavation required for the proposed car park. However, the proposed basement level floor plan shows that the basement level car will extend to within close proximity of all of the site boundaries (including front and rear) therefore almost to the full depth and width of the existing plot.

The following additional documents have been submitted during the course of the application:

- updated Noise Impact Assessment (12 July 2023)
- Air Quality Assessment (12 July 2023)

- Transport Note (12 July 2023)
- Energy Statement (13 July 2023)
- Sustainability Statement (13 July 2023)
- Biodiversity Net Gain Assessment (4 August 2023)
- Drainage Strategy (June 2023)
- Refuse strategy plan (2 August 2023)
- street scene drawing (31 October 2023)

Amended and additional plans (received 23 November 2023):

The following amended / additional plans have been submitted during the course of the application:

- proposed cross-section drawings
- amended proposed street scene to show existing and proposed site levels
- revised proposed elevation drawings to corrected on original proposed elevations, including increase in ridge heights to side elevations(to match rear elevation)

[It is noted that the agent has confirmed that it is proposed that there will be a reduction in ground level across the site of circa 500mm (from existing) as indicated on the submitted cross-section drawings. However, a drawing to show details of the proposed finished floor levels has not been provided. It is also noted that there are still some discrepancies shown on the amended plans, between the elevation, roof plan and floor plan drawings.]

**Housing Mix**

<b>Market</b>	<b>Proposed</b>	<b>SHMA % req</b>
1 bed flat/house	0%	10% (1)
2 bed house	100% (7)	30% (2)
3 bed house	0%	40% (3 )
4+ bed house	0%	20% (1)
<b>TOTAL</b>	<b>7</b>	

**Relevant planning history.**

22/P/00711 - Outline application for demolition of existing buildings and erection of a block of 11 flats with associated parking and landscaping (access, appearance, layout & scale to be considered). Withdrawn

**Consultations.**

Statutory consultees

County Highway Authority:

- the proposed development has been considered by the CHA who has assessed the application on safety, capacity and policy grounds and recommends the proposal be refused on the grounds that it has not been demonstrated to the satisfaction of the CHA that safe and suitable access can be gained to/from the proposed development. Therefore, the proposal is contrary to the Guildford Local Plan (2019), policy ID3 and the National Planning Policy Framework 2023.
- the proposed access ramp to/from the car parking area is at a gradient of 1:6. This gradient is deemed too steep and is not suitable for safe access to/from the parking area.

Thames Water:

- No comments

Non-statutory consultees

Local Lead Flood Authority (Surrey County Council):

- the Applicant has considered the surface water flood risk to and from the site and has suggested appropriate mitigation measures to inform the Planning Application.
- the LLFA are content that the drainage strategy is acceptable. However, during the detailed design stage consideration should be given to ensure that mitigation measures are in place to avert potential surface water flooding in the basement/car parking area.
- currently, it is unclear how the basement will be drained and mitigate surface

water runoff. Ideally, a detailed design plan illustrating how surface water will be dealt with in the basement/car parking area would finalise the drainage strategy.

- conditions recommended

#### Internal consultees

Head of Environmental Health and Licensing:

- no objection, conditions recommended relating to road noise mitigation and air quality considerations

Operational and Technical Services

- following receipt of a refuse strategy plan, no objection

Tree Officer:

- Additional information required

#### Amenity groups/Residents associations

Merrow Residents Association:

- design and character of the proposed build will not reflect the distinct local character of the area
- adverse impact on the street scene from bulky, brick built block of flats with underground parking
- adverse impact on highway safety from access to the proposed building and car park near the corner of a busy main road, school children and other pedestrians would be at risk
- together with overflow kerbside parking, there is a real potential for collision and harm
- adverse impact on amenities of residents, in terms of noise, vehicle emissions and loss of privacy

Following the receipt of amended plans an additional letter has been received reiterating the original comments.

Guildford Society:

Object:

- the proposed design has a mass and scale that doesn't respect the surrounding area which is of loose grain
- the Epsom Road in this area has a different character to the more urban character near the Town Centre where significant blocks of flats have been introduced in the area around Albury Road, Upper Edgeborough Road
- the development will be close to boundaries and will present a mass and scale that is totally out of character
- proximity of basement parking access to junction with Epsom Road, impact on existing traffic problems
- the development proposes the use of gas boilers, more sustainable alternatives should be encouraged

**Third party comments:**

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

- detrimental impact on the character and appearance of the surrounding area
- bulky, unattractive building, detrimental impact on the character of the street scene
- overdevelopment of a small plot
- design is out of keeping and incongruous with the surrounding area
- overbearing appearance
- density of development is out of keeping within the local area
- large area of flat roof emphasises its bulky form
- front elevation dominated by car park entrance
- harm to neighbouring amenity, loss of privacy, loss of light, overshadowing, overbearing impact
- impact on highway safety, especially at peak school times when children are going to school on foot to nearby schools
- safety of access close to junction of Holford Road and Epsom Road

- would increase traffic in an already congested and polluted part of Guildford
- insufficient parking, will exacerbate existing parking pressures on Holford Road and surrounding roads
- underground car park is out of keeping with Merrow, with no precedent in the area
- GBC are already exceeding its housing supply and delivery targets
- would set a precedent for redeveloping other existing family homes into flats, destroying the pleasing aesthetics of Guildford's many similar residential areas
- no mix of housing, comprises solely two-bedroom flats
- does not respond to distinctive local character of the area, including the landscape character
- noise, disturbance and disruption during construction
- proposed basement parking will require significant excavation
- structural impact to neighbouring property from basement construction
- would add to existing pollution
- impact on existing infrastructure
- flood risk, surface water run-off / drainage
- environmental impact from excavating earth for underground car park
- lack of sustainability measures
- electricity sub-station will need upgrading
- there is a shortage of 2/3 bedroom houses for families, do not need more flats
- there are currently 3 major developments of flats proposed or already underway in Guildford Town Centre - Guildford Station, former Debenhams site, North Street
- pressure on local services, doctors and dentists
- hard to discern from the drawings the relative ridge height to adjoining properties [Officer note: a street scene drawing was submitted on 15 November 2023 ]
- allows very little space for landscaping, would lead to the loss of valuable green space
- reduced spacing to neighbouring properties
- refuse storage / collection arrangements
- noise and disturbance from cars using the car park ramp
- Design and Access Statement is inaccurate
- no details provided regarding depth of excavation required
- concern regarding how new tree planting will work above basement area
- impact on existing trees
- impact on vegetation on boundaries with neighbouring properties



- front elevation drawing does not show side facing dormer windows
- arboricultural and bat survey reports are out of date
- development would be in breach of restrictive covenants
- proximity of basement excavation to electricity sub-station
- trees removed from the plot prior to application being submitted
- requirement for air quality assessment [Officer note: An Air Quality Assessment has been submitted with the application (received 12 July 2023)]
- requirement for traffic impact assessment, assessing impact in relation to nearby schools
- lack of EV charging

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

- the design is architecturally attractive
- fits in with the street scene
- there is a number of other flatted developments within close proximity to the proposed development site
- a net gain of 6 new homes to the area is a direct benefit to the community and provides a sustainable development approach
- sustainable location
- underground car park provides secure parking
- the built form has reduced to a more suitable size
- prevents future development into the Green Belt and area of natural beauty
- visually attractive compared to the existing building
- sustainability benefits
- efficient use of the land
- economic benefits
- brownfield development should be encouraged
- will contribute to the Council's housing delivery targets
- will help younger generation to get on to the property ladder

Following the receipt of amended plans (received 23 November 2023) 28 further letters (from third parties who had previously commented on the application) have been received reiterating the original comments and making the following further points:

- noise and air pollution from mechanical ventilation to the basement car park

- supporting information does not mention lowering / excavation of ground levels across the site
- impact of proposed excavation on mature tree on site boundary
- safety concerns regarding car park ramp
- poor car park design would lead to additional on-street car parking
- the new cross-section drawing shows that the proposed building would be higher than previously shown
- noise impact assessment states that a 2.5m acoustic barrier needs to be installed around the property to mitigate the elevated noise levels from Epsom Road, would adversely impact on the street scene
- further clarification required regarding biodiversity net gain
- biodiversity loss
- drawings are still inaccurate

### **Planning policies.**

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

Chapter 2: Achieving sustainable development

Chapter 4. Decision making

Chapter 5: Delivering a sufficient supply of homes.

Chapter 11. Making effective use of land

Chapter 12: Achieving well-designed places.

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

Chapter 15: Conserving and enhancing the natural environment

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

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

S1: Presumption in favour of sustainable development  
H1: Homes for all  
P5: Thames Basin Heaths Special Protection Area  
D1: Place shaping  
D2: Climate change, sustainable design, construction and energy  
ID1: Infrastructure and delivery  
ID3: Sustainable transport for new development  
  
ID4: Green and blue infrastructure

Guildford Borough Council: Development Management Policies (LPDMP) 2023:

Guildford's Local Plan Development Management Policies (LPDMP) was adopted by the Council on 22 March 2023. This now forms part of the statutory development plan and the policies are given full weight.

Policy P6: Protecting Important Habitats and Species  
Policy P7: Biodiversity in New Developments  
Policy P11: 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 D6: External Servicing Features and Stores  
Policy D7: Public Realm  
Policy D8: Residential Infill Development  
Policy D14: Sustainable and Low Impact Development  
Policy D15: Climate Change Adaptation  
Policy D16: Carbon Emissions from Buildings  
Policy ID10: Parking Standards

South East Plan 2009:

NRM6Thames Basin Heath Special Protection Area  
Supplementary planning documents:

*National:*  
National Design Guide (2021)

*Local:*

Residential Design Guide (2004)

Parking Standards for New Development (2023)

Thames Basin Heaths Special Protection Area Avoidance Strategy (2017)

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

Planning Contributions (2017)

Surrey County Council Vehicular and Cycle Parking Guidance (2012)

Landscape Character Assessment (2007)

Residential Design Guide (2004)

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- housing mix
- scale, character and design
- the impact on heritage assets
- the impact on neighbouring amenity
- amenity of future occupiers
- highways / parking considerations
- the impact on protected species / biodiversity
- the impact on trees and vegetation
- sustainability
- Thames Basin Heath SPA
- balancing exercise

Principle of development

The site is within the Urban Area of Guildford. As such, there is no in-principle objection to development in this location providing the proposals accord with the relevant local and national policies.

Housing mix

Policy H1 of the LPSS 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 (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location. However, 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. In applying the mix, consideration needs to be given to site specific matters which together would shape the appropriate mix on particular sites.

It is noted that the SHMA mix is a mix to be achieved over the whole of the housing market area and over the lifetime of the plan. It is not feasible or practical to require every site to rigidly meet the SHMA requirement. However, the application proposes the provision of development comprising of 2 bedroom flats only, providing 7 x 2 bedroom units. As such, there is no mix in unit types or sizes proposed. The proposal would therefore not comply with the requirements of Policy H1, due the lack of any mix in the size or type of units. No information has been provided to demonstrate that there is an overriding requirement for 2 bedroom flats in this location. It is therefore concluded that the proposed housing mix does not comply with Policy H1 of the LPSS 2015-2034.

#### Scale, character and design

Para 130 of the NPPF stipulates that developments:

- a) “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”;
- b) “are visually attractive as a result of good architecture, layout and appropriate and effective landscaping”;
- c) “are sympathetic to local character and history, including the surrounding built environment and landscape setting”;
- d) “establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”;

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. Para 4.5.12 requires "assessment of the design of new development to ensure that it provides a positive benefit in terms of landscape and townscape character, and enhances local distinctiveness.... to

protect, conserve and enhance the landscape character of the Borough”.

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.

The Council's Landscape Character Assessment identifies the townscape character area in which the application is situated as 'inter-war / post-war suburbs'. Key characteristics of the character area identified in the LCA include: street pattern is generally characterised by wide streets of crescents, avenues and cul de sacs; semi-detached properties and short red brick terraces are sometimes finished in pebble dash or white render; wide grass verges with mature trees are important landscape elements; front gardens and their boundaries (often clipped privet hedges) are an important part of the street scene; other landscape elements include small areas of woodland and native hedgerows which contribute to the ‘rural’ character of the area and provide a link between town and country;

The site is comprised of a corner plot, incorporating a two storey detached dwelling with single storey side additions and garden area, on the corner of Holford Road and Epsom Road. There is mature hedging running along the front and side boundaries of the site, including along the boundary frontage with Epsom Road.

The existing dwelling fronts on to and is accessed via Holford Road. This road is comprised of predominantly 1930 and 1950s style, two storey detached and semi-detached dwellings on spacious plots, with boundary vegetation to their side boundaries, and low level hedging or boundary walls to the front boundaries. Many of the dwellings along Holford Road incorporate distinctive white rendered elevations and all of the dwellings incorporate traditional pitched roofs. Holford Road slopes up from the start of the road (where the application site is located) southwards towards the end of the road which adjoins Merrow Downs. As a result of this sloping topography, the neighbouring dwelling to the south of the application site, 1 Holford Road, sits at a slightly higher ground level, and ridge heights of the adjacent dwellings step up following the natural topography of the road. The topography of the site being elevated slightly from Epsom Road, its corner position and the sloping topography of Holford Road, mean the site is

visually prominent.

To the east of the site, are two-storey Victorian dwellings which front onto Epsom Road. The pattern of development is of a tighter urban grain however, the character is still of two storey dwellings. The grain then becomes looser again as you travel further eastwards along Epsom Road.

To the opposite side of Holford Road, to the west, are two storey detached dwellings on spacious plots, set back from the road, with mature trees and vegetation to the boundaries. On the opposite side of Epsom Road (to the north) is a mature tree belt. The above characteristics provide a verdant and spacious character and context to the surroundings.

The application proposes the demolition of the existing two storey detached dwelling and the construction of a new three storey apartment building and the construction of a basement car park. The submitted drawings show that the basement level will extend across almost the full extent of the plot, including beneath the existing rear garden, with replacement landscaping proposed above.

The proposed building will front on to Holford Road. A proposed street scene drawing has been provided which appears to show the natural ground level of the site will be lowered from the existing to be level with the level of Epsom Road. This would lower the ridge level of the building in relation to the adjacent properties, however the ridge height would still be taller than that of the adjacent dwelling at 1 Holford Road, which sits at a higher ground level. The proposed lowering of the site levels would also result in a requirement for some form of retaining wall structure along the boundary with neighbouring property 1 Holford Road. However, no details have been provided with the application.

The proposed apartment building would have a significantly larger footprint compared to that of the existing detached dwelling, and will also provide accommodation at three storeys, across the entire footprint of the building. This is in contrast with the significantly more modest two storey scale of the adjacent dwellings. The proposed building would extend across almost the entire width of the plot and to over half the depth of the existing plot. Extending beyond the rear building line of the neighbouring property 1 Holford Road by approximately 7.5m (approx). The southern flank elevation of the building would also extend to within 1.5m (approx) of the boundary with 1 Holford Road, at the full 3 storey height. This

is compared to the existing dwelling which has a separation distance to the boundary above the ground floor level of 4.5m (approx), with only an existing flat roof single storey garage currently adjoining the boundary with 1 Holford Road. This provides a visual gap between the buildings, in keeping with the existing spacing between properties which is characteristic along Holford Road.

The proposal for such a tall and deep flank elevation, in such close proximity to the boundary with 1 Holford Road, would not be keeping with the context and character of the street scene along Holford Road. The adverse impact on the street scene would be exacerbated by the height, mass, design and proportions and detailing of the proposed building. In particular, the provision of a wide vehicular access leading to a wide stark opening at ground floor level, immediately adjacent to the boundary with 1 Holford Road, would appear as a stark and incongruous feature in the street scene. The proposed substantial level of excavation required so close to the boundary is also likely to adversely impact on the existing boundary hedging. No detail has been provided to demonstrate how the change in levels would be addressed or how replacement planting could be provided and maintained along this boundary, further exacerbating the adverse impact on the street scene.

The proportions, detailing, gable ends and three storey appearance proposed to the front of the building do not reflect, or appear sympathetic to, the style, character and proportions of the adjacent properties in Holford Road. This together with the limited spacing to the southern boundary with 1 Holford Road, would result in an incongruous and overly dominant building, that would harm the character of the existing street scene in Holford Road.

The proposed building would also extend significantly closer to Epsom Road compared to the existing dwelling, which has its two storey flank elevation set back from Epsom Road by 10.5m (approx). In comparison, there would be a much reduced separation distance of approximately 3m (at the nearest point) between the northern flank elevation of the proposed building and the northern boundary of the site with Epsom Road.

The northern flank elevation of the building would front Epsom Road and as noted above would extend much closer towards Epsom Road than the existing dwelling. The proposal due to its substantial depth, will incorporate a large area of flat roof which would exacerbate the bulk and massing of the building when viewed from



Epsom Road.

Whilst the elevation would be stepped in slightly from the boundary further towards the rear of the building, the flank elevation would incorporate large sections of blank brick wall resulting in a stark unrelieved elevation in parts, which would not provide an attractive frontage to Epsom Road. Large flat roof dormer windows are also proposed on the northern flank elevation and rear elevation which would be prominent and visible from Epsom Road. There are no existing dormer windows, at second floor level, facing towards Epsom Road in this part of the street scene and the design and proportions of the building would not relate in a sympathetic manner to the adjacent modest scale, pitched roofed, two storey dwellings immediately to the east of the site.

In addition, much of the front of the site will be taken up with hardstanding for the vehicular access ramp, together with a proposed bin store and steps down to the basement car park. This will leave very limited space for soft landscaping to the front of the site. There is also concern regarding how successful any new planting would be due to the extent of the proposed basement beneath the site. No detail has been provided to demonstrate how the existing boundary planting would be retained and protected or how new planting would be achieved and maintained.

It is considered that the overall scale, bulk, massing, height, poor design and proportions of the proposed building, incorporating large areas of flat roof, together with its prominent corner position, would result in a development which appears overly prominent, incongruous and overbearing within the street scene within both Holford Road and Epsom Road and would adversely impact on the context and character of the surroundings.

Furthermore, the extent of the proposed basement and the scale of excavation required has the potential to adversely impact on existing boundary vegetation including a Category B Sycamore tree which sits adjacent to the north eastern boundary (outside of the site). No detail has been provided to demonstrate that existing trees and hedging could be retained or whether replacement or additional planting and soft landscaping could successfully become established following the level of excavation proposed for the basement car park. There is significant concern that an appropriate and sympathetic landscaping scheme would not be achievable, which would further exacerbate the adverse impact of the proposal on the verdant character of the surroundings.

It is therefore concluded that the proposal fails to accord with the requirements set out in Para 130(a to d) of the NPPF, or Policy D1 of the LPSS and Policy D4 of the LPDMP.

### Impact on neighbouring amenity

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'. These principles are carried through in policy D5 of the LPDMP.

#### *162 Epsom Road*

This is the neighbouring property to the east of the application site. This neighbouring dwelling is a semi-detached two storey dwelling which fronts on to Epsom Road. The western side boundary of the property forms the rear boundary of the application site. Towards the rear of the property there is an existing electricity substation which sits between part of the boundary of 162 Epsom Road and the application site. However, for the remainder of this boundary, the application site immediately adjoins the boundary with 162 Epsom Road. The boundary treatment consists of 1.8m high closeboard fencing and hedging.

This neighbouring property has windows on its western flank elevation facing towards the application site which include a dining room and kitchen window at ground floor level and landing and bedroom window at first floor level.

As existing, the rear elevation of the existing dwelling on the application site contains two windows at first floor level. The existing separation distance between the two storey rear elevation and the flank elevation of 162 Epsom Road is approximately 23.5 metres (based on aerial mapping).

As noted above, the proposed apartment building will extend significantly further into the plot than the existing dwelling, resulting in a the separation distance between the rear elevation of the proposed building and the shared boundary being reduced to approximately 13 metres (based on the submitted site layout plan) and 17 metres (approx) to the flank elevation of 162 Epsom Road. In addition to this reduced separation, the proposed building will be substantially taller than

the existing dwelling and will have several windows at first and second floor level facing directly towards the flank elevation of 162 Epsom Road.

The rear elevation of the proposed building includes three windows at first floor level, two serving living rooms and one serving a kitchen / dining room. At second floor level, two dormer windows are proposed on the rear elevation, one serving a bedroom and one serving a living room.

It is considered that the separation distance between the proposed building and the neighbouring property at 162 Epsom Road would be sufficient to ensure that there would not be a detrimental loss of light or overbearing impact to the neighbouring property. However, as a result of the limited distance between the rear elevation of the proposed apartment building and the boundary with 162 Epsom Road, together with the number and type of windows proposed in the rear elevation, at first and second floor level, it is considered that the proposal will appear overly intrusive and oppressive impact and will result in a detrimental level of overlooking towards the ground and first floor windows on the western flank elevation of 162 Epsom Road and will subsequently result in an unacceptable loss of privacy to the occupants of this neighbouring property. The proposal is therefore contrary to Policy D5 of the LPDMP and Para 130(f) of the NPPF.

### *1 Holford Road*

This neighbouring property immediately adjoins the application site to the south. As noted above, due to the sloping topography it currently sits at a slightly higher ground level. The shared boundary between 1 Holford Road and the application site consists of 1.8m (approx) high closeboard fencing and mature hedging.

Concerns regarding the amount of excavation proposed are noted above in relation to the scale and character considerations but are not considered to affect neighbouring amenity considerations specifically. Issues regarding structural stability are separate to planning. Notwithstanding this, there are concerns regarding the impact of the proposed development on the amenities currently enjoyed by the occupants of 1 Holford Road.

On the application site, there is currently a single storey flat roof garage structure adjoining the boundary with 1 Holford Road. A first floor level, there is an existing separation distance of 4.2m (approx.) between the southern flank elevation of the

existing dwelling on the application site and the shared boundary. In contrast, the proposed apartment building is to be positioned at a separation distance of approximately 1.5 metres from the shared boundary.

It then extend to a depth of 11.6m (approx) at this distance, before being stepped away from the boundary slightly, increasing the separation distance to 3.5 metres (approx), for a further depth of 4.3m. In total, the building will extend beyond the rear elevation of 1 Holford Road by approximately 7.7m, with a ridge height of approximately 10m, within 1.5 to 3.5 m of the shared boundary. This would introduce a large extent of predominantly blank brick wall which would be readily visible from the rear windows and primary outdoor amenity space to the rear of 1 Holford Road.

Again, as noted above, no details of proposed site levels have been provided. Comparative ridge heights are shown on the submitted street scene drawing. However, there is concern regarding the accuracy of the street scene drawing, without the provision of a site levels plan. Notwithstanding this, based on the levels shown on this street scene drawing, the ridge level of the proposed building would be slightly taller than that of the existing dwelling at 1 Holford Road. The proposed building would encroach within a 45 degree angle taken from the nearest first floor rear windows at 1 Holford Road. Whilst it is noted that the proposed development would be located to the north of 1 Holford Road and therefore would not impact on sunlight, it is considered that due to the scale, bulk and height of the proposed building, its projection beyond the rear elevation of 1 Holford Road and its proximity to the boundary for a significant depth, together with the stark design of the flank elevation and bulky roof design, the proposal would have an unacceptable overbearing impact on the windows and rear garden area of this neighbouring property. The proposal is therefore contrary to Policy D5 of the LPDMP in this regard.

On the southern flank elevation of the proposed building, there is only a single bathroom window and high level rooflights proposed facing towards 1 Holford Road. These could be conditioned to be obscurely glazed and high level where applicable. As a result, it is considered that the proposal would not result in a detrimental loss of privacy to the rear garden or windows at 1 Holford Road.

### *Other neighbouring properties*

It is considered that there would be sufficient separation distance to properties on the opposite side of Holford Road to ensure that there would not be unacceptable impact on the amenities enjoyed by the occupants of these properties.

### Amenity of future occupiers

Policies H1 and D1 of the LPSS requires that all new developments are expected to have regard to and perform positively against the recommendations set out in the latest Building for Life guidance and conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG).

The proposed new units would have overall floor areas which would exceed the minimum requirements of the nationally described space standards.

Policy D5 of the LPDMP requires all new building residential development proposals, including flatted development, are expected to have direct access to an area of private outdoor amenity space. The proposal includes the provision of a communal amenity space to the rear of the proposed building. However, only one flat would have direct access to this space and it would not constitute private amenity space.

There is no provision for any balconies or any other form of private outdoor amenity space any of the proposed 7 flats. As such, the proposal does not accord with the requirements of Policy D5 of the LPDMP.

Due to the lack of provision for any outdoor private amenity space for the occupants of the proposed development, it is concluded that the development proposed would result in a poor standard of amenity for future occupiers of the development and the proposal does not comply with the objectives of policy H1 and D1 of the LPSS, D5 of the LPDMP and Para 130(f) of the NPPF.

### Highway/Parking Considerations

The proposed development has been considered by the CHA who has assessed the application on safety, capacity and policy grounds. Whilst it is not considered that

the proposed development will result in a significant increase in vehicular trips on the surrounding highway network, the CHA recommends the proposal be refused on the grounds that it has not been demonstrated to the satisfaction of the CHA that safe and suitable access can be gained to/from the proposed development. Therefore, the proposal is contrary to the LPSS Policy ID3 and the National Planning Policy Framework. The CHA has advised that the proposed access ramp to/from the car parking area is at a gradient of 1:6. This gradient is deemed too steep and is not suitable for safe access to/from the parking area.

### *Access and Car Parking*

Vehicular access into the site would be gained from Holford Road (as per the existing situation) and would lead to the proposed underground car park.

The submitted plans shows that visibility splays of 2.4 metres x 43 metres can be achieved to the south on Holford Road, and 2.4 metres x 25.8m and 33.6m, respectively can be achieved to the cars approaching the Holford Road junction to the north. Pedestrian visibility splays of 2.0 metres x 2.0 metres can also be achieved on both sides of the access. The CHA considers that the proposed visibility splays are acceptable.

With regard to parking provision, the site is within a suburban location. The Council has a recently adopted Parking Standards for New Developments SPD. Policy ID10 of the LPDMP also states that the provision of car parking in new residential development will have regard to the expected standards set out in the Parking Standards for New Development SPD.

Table A.2 within the SPD sets out that in suburban areas the expected level of provision is 1 spaces per 2 bedroom flat. There is also a requirement for 2 visitor parking spaces. The total requirement for the proposed development is therefore 9 parking spaces. The application shows the provision of 11 proposed parking spaces within a basement car park. Whilst the provision of 11 spaces for the 7 x 2 bedroom apartments proposed would exceed the Council's adopted parking standards, it is considered that additional information is required in order to demonstrate that access to the basement parking would be achievable and that there would be sufficient space for turning and manoeuvring within the basement level, to ensure cars would be able access all of the space and leave the car park in forward gear.

The CHA has noted that some tracking details have been provided with the submitted Transport Note, however the tracking shown appears tight. In addition, cross-section drawings have been provided during the course of the application which show the gradient of the access ramp as 1:6. The CHA has advised that this is too steep and is not suitable for safe access to / from the parking area. For this reason, the application is contrary to Policy ID3 of the LPSS.

In addition, without a satisfactory access to the proposed basement car park, the Council cannot be satisfied that there would be adequate parking provision for the proposed development. Without adequate accessible parking provision, the proposal would result in a significant level of overspill parking on the adjacent highway. It is noted that the site is within a sustainable location. Due to the location of the site, in close proximity to the junction with Epsom Road which is an 'A' road and limitations on on street parking within Holford Road, due to numerous vehicle crossovers serving private driveways, it is not considered that it would be acceptable to rely on on-street parking to accommodate overspill parking. It is therefore concluded that the proposal, due to insufficient information regarding the proposed parking and ramped access layout, would not accord with the Council's Parking for New Developments SPD and Policy ID10 of the LPDMP 2023.

#### *Cycle storage*

The proposal includes the provision of secure cycle storage within the proposed basement car park.

#### *Refuse provision*

A bin store and collection point is proposed to the front of the site, in close proximity to the highway. The Council's Operational Services Team has confirmed that the proposed arrangements for refuse storage and collection, as shown on the submitted refuse strategy plan, are acceptable.

#### Impact on protected species / biodiversity

LPSS Policy ID4 sets out the Council will seek to maintain, conserve and enhance biodiversity and will seek opportunities for habitat restoration and creation, while

new development should aim to deliver gains in biodiversity where appropriate.

Policy P6 of the LPDMP relates to 'Protecting Important Habitats and Species' and Policy P7 of the LPDMP relates to 'Biodiversity in New Developments'.

Surrey Wildlife Trust (SWT) has been consulted on the application and has advised that the submitted ecology reports appear appropriate in scope and methodology and have identified the likely absence of active bat roosts within the development site. SWT therefore advise that bats do not appear to present a constraint to the proposed development. However, bats are highly mobile and move roost sites frequently. Unidentified bat roosts may still present. A precautionary approach to works should therefore be implemented.

Conditions requiring the submission of a Sensitive Lighting Management Plan and Landscape and Ecological Management Plan (LEMP) would have been recommended if other matters of the application were considered acceptable.

In accordance with the NPPF and Policy ID4 of the LPSS, there is a requirement for proposed development to achieve a net gain in biodiversity and Policy P7 (1) of the recently adopted Local Plan Development Management Policies (LPDMP) requires maximum net gain.

A Biodiversity Net Gain Assessment (by Ecosupport, received 4th August 2023). SWT has advised that the submitted BNG assessment report indicates that the proposed development can achieve a biodiversity net gain of 97.03% habitat area units and 61.02% hedgerow units. Whilst the hedgerow units do appear to be realistic and achievable, SWT has the following queries and concerns regarding the habitat area unit calculations:

- comment on this application indicates that tree(s) on site may have recently been felled; given this comment it is not clear how the baseline of the site has been assessed.
- it is not clear how realistic the proposed urban tree planting is given this may be above an underground car park, the extent of which is not clear within the above referenced report.
- the baseline of the non-buildings and hardstanding areas was assessed to be



‘vegetated garden’. Post development the non-building and hard standing area is proposed to be ‘modified grassland’ in moderate condition; it is not clear whether this habitat is realistically achievable. If this post development habitat is set to ‘vegetated garden’, the proposed development would result in a small biodiversity net loss.

There is particular concern regarding the proposed extent of the underground car park and how or whether replacement planting could be provided successfully above the proposed construction area in order to achieve a net gain. From the information submitted, the Local Planning Authority cannot be satisfied that the proposed development would achieve a net gain in biodiversity or that there would not be a net loss in biodiversity. The proposal is therefore contrary to Policy ID4 of the LPSS and Policy P7 of the LPDMP.

#### Impact on trees and vegetation

An Arboricultural Survey has been submitted. However, an Arboricultural Method Statement or Tree Protection Plan have not been provided.

As noted above, a significant amount of excavation is proposed in close proximity to all of the boundaries of the site. There is an existing Category B Sycamore Tree which sits outside of the site but is very close to its north eastern boundary, along Epsom Road. The Council's Tree Officer objects to the proposal due to concerns regarding the impact of the proposed excavation works on this tree which is on third party land.

It is concluded that the proposed development would result in a significant amount of ground excavation in close proximity to a Category B Sycamore tree which lies adjacent to the site as well as existing mature hedging on the site boundaries. The existing tree and hedging make a positive contribution to the visual amenity of the area. Insufficient information has been provided to demonstrate that the proposal would not have an adverse impact on the health of the tree and hedging or subsequently the contribution to visual amenity they provide. The proposal is therefore contrary to Policy D4 and P6 of the LPDMP.

## Sustainability

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.

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. The Council has adopted the Climate Change, Sustainable Design, Construction and Energy SPD in December 2020.

Policies D14, D15 and D16 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.

Following adoption of the LPDMP D16: Carbon Emissions from Buildings (1), (2), (3), (4), would supersede D2: Climate Change, Sustainable Design, Construction and Energy (5), (6), (7), (9).

A fabric first approach is required under Policy D14(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 D16 of the LPDMP require measures for low and zero carbon and decentralised energy.

With regard to sustainable design and lifestyles Policy D2(1)(c), (e) of the LPSS seeks to ensure that there are sustainability measures to offer choices.

The application includes a Sustainability Statement and Energy Statement (by Base Energy). These documents set out the following sustainability measures to be incorporated in the proposed development:

### *CARBON EMISSIONS*

- The ES statement notes the scheme will achieve a reduction of 51% against 2021 Building Regulations Part L.
- This reduction was for Flat 1 GF, SAP output documents for each flat or flat type will be needed. These could be provided at the planning conditions stage.

### *ENERGY HIERARCHY*

- Overall, it looks as though the energy hierarchy has been followed although while the fabric values are better than Part L 2021 limiting values they are not exceptional. The carbon reduction achieved through fabric (measured through TFEE/DFEE) is only 1.99%.
- There is a point of inconsistency in the submitted ES. From the information in the ES (and the SAP output document of Flat 1 GF) it appears as though the development is gas free, however, the DAS states “fit out will include high efficiency gas boilers” which is inconsistent with this and with the energy hierarchy. This needs to be clarified. If the development is gas free then this could be conditioned and if not then the proposal is not in accordance with the energy hierarchy and therefore contrary to Policy D2 2 of the LPSS.

### *LOW AND ZERO CARBON ENERGY*

- ASHPs are selected for hot water heating and PV panels will be provided on the roof.

### *WASTE AND RESOURCES*

- Recycled aggregates will be used where possible. There is commitment to a Site Waste Management Plan, adherence to the waste hierarchy and BRE Smartwaste tool are proposed to be used.
- Timber will be FSC certified.
- Applicant has stated materials with a high BRE Green Guide rating will be used.

### *SUSTAINABLE DESIGN*

- Site constrained regarding layout, but consideration has been given to overheating and the use of PV panels.
- Cycle storage and EV charging will be provided in accordance with policy requirements.
- Potentially rainwater harvesting for gardening. Space to facilitate recycling and composting will be provided. These measures could be conditioned.

### *WATER EFFICIENCY*

- Both rainwater harvesting and a digital water meter could be provided, but both are dependent on the final detailed design. Rainwater harvesting could be

conditioned.

- Commitment to the 110 standard is provided and would need to be conditioned.

#### *CLIMATE CHANGE ADAPTATION*

- Consideration of overheating has been carried out. A condition requiring submission of an overheating assessment (CIBSE TM59 or equivalently robust assessment) that shows the proposed units will not have an unacceptable risk of overheating would be required.
- Landscaping will be heat and drought resistant.
- the application states the site has a high risk of surface flooding, measures to mitigate will be taken after further consultation.

As such, it is considered that the proposed development would comply with policy D2 of the LPSS and Policies D14, D15 and D16 of the LPDMP.

#### Flooding and land drainage

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

A drainage strategy has been submitted with the application and the LLFA has advised that this appears acceptable subject to further information being provided regarding how the basement will be drained and how surface water runoff will be mitigated. A detailed plan illustrating how surface water will be dealt with in the basement / car parking area could be secured by condition.

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

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

Without the completion of a legal agreement the development would impact on the TBHSPA and would not meet the objectives of the TBHSPA Avoidance Strategy 2017 and Policy NRM6 of the South East Plan 2009. For the same reasons the development does not meet the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Furthermore, because the application is not being recommended for approval it is not considered necessary to carry out an appropriate assessment.

#### Legal agreement requirements

The three tests as set out in Regulation 122 require S106 agreements to be:

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

As the application would result in the net gain of 6 new residential units, in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG and SAMM, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 63 of the Habitats Regulations 2017, a S106 agreement is required to ensure that the additional residential units proposed by this development would not have any likely significant effect on the TBHSPA.

In conclusion, if the application was deemed to be acceptable, the Council is of the opinion that the legal agreement would meet the three tests set out above.

#### Conclusion

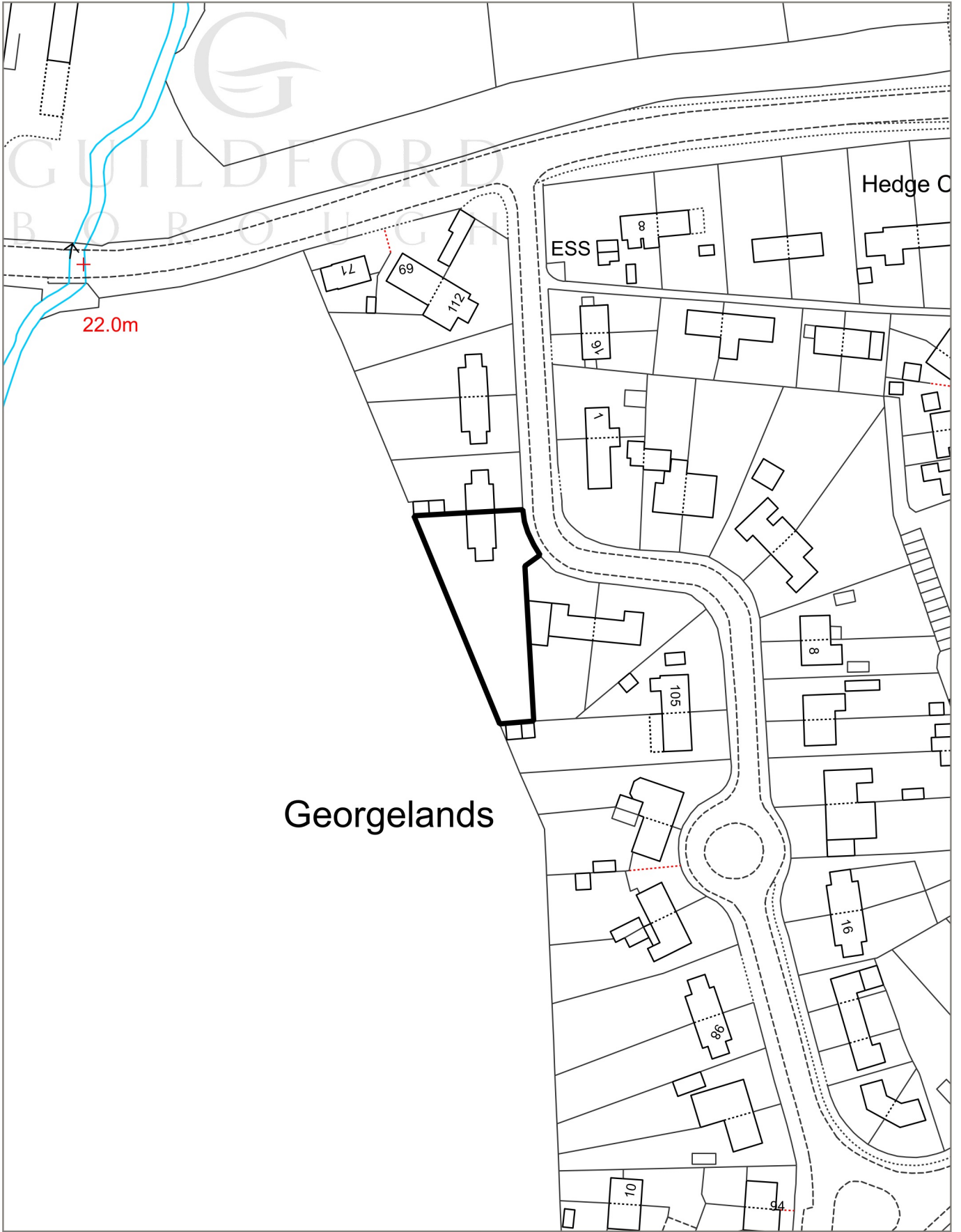
There is no objection to the principle of the development and the proposal would deliver a net increase of seven new homes in a sustainable location.

However, there are several significant concerns regarding the application,

including: the impact on the context and character of the area, impact on neighbouring amenity, proposed housing mix, impact on trees and vegetation, standard of amenity for future occupants, impact on biodiversity, highway safety, parking provision and the impact on the Thames Basin Heath SPA.

The application is therefore recommended for refusal.

# 23/P/01668 - 108 Georgelands, Ripley, Woking



© Crown Copyright 2023. Guildford Borough Council.  
Licence No. 100019625.

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

Print Date: 12/12/2023



Page 135 Not to Scale



**GUILDFORD**  
BOROUGH

23/P/01668 108 Georgelands, Ripley



1 Proposed Site Plan  
1:200



Not to scale





acceptable relationship with neighbouring properties. The County Highway Authority have raised no objections subject to the imposition of suitable conditions.

The recommendation is for approval subject to a statement of intent from the Council that would secure the appropriate SANG and SAMM mitigation payments in relation to the Thames Basin Heath Special Protection Area.

**RECOMMENDATION:**

**Subject to the provision of a Statement of Intent by the Council to make provision for SANG and SAMM contributions, the decision is to:**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.
  
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0011 REV P1; 0012 REV P1; 0013 REV P1 and 0001 REV P2 received 5 October 2023 and 0002 REV P3 received 13 October 2023.  
  
Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.
  
3. No development shall take place above slab level until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

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

4. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2023.

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2023 .

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

writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2023.

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

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

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

established methodology.

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

9. Prior to the commencement of development, a SAP output document shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate the Dwelling Fabric Energy Efficiency (DFEE) value is at least 10% lower than the Target Fabric Energy Efficiency (TFEE) value set by Building Regulations. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

Reason: To reduce carbon emissions and incorporate energy efficiency in accordance with the Council's 'Climate Change, Sustainable Design, Construction and Energy' SPD 2020.

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

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

11. No development above slab level shall take place until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

**Informatives:**

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

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

- In this case pre-application advice was sought and provided which addressed potential issues, the application has been submitted in accordance with that advice and no further issues have arisen.
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>

4. 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 2023. 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.
5. The applicant is expected to ensure the safe operation of all construction traffic 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. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm. 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 provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and

an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.

## **Officer's Report**

### **Site description.**

The site comprises an area of vacant land which was formerly part of the garden area of 108 Georgelands, a two storey semi detached dwelling house located on the western side of the road, approximately 85 m south of its junction with the B367 Newark Lane. The site has an area of 630 sqm. It lies alongside the western side boundary of 107 Georgelands. The site has a short frontage to Georgelands which accommodates a vehicle access which leads onto a short length of concrete driveway. The site is generally flat, is laid to grass and contains a mature tree in the southern part.

The surrounding area is residential in character, featuring mostly two storey semi detached dwellings of a similar scale and design. The application site is located within the settlement boundary of Ripley.

The site lies within the 400m - 5km buffer zone of the Thames Basin Heaths SPA.

### **Proposal.**

Planning permission is sought for the erection of a detached two storey dwelling. This would be set back from the road frontage by approximately 15 m and would be accessed via the existing vehicular access track. This would be extended southwards into the site to provide a hard paved forecourt for the proposed dwelling with 2 parking spaces. The northern arm of the access would be used as off-street parking for the neighbouring property at 108 Georgelands.

The proposed dwelling would contain 3 bedrooms and would be of a traditional design with brick elevations and a tiled roof. The side and rear roof slopes would also accommodate solar panels. It would be provided with a private rear garden extending to the southern boundary of the site.



**Relevant planning history.**

<b>Reference</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
20/P/0136 4	Removal of existing timber cladding, strengthening of the external walls including repairs to the timber frame and introduction of new insulated render facade system. Replacement of existing fascias and soffits with white Upvc and black rainwater goods. Replacement of timber framed windows and doors with white Upvc double glazed windows and doors which utilise the existing openings.	Approve 24/09/2020	N/A

**Consultations.**

Statutory consultees

County Highway Authority: Recommend conditions

Natural England: Standing Advice

Thames Water: No comments to make

Internal consultees

Head of Environmental Health and Licensing: No objections

Ripley Parish Council: Objection on the following grounds

- increase in number of bedrooms should be mirrored with an increase in number of parking spaces available as set out in the Lovelace Neighbourhood Plan
- bin and cycle storage should be considered in line with LNPH3:P and LNP14:J
- Ripley Parish Council would support the application if the issues raised could be addressed.

**Third party comments:**

One letter has been received from an immediate neighbour stating they are supportive of the general principle of a new dwelling but wishes to make the following points:

- this is not a vacant plot of unused land
- this land has always been used as garden for 108 Georgelands
- the plot is located between 108 and 107 Georgelands
- the application makes mention of not wishing to encourage backyard development and this is what it is.
- neighbour has submitted a similar application
- states they have not been notified. (Officer note: A site notice was put up by the Case Officer at the site on 25 October 2023.)

**Planning policies.**

**National Planning Policy Framework 2023 (NPPF)**

Chapter 2: Achieving sustainable development

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy

Chapter 5: Delivering a sufficient supply of homes

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

Chapter 15. Conserving and enhancing the natural environment

**South East Plan 2009**

NRM6Thames Basin Heath Special Protection Area.

**Local Plan: Strategy and Site (LPSS) 2015-2034**

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan.

H1 Homes for All

D1 Place Shaping

P5 Thames Basin Heaths Special Protection Area

D2 Climate change, sustainable design, construction and energy

ID1 Infrastructure and delivery

**Local Plan Development Management Policies 2023 :**

Guildford's Local Plan Development Management Policies (LPDMP) was adopted on 22 March 2023 and the policies are given full weight.

- Policy P6: Protecting Important Habitats and Species
- Policy: P7 Biodiversity in New Developments
- Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness
- Policy D5: Protection of Amenity and Provision of Amenity Space
- Policy D7: Public Realm
- Policy D11: Noise Impacts
- Policy D12: Light Impacts and Dark Skies
- Policy D14: Sustainable and Low Impact Development
- Policy ID10 Parking Standards

**Lovelace Neighbourhood Plan 2021**

- Policy LNPH1: Suitability of Development Sites
- Policy LNPH3: Housing Design and Density
- Policy LNPEN2: Biodiversity and Natural Habitats
- Policy LNPI4: Parking

Supplementary planning documents:

- Residential Design Guide SPD 2004
- Climate Change, Sustainable Design, Construction and Energy SPD (2020)
- Parking Standards for New Development Supplementary Planning Document March 2023
- Thames Basin Heaths Special Protection Area Avoidance Strategy, 2017.
- National Design Guide, 2019.
- Planning Contributions SPD 2017

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the area
- the impact on neighbouring amenity
- living environment
- highway/parking considerations

- impact on trees and vegetation
- sustainability
- biodiversity
- Thames Basin Heath Special Protection Area
- Legal agreement requirements

#### The Principle of Development

The site is located in an area inset from the Green Belt, within a settlement boundary. Policy H1 of the Local Plan: sites and strategies 2015-2034 allows for limited infilling within the identified settlement boundaries. Policy LNPH1 of the Lovelace Neighbourhood Plan echoes this requiring development to be within the existing settlement boundaries or infill sites. As such the erection of residential development on the site is considered acceptable.

The proposal would provide an affordable housing unit.

#### The impact on the character of the area

The site is located within a residential area and as such the erection of a single residential dwelling would not be out of character. The proposed dwelling would be a detached dwelling and as such would not respect the established semi-detached and terraced properties within the immediate area, however this would not in itself be harmful to the character of the area.

Policy LNPH3: Housing Design and Density requires the density of new residential development to be between 20-40 dwellings per hectare. The proposed development of a new dwelling would result in a density of approximately 18 dwellings per hectare, and as such in terms of density is acceptable on balance taking into consideration the constraints of the site. Due to its corner location, it is difficult to successfully sub-divide the site due to the narrowing width of the plot as you go back into the site.

The position of the proposed dwelling on the site would address the bend in the road and although set further back from the road would provide a natural transition between the two immediate neighbours.

The proposed dwelling would be of a comparable scale with its immediate neighbours and the proposed gable design on the front elevation would reference the existing roof form of the neighbour at 107 Georgelands. The surrounding area

is traditional in terms of the form, architecture and materials of the existing dwellings and the proposed dwelling would comply with the established character of the area.

The position of the parking spaces proposed for the host dwelling and the proposed dwelling are considered acceptable being closely associated with the dwellings they would serve and would enable the landscaped front garden to be retained / enhanced.

As such the proposals are found to be in accordance with Policy D1 of the LPSS 2019 and Policies D4 and D7 of the LPDMP 2023.

#### The impact on neighbouring amenity

The properties most affected by the proposals are the host dwelling 108 Georgelands and the immediate neighbours 107 Georgelands.

Secondary windows at ground floor level to the kitchen/dining area and the living room would face the side elevation of the neighbouring property at an oblique angle . No windows are proposed at first floor level on this northern elevation. On the southern elevation facing at an oblique angle the rear of the host dwelling there would be a wc window and a secondary kitchen window at ground floor level and a landing window at first floor level. The front facing windows have also been positioned to minimise any overlooking. Any perceived overlooking would be at an oblique angle. Due to separation distances and the position of the windows there is considered to be no adverse impact on neighbouring dwellings in terms of adverse overlooking.

There would be no adverse impact on neighbouring amenity in terms of loss of light or overbearance due to the separation distances between the proposed dwelling and neighbouring properties.

As such the proposals are considered to be in accordance with Policy D5 of the LPDMP 2023.

#### Living environment

Policy D1 of the LPSS requires all new development to conform to the nationally described space standards as set out by the Ministry for Housing, Communities and Local Govt (MHCLG). The application proposes the construction of 1x3 bedroom,

two storey, dwelling. The standard requires 93 square metres of floor area for a 3 bedroom, 2 storey, 5 person, dwelling. The proposal would deliver a dwelling with approximately 130 sq m which exceed the standards.

The standard also sets out dimensional requirements in respect of bedroom sizes, double bedrooms must be at least 11.5 square metres in area and one double must be at least 2.75 metres wide with every other double at least 2.55 metres wide. Single bedrooms must be at least 7.5 square metres in floor area and at least 2.15 metres wide. The proposed dwelling would provide two double bedrooms with each complying with the minimum dimensional requirements of 11.5 sq m for a double bedroom and a single bedroom of 7.7 sqm.

The floor plans for bedrooms 1,2, and 3 and the ground floor living accommodation show appropriate room sizes for their intended use and adequate outlook. The proposed garden area would be adequate in terms of outdoor amenity space.

The proposal is thus found to be acceptable in this regard.

#### Highway/ Parking considerations

The proposed development has been considered by the County Highway Authority who have assessed the application on safety, capacity and policy grounds. The proposal would utilise the existing access. It is not considered that the proposed development would result in a significant increase in vehicular trips on the surrounding highway network. The County Highway Authority have recommended conditions relating to Electric Vehicle Charging Points, secure and covered parking for bicycles and provision of e bike charging and the parking laid out in accordance with the approved plans. Subject to the imposition of these conditions the County Highway Authority have no objections.

The proposed development would retain two parking spaces for the existing dwelling and two parking spaces for the proposed dwelling and would utilise the existing access.

Policy LNP14 of the Lovelace Neighbourhood Plan the minimum parking standards required are:

2 bedroom dwelling: 2 car spaces

3 bedroom or larger dwelling: 3 car spaces

In the consideration of the proposed parking a recent appeal decision at White Horse Yard APP/Y3615/W/22/3306706 (20/P/01057) also located within the Lovelace Ward is considered relevant. The relevant paragraphs from this decision are paragraphs 16, 17 and 18.

Paragraph 16

*"... Surrey County Council's parking guidelines are intended to provide an indication of what the Council considers to be the optimum level of parking generally. They make it clear that provision above or below those levels can be justified by specific local circumstances. This accords with the guidance set out in the National Planning Policy Framework (2019) ("the Framework") which advises that when setting local parking standards for residential development a number of matters should be taken into account. These include the accessibility of the development, the availability of and opportunities for public transport as well as local car ownership levels."*

Paragraph 17

*Whilst the LNP explains that local car ownership levels are quite high it is also clear that the proposed development would be located within easy walking distance of local facilities... there would be no severe impact on the highway network, and it has not raised any issues in relation to highway safety. In addition, there is no evidence that the shortfall in parking provision identified would result in high levels of illegal or inconsiderate parking either within the development site itself or the surrounding road network. I have no reason to conclude otherwise.*

Paragraph 18

*Accordingly, I am satisfied that the parking provision proposed would not compromise highway safety or have a detrimental impact on the character or amenity of the area. As such, whilst there is some conflict with Policy LNP14 of the LNP, I find no conflict with Policy ID3 of the Guildford LPSS, which would oppose those developments that would result in a level of parking on the public highway that adversely impacts on road safety or the movement of other road users. The later SCC Guidelines should prevail as it is more reflective of Government policy guidelines and in particular paragraph 111 of the Framework, which states that development should only be refused on transport grounds where the residual cumulative impact of the development can be considered 'severe', and that there should be a focus on sustainable modes of travel*

*as opposed to reliance on the private car."*

In light of this decision and given the sustainable location of this application site close to the centre of Ripley, it is considered that two parking spaces for both the retained host dwelling and the proposed dwelling would be acceptable in this case. During the Case Officers site visit it was also observed that off street parking is available in close proximity to the application site. The County Highway Authority has raised no objections on safety grounds.

As such the proposals are considered to be in accordance with Policy ID3 of the LPSS 2019 and the provisions of the NPPF.

#### Impact on trees and vegetation

The application is accompanied by an Arboricultural Survey written by PJC Consultancy dated 16 August 2023. The Case Officer has discussed the application with the Council's Arboricultural Officer and subject to a pre commencement condition requesting an Arboricultural Method Statement and Tree Protection Plan has raised no objections to the proposals.

#### Sustainability

The relevant policy in relation to sustainability and energy is Chapter 14 of the NPPF, Policy D2 of the LPSS and Policies D15 and D16 of the LPDMP and the Climate Change, Sustainable Design, Construction and Energy SPD.

Policy D2 of the LPSS states that applications for development, including refurbishment, conversion and extensions to existing buildings should include information setting out how sustainable design and construction practice will be incorporated including... measures that enable sustainable lifestyles for the occupants of the buildings, including electric car charging points. All developments should be fit for purpose and remain so into the future. Planning applications must include adequate information to demonstrate and quantify how proposals comply with the energy requirements at paragraphs 5-10 of this policy.

Policy D15 states that development proposals are required to demonstrate how new buildings will be designed and constructed for the comfort, health, and wellbeing of current and future occupiers over the lifetime of the development, covering the full range of expected climate impacts and with particular regard to overheating. They must also incorporate passive heat control measures, and the



exclusion of conventional air conditioning in line with the cooling hierarchy. Development proposals are required to demonstrate adaptation for more frequent and severe rainfall events.

Policy D16 states that development proposals are strongly encourages to improve upon Part L of the Building Regulations.

The planning application is accompanied by a Climate Change and Sustainable Design Questionnaire. The submitted details confirm that:

- in relation to carbon emissions the DER would be lower than the TER with a reduction of 71.28%. A SAP output document submitted with the application verifies this.
- the proposal would be gas free using an Air Source Heat Pump in line with the energy hierarchy
- a fabric first approach has been pursued in line with the energy hierarchy
- low carbon options in the form of PV panels on the roof and an air source heat pump are proposed
- the information provided in relation to waste and resources is detailed and satisfactory including references to working in line with the waste hierarchy
- selection of materials given high performance rating using the BRE Green Guide would be prioritised. (A condition is recommended to secure embodied carbon)
- the siting of the dwelling has been considered to ensure the dwelling would benefit from glazing on all four elevations. Natural light and solar gains have been balanced against overheating
- internal and external residual and recyclable waste storage would be included
- water butts would be provided
- commitment to 110litres pppd (A suitable condition is recommended to ensure the standard can be achieved in practice)
- design would mitigate the risk of overheating through cross ventilation
- majority of the site would be soft landscaped including the planting of trees, SuDs may also be provided.

The proposal is therefore considered to be compliant with Chapter 14 of the NPPF, Policy D2 of the LPSS and policies D15 and D16 of the LPDMP.

#### Biodiversity

Policy ID4 of the LPSS and Policy P7 of the LPDMP require a net gain in biodiversity

to be achieved in connection with any new development.

There has been no ecological information provided. The proposal is for a new dwelling on a previously developed site which was formerly garden area to an existing dwelling. Given the small nature of the application it was not considered necessary to request an ecological report. However a net increase is a requirement under policy ID4 of the LPSS and Policy P7 of the LPDMP. Should the application be recommended for approval a condition would also be included to provide a scheme to enhance the nature conservation interest of the site to further promote a biodiversity net increase in accordance with these policies.

#### Thames Basin Heath Special Protection Area

The application site is located within 400m to 5km buffer zone of the Thames Basin Heaths. Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the Thames Basin Heath through increased dog walking and an increase in recreational use. The application proposes a net increase of 1 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

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

As the applicant is the Council itself, it is not possible for a section 106 legal agreement to be utilised as a mechanism for the delivery of the appropriate financial contributions for mitigation of the impact of the proposal on the Thames Basin Heath Special Protection Area. In these circumstances, a written Statement of Intent is required, in which the Council promises to act as if it had entered into a s106. Subject to the agreement of the Committee, this mechanism will be agreed

and completed following the Planning Committee, and subject to the delegated authority of the Head of Planning.

For these reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Legal agreement requirements

As the application would result in the net gain of 1 new residential units, in order for the development to be acceptable in planning terms, a Statement of Intent is required as part of any subsequent planning approval to secure a financial contribution towards a SANG and SAMM, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 63 of the Habitats Regulations 2017, a Statement of Intent is required to ensure that the additional residential units proposed by this development would not have any likely significant effect on the TBHSPA. The level of financial contribution sought is required to be in line with the specific tariffs set out in the adopted Avoidance Strategy which relate to the number of residential units and number of bedrooms proposed.

**Conclusion.**

There is no objection to the principle of the development and the proposal would deliver a net increase of one new home in a sustainable location. The development would not harmfully affect the character or the appearance of the surrounding area and would not materially impact on the residential amenities currently enjoyed by the occupants of the surrounding properties. The development would not give rise to conditions prejudicial to highway safety and would not impact on the Thames Basin Heaths Special Protection Area. For these reasons it is concluded that planning permission should be granted subject to conditions.

This page is intentionally left blank

**PLANNING COMMITTEE**

**3 JANUARY 2024**

**PLANNING APPEAL DECISIONS**

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact Sophie Butcher ([sophie.butcher@guildford.gov.uk](mailto:sophie.butcher@guildford.gov.uk))

<p><b>1.</b></p>	<p><b>Mrs Tania Brown</b>  <b>54 Cline Road, Guildford, Surrey, GU1 3NH</b></p> <p><b>22/P/02002</b> – The application sought planning permission for a single storey outbuilding and associated excavation works without complying with conditions attached to planning permission Ref. 14/P/00588 dated 18 June 2014.</p> <p>Delegated Decision: To Refuse</p> <p><b>Inspector’s Main Issues:</b>  The main issue is whether the non-compliance with condition nos2 and 4 of planning permission 14/P/00588 would protect the living conditions of the occupants of 52 and 56 Cline Road in respect of privacy.</p> <p>Please view the decision letter online via the planning portal.</p>	<p><b>*ALLOWED</b></p>
<p><b>2.</b></p>	<p><b>Mr Oliver Stich</b>  <b>Suffield Farm, Suffield Lane, Puttenham, Surrey, GU3 1BD</b></p> <p><b>22/P/01000</b> – The development for which a certificate of lawful use or development is sought is a single storey rear extension.</p> <p>Delegated Decision: To Refuse</p> <p><b>Inspector’s Main Issues:</b>  The main issue is whether the Council’s decision to refuse to grant an LDC for the single-storey rear extension is well-</p>	<p><b>*ALLOWED</b></p>

	<p>founded.</p> <p>Please view the decision letter online via the planning portal.</p>	
3.	<p><b>Mr J Blason (Silver Birch Homes Ltd)</b>  <b>215, 215a, 215b, 215c Worplesdon Road, Guildford GU2 9XJ</b></p> <p><b>22/P/00187</b> – The development proposed is the erection of a single storey dwelling with associated parking following demolition of existing buildings at 215b and 215c Worplesdon Road and existing porch at 215 Worplesdon Road.</p> <p>Delegated Decision: non-determination</p> <p><b>Inspector’s Main Issues:</b>  the effect of the development on the character and appearance of the surrounding area;  the effect of development upon highway safety; and  whether the proposal provides adequate living conditions for future occupiers and those of No 215a.</p> <p>Please view the decision letter online via the planning portal.</p>	<p><b>DISMISSED</b></p>
4.	<p><b>JC Decaux UK Ltd</b>  <b>Pavement outside 28-30 High Street, Guildford, GU1 3EL</b></p> <p><b>22/P/01421</b> – The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.</p> <p>Delegated Decision: To Refuse</p> <p><b>22/P/01422</b> – The advertisement proposed is for an 86” LCD screen capable of illuminated static displays in sequence.</p> <p>Delegated Decision: To Refuse</p> <p><b>Inspector’s Main Issues:</b>  The main issues in Appeal A are whether the proposed development would preserve or enhance the character or appearance of the Guildford Town Centre Conservation Area and whether the setting of nearby Listed Buildings would be preserved.</p> <p>The main issue in Appeal B is the effect of the proposal on</p>	<p><b>DISMISSED</b></p> <p><b>DISMISSED</b></p>

	<p>visual amenity, including the Guildford Town Centre Conservation Area and the setting of nearby Listed Buildings.</p> <p>Please view the decision letter online via the planning portal.</p>	
<p>5.</p>	<p><b>Lord Andrew Campbell against Guildford Borough Council Plots 1a, 1b, 1c, 5b, 5c, 6a, 6b, 6c, 7a and 7b Burpham Court Lane, Burpham, Guildford</b></p> <p>The breach of planning control as alleged in the notice is: Without permission operational development consisting of the laying of hard core material to create a hard surface.</p> <p>Delegated Decision: To Refuse</p> <p><b>Inspector’s Main Issues:</b> For completeness, the evidence then provided by the Council demonstrates on the balance of probabilities that it took all reasonable steps to identify those with an interest in the land at the date when the notice was issued, as well as attempts to correspond with the purported new owners.</p> <p>Furthermore, there was service at the land affected by the notice, by hand, addressed to the owner/occupier to ensure any potential unknown persons would have been served. Accordingly, prejudice to a person having an interest in the land when the notice was issued cannot therefore be said to have otherwise arisen.</p> <p>Please view the decision letter online via the planning portal.</p>	<p><b>DISMISSED AND ENFORCEMENT NOTICE UPHELD</b></p>

This page is intentionally left blank